

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

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



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

Second Regular Session convened Wednesday, January 6, 2016  
Second Regular Session adjourned sine die Friday, April 29, 2016

Senate Legislative Days.....43  
House Legislative Days.....42  
Bills Considered.....425

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**THE MAINE LEGISLATIVE COUNCIL**

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MAY 2016

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

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



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

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

SECOND REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

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

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

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

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or 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 Second Regular Session of the 127<sup>th</sup> Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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### Committee Name

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Joint Standing Committee on Health and Human Services

Joint Standing Committee on Insurance and Financial Services

Joint Standing Committee on Inland Fisheries and Wildlife

Joint Standing Committee on Judiciary

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Joint Standing Committee on Marine Resources

Joint Standing Committee on State and Local Government

Joint Standing Committee on Taxation

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Appendix A: Session statistics

Appendix B: Index of bills not referred to committee

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



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

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

May 2016

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*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 783      RESOLUTION, Proposing an Amendment to the Constitution of Maine      Died Between  
To Establish a Right to Food      Houses**

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

This resolution was carried over from the First Regular Session of the 127th Legislature.

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

**Committee Amendment "A" (H-526)**

This amendment is the majority report of the committee. It strikes and replaces the language in the resolution to declare that all individuals have a natural, inherent and unalienable right to acquire, produce, process, prepare, preserve and consume food of their own choosing for their own nourishment and sustenance and to barter, trade and purchase food for their own bodily health and well-being. This amendment also strikes and replaces the question that will be presented to the voters.

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D NADEAU C	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

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

Additionally, this bill requires the director to appoint the state supervisor and no fewer than 32 Forest Ranger IIs, subject to the Civil Service Law, who will serve in a role similar to that of current forest rangers and who must be provided ballistic vests and electronic control devices for their safety while performing their duties. This bill also removes the prohibition of the purchase of firearms, ballistic vests and other firearms-related equipment by the Department of Agriculture, Conservation and Forestry.

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

*Joint Standing Committee on Agriculture, Conservation and Forestry*

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

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M SAVIELLO T	OTP-AM OTP-AM	H-596

This bill was carried over from the First Regular Session of the 127th Legislature.

Maine's genetically modified food products labeling law includes a delay of the effective date of the law until mandatory labeling of genetically engineered food is adopted by at least five contiguous states including Maine. The law also includes an automatic repeal if mandatory labeling of genetically engineered food is not adopted by at least five contiguous states including Maine by January 1, 2018. This bill repeals both the delayed effective date and automatic repeal provisions, thereby making the law effective.

**Committee Amendment "A" (H-596)**

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

This amendment extends by four years, from 2018 to 2022, the date before which five contiguous states, including Maine, have to adopt mandatory labeling of genetically engineered food in order for Maine's law to go into effect. If that contingency is not met, Maine's genetically modified food products labeling law is repealed.

**Committee Amendment "B" (H-597)**

This amendment is the minority report of the committee. It repeals the public law that enacted Maine's genetically modified food products labeling law, which only takes effect if mandatory labeling is adopted by at least five contiguous states including Maine.

This amendment instead enacts the labeling law contingent on approval by the voters in a referendum at the general election in November. This amendment was not adopted.

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

**PUBLIC 493  
EMERGENCY**

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

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Committee Table.

This bill removes the provision of law that terminates certain payments of net slot machine income to the Fund to Encourage Racing at Maine's Commercial Tracks when all commercial tracks have obtained a license to operate slot machines. It also provides that if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts in the fund must be disbursed to the remaining commercial tracks and to agricultural fairs based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. A commercial track or agricultural fair receives a payment per race day equal to the quotient of the amount in the fund divided by 150. Any amount remaining in the fund after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the

*Joint Standing Committee on Agriculture, Conservation and Forestry*

Harness Racing Commission.

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

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

**Enacted Law Summary**

Public Law 2015, chapter 493 removes the provision of law that terminates certain payments of net slot machine income to the Fund to Encourage Racing at Maine's Commercial Tracks when all commercial tracks have obtained a license to operate slot machines. It also provides that if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts in the fund must be disbursed to the remaining commercial tracks and to agricultural fairs based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. A commercial track or agricultural fair receives a payment per race day equal to the quotient of the amount in the fund divided by 150. Any amount remaining in the fund after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the Harness Racing Commission.

Public Law 2015, chapter 493 also adds a process whereby, in the event of a natural disaster, a commercial track may repair, rebuild or relocate at the discretion of the State Harness Racing Commission. During any time that is granted by the commission to a commercial track to repair, rebuild or relocate, the distribution formula provided in the bill for the distribution of funds from the Fund to Encourage Racing at Maine's Commercial Tracks in the event of a track closure applies.

Public Law 2015, chapter 493 was enacted as an emergency measure effective April 24, 2016.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

**LD 1326      An Act To Require Labeling of All Genetically Modified Products      Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill defines "genetically modified product" as food containing genetically engineered material, genetically

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

engineered seed stock, any product made from from animals fed genetically engineered food, medicine manufactured using genetically engineered plant or animal material or any other product containing genetically engineered materials within the laws regarding the labeling of genetically engineered products.

This bill requires the disclosure of genetic engineering of food, seed stock, products from animals fed genetically engineered food or medicines that were manufactured with genetically engineered plants or animals beginning January 1, 2017. It provides that food, seed stock, products from animals fed genetically engineered food and medicines for which the disclosure is not made are considered to be misbranded and subject to the sanctions for misbranding. The bill removes exemptions for products produced without knowledge that the products, or items used in their production, were genetically engineered; animal products derived from an animal that was not genetically engineered but was fed genetically engineered food; and products with only a minimum content produced by genetic engineering. The bill also removes the exemption from disclosure requirements as regards restaurants, alcoholic beverages or medical food. This bill increases the penalties for nondisclosure and misbranding to a Class E crime for the first offense and a Class D crime for the second and subsequent offenses.

The bill also repeals the contingent effective date established by Public Law 2013, chapter 436, section 2, subsection 1, thereby making Maine's genetically modified food products labeling law effective.

**Committee Amendment "A" (S-434)**

This amendment is the minority report of the committee. It removes most of the provisions of the bill. The amendment requires disclosure of genetic engineering at the point of retail sale for seed stock and provides that seed stock for which the disclosure is not made is considered to be misbranded and subject to the sanctions for misbranding. The amendment retains the provision of the bill that repeals the section of Public Law 2013, chapter 436 that provides that Maine's genetically modified food products labeling law does not take effect until four other contiguous states enact similar laws. The amendment repeals the provision that food may not be labeled as natural if it has been genetically engineered. The amendment also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

**LD 1458      Resolve, Regarding Legislative Review of Chapter 30: Prior Approval Process and Stop Work Orders, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry**

**RESOLVE 58  
EMERGENCY**

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

This resolve provides for legislative review of Chapter 30: Prior Approval Process and Stop Work Orders, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

**Enacted Law Summary**

Resolve 2015, chapter 58 authorizes final adoption of Chapter 30: Prior Approval Process and Stop Work Orders.

Resolve 2015, chapter 58 was enacted as an emergency measure effective March 9, 2016.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 1485    An Act To Allow the Director of the Bureau of Parks and Lands To  
Transfer Ownership of Snowmobile Trail Maintenance Equipment to  
Incorporated Nonprofit Snowmobile Clubs**

**P & S 16**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R MASON G	OTP-AM	H-520

This bill authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the consent of the Commissioner of Agriculture, Conservation and Forestry, to transfer ownership of state-owned snowmobile trail maintenance equipment to incorporated nonprofit snowmobile clubs for the maintenance of snowmobile trail systems that were maintained by the State before the transfer of the snowmobile trail maintenance equipment occurred.

**Committee Amendment "A" (H-520)**

This amendment strikes and replaces the bill. It allows the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the consent of the Commissioner of Agriculture, Conservation and Forestry, to enter into agreements to transfer ownership of state-owned snowmobile trail maintenance equipment to incorporated nonprofit snowmobile clubs for the purpose of maintaining snowmobile trail systems that were maintained by the State prior to the effective date of the legislation. It further provides that any agreement entered into pursuant to the legislation must include provisions addressing consequences if an incorporated nonprofit snowmobile club fails to, or is otherwise unable to, abide by the terms of the agreement.

**Enacted Law Summary**

Private and Special Law 2015, chapter 16 allows the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the consent of the Commissioner of Agriculture, Conservation and Forestry, to enter into agreements to transfer ownership of state-owned snowmobile trail maintenance equipment to incorporated nonprofit snowmobile clubs for the purpose of maintaining snowmobile trail systems that were maintained by the State prior to the effective date of the legislation.

Private and Special Law 2015, chapter 16 further provides that any agreement entered into pursuant to this legislation must include provisions addressing consequences if an incorporated nonprofit snowmobile club fails to, or is otherwise unable to, abide by the terms of the agreement.

**LD 1543    An Act To Create Stability in the Control of Pesticides**

**Died On  
Adjournment**

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

This bill was not referred to committee.

This bill prohibits a municipality from adopting an ordinance that specifically applies to pesticide storage, distribution or use unless the ordinance exempts farms, nurseries and golf courses and the municipality establishes a municipal reviewing authority that is similar to the Board of Pesticides Control within the Department of Agriculture, Conservation and Forestry.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 1580    Resolve, Regarding Legislative Review of Portions of Chapter 26:  
Producer Margins, a Late-filed Major Substantive Rule of the Maine  
Milk Commission**

**RESOLVE 72  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-544

This resolve provides for legislative review of portions of Chapter 26: Producer Margins, a major substantive rule of the Maine Milk Commission that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-544)**

This amendment provides that final adoption of portions of Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission, is not authorized.

**Enacted Law Summary**

Resolve 2015, chapter 72 provides that final adoption of portions of Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission, is not authorized.

Resolve 2015, chapter 72 was finally passed as an emergency measure effective March 29, 2016.

**LD 1584    An Act To Continue To Provide Group Exemption Passes to State Parks  
for Persons with Disabilities and To Ensure Transparency for Certain  
Fees**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W BURNS D	OTP-AM ONTP	H-599

This bill requires the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to issue a free group exemption pass for day use at state parks and historic sites to an organization that serves persons with disabilities. The pass entitles persons with disabilities and persons assisting them to admission free of charge to all state parks and historic sites for visits arranged by the organization holding the pass.

**Committee Amendment "A" (H-599)**

This amendment strikes and replaces the bill. It requires the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to adopt rules providing for the issuance of free group passes for day use at state parks and historic sites to eligible organizations that serve persons with disabilities. This amendment also provides that the bureau's schedule of fees for services, accommodations and use must be posted on its publicly accessible website by October 1st of each year and that a new or changed fee takes effect on January 1st following its posting.

**LD 1595    Resolve, Authorizing the Reconveyance of Land and Authorizing the  
Sinclair Sanitary District To Lease Land for Telecommunications  
Purposes**

**ONTP**

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



*Joint Standing Committee on Agriculture, Conservation and Forestry*

reserved lands;

3. Directing the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to identify areas where the State does not currently have deeded access to the State's public reserved lands. This amendment also requires the bureau to direct regional foresters in the bureau who are familiar with the physical landscape and landowners to develop goals and priorities regarding increased access to the State's public reserved lands and requires the bureau to submit their findings to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2018;

4. Directing the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to develop a statewide priority list of recreational infrastructure projects for the State's public reserved lands and a statewide priority list of projects under the federal Americans with Disabilities Act of 1990 for the State's public reserved lands. The priority lists must be presented to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters by March 1, 2018. After receipt of the lists, the joint standing committee is required to hold a meeting for the purpose of obtaining public input related to the lists; and

5. Directing the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to review its bid process for timber harvesting and road construction projects, including any liability concerns related to the bid process. The bureau is directed to report to the joint standing committee of the Legislature having jurisdiction over public reserved lands matters with any recommended changes to the bid process by March 15, 2017.

This amendment also strikes the section of the bill that provides the joint standing committee of the Legislature having jurisdiction over public reserved lands matters the authority to approve all expenditures from the Public Reserved Lands Management Fund.

In addition, this amendment includes a legislative findings section that addresses the consistency of the educational grant program's providing one-time grants to eligible public secondary and postsecondary institutions for educational programs related to logging with the permitted uses of the Public Reserved Lands Management Fund and finds that the Legislature, in permitting such transfers, is acting pursuant to their authority as trustee of the State's public reserved lands.

Finally, this amendment adds an appropriations and allocations section.

**LD 1659 An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes**

**P & S 18**

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

This bill was reported ought to pass by the committee pursuant to joint order, H.P. 1113.

This bill authorizes the Sinclair Sanitary District to lease a portion of the land conveyed pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, to build a telecommunications tower. It directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey to the Sinclair Sanitary District a deed modification that expressly authorizes this use.

**Enacted Law Summary**

Private and Special Law 2015, chapter 18 authorizes the Sinclair Sanitary District to lease a portion of the land conveyed pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, to build a telecommunications tower. It directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation

*Joint Standing Committee on Agriculture, Conservation and Forestry*

and Forestry to convey to the Sinclair Sanitary District a deed modification that expressly authorizes this use.

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

## **SUBJECT INDEX**

### **Food Policy**

#### **Enacted**

LD 1580	Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Late-filed Major Substantive Rule of the Maine Milk Commission	RESOLVE 72 EMERGENCY
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#### **Not Enacted**

LD 783	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food	Died Between Houses
LD 991	An Act To Amend Maine's Genetically Modified Food Products Labeling Law	Died On Adjournment
LD 1326	An Act To Require Labeling of All Genetically Modified Products	Majority (ONTP) Report

### **Harness Racing**

#### **Enacted**

LD 1022	An Act To Protect the Future of Harness Racing	PUBLIC 493 EMERGENCY
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### **Maine Forest Service**

#### **Enacted**

LD 1458	Resolve, Regarding Legislative Review of Chapter 30: Prior Approval Process and Stop Work Orders, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry	RESOLVE 58 EMERGENCY
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#### **Not Enacted**

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

#### **Enacted**

LD 1485	An Act To Allow the Director of the Bureau of Parks and Lands To Transfer Ownership of Snowmobile Trail Maintenance Equipment to Incorporated Nonprofit Snowmobile Clubs	P & S 16
LD 1659	An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes	P & S 18

**Not Enacted**

LD 1178	An Act To Implement the Recommendations of the Maple Syrup Task Force	ONTP
LD 1595	Resolve, Authorizing the Reconveyance of Land and Authorizing the Sinclair Sanitary District To Lease Land for Telecommunications Purposes	ONTP

**Parks and Public Lands**

**Not Enacted**

LD 1584	An Act To Continue To Provide Group Exemption Passes to State Parks for Persons with Disabilities and To Ensure Transparency for Certain Fees	Died On Adjournment
LD 1629	An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund	Veto Sustained

**Pesticides**

**Not Enacted**

LD 1543	An Act To Create Stability in the Control of Pesticides	Died On Adjournment
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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

May 2016

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SEN. ROGER J. KATZ  
SEN. LINDA M. VALENTINO

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*Joint Standing Committee on Appropriations and Financial Affairs*

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to fund a grant program to invest

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

See LD 1694.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

See LD 1694.

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**LD 254      An Act To Authorize a General Fund Bond Issue To Support Waterfront Development      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL A SAUCIER R	OTP-AM ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

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

**Committee Amendment "A" (S-536)**

This amendment, which is the majority report of the committee, reduces the amount of the bond issue for the grant program to invest in projects that contribute to economic activity, environmental protection and community development along the State's waterfronts. This amendment specifies that the projects pertain to the State's ocean and river waterfronts. This amendment also provides for a transfer to the Secretary of State if the number or length of the referendum questions to be submitted to the voters at the general election in November 2016 requires the Secretary of State to produce and distribute more than one ballot to accommodate those questions.

This amendment was not adopted.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

**LD 426      An Act To Authorize a General Fund Bond Issue To Address Sea Level Rise      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 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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railroad line between the cities of Lewiston and Auburn and the City of Portland.

See LD 1694.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

**Committee Amendment "A" (S-537)**

This amendment, which is the majority report of the committee, reduces the bond issue amount to \$1,000,000 from \$6,100,000. This amendment also provides for a transfer to the Secretary of State if the number or length of the referendum questions to be submitted to the voters at the general election in November 2016 requires the Secretary of State to produce and distribute more than one ballot to accommodate those questions.

This amendment was not adopted.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

See LD 1694.

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C CYRWAY S	OTP-AM	H-548

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 this 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-548)**

This amendment clarifies that detectives employed in the Office of the Attorney General on July 1, 2016 may elect to participate in the 1998 Special Plan. It also adds an appropriations and allocations section to cover the increased employer contributions to the Maine Public Employees Retirement System.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

The funds provided by this bond issue, in the amount of \$23,000,000, will be used to provide funds to the Finance Authority of Maine as follows:

1. Thirteen million dollars to make direct loans to eligible Maine businesses through the authority's economic recovery loan program in order to create and retain Maine jobs; and
2. Ten million dollars to make need-based grants for higher education in Maine through the Maine State Grant Program.

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**LD 784      An Act To Authorize a Revenue Bond for a Student Loan Reduction Plan      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M VALENTINO L	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill authorizes the Finance Authority of Maine to issue revenue bonds in the amount of \$40,000,000 to fund a student loan reduction plan in order to allow residents of the State to refinance student loans.

**Committee Amendment "A" (H-228)**

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs in the First Regular Session of the 127th Legislature, strikes the bill's proposal to provide \$40,000,000 in funds from a revenue bond and replaces the bill with a proposal to provide \$5,000,000 by a General Fund bond issue to implement a student loan reduction plan administered by the Finance Authority of Maine that will allow residents of the State to refinance or consolidate student loans.

This amendment was not adopted.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

See LD 1694.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

**LD 927      An Act To Remove the Age Penalty for State Retirees Working at Institutions That Are Closing      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R BURNS D	OTP-AM ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill removes the reduction of 6% of the benefits of a member of the Maine Public Employees Retirement System for each year under the age of 65 if the member:

1. Has 25 years of creditable service;
2. Has not reached the age of 61 years, six months and one day; and
3. Is or was employed at a state facility over 100 miles from the nearest facility in the same department and that facility has closed or is scheduled to close during the member's employment.

**Committee Amendment "A" (H-674)**

This amendment is the majority report of the committee. It strikes the bill and replaces it with language that allows employees at certain state correctional facilities who have not reached their normal retirement age to retire and receive their full retirement benefit if certain conditions are met and funding is appropriated for the additional actuarial costs that result from the elimination of a reduction for retirement prior to normal retirement age. This amendment also requires the Commissioner of Administrative and Financial Services to provide certification of the pending closure of a state correctional facility to the Maine Public Employees Retirement System. The amendment requires the retirement system to calculate the amount of funding necessary to pay for the actuarial costs and report that information to the joint standing committee of the Legislature having jurisdiction over retirement matters which may report out legislation appropriating funds for the costs set forth in the report.

This amendment was not adopted.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

**LD 995      An Act To Amend the Laws Governing Participating Local Districts in      PUBLIC 384**  
**the Maine Public Employees Retirement System**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R COLLINS R	OTP-AM	H-514

This bill was carried over from the First Regular Session of the 127th Legislature.

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

**Committee Amendment "A" (H-514)**

This amendment replaces the bill. Like the bill, the amendment clarifies that the Board of Trustees of the Maine Public Employees Retirement System has no jurisdiction to make administrative decisions regarding claims of an employee of a local participating district if the employee's membership in the plan is optional and the claim applies to a time when the employee was not a member of the retirement system.

Unlike the bill, the amendment amends the laws governing the Maine Public Employees Retirement System in the following ways.

1. It requires that if an employee claims that the employee was not offered membership in a participating local district plan at the time of or during the course of employment with a local district, that claim must be made within six years of the date upon which the employee was first eligible for membership.
2. It makes clear that if an employee requests retroactive membership in the plan and is allowed to do so, to offset the employer's required contributions to the plan, all employer contributions to the alternative plan, in addition to any earnings, must be paid to the retirement system up to the amount the employer is required to fund the retroactive benefits under the participating local district program. If the employer contributions and earnings are not sufficient to fund the employer's contribution to the retirement system plan, the employer must pay any remaining employer contributions required by the retirement system.

**Enacted Law Summary**

Public Law 2015, chapter 384 amends the laws governing the Maine Public Employees Retirement System in the following ways.

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1. It clarifies that the Board of Trustees of the Maine Public Employees Retirement System has no jurisdiction to make administrative decisions regarding claims of an employee of a local participating district if the employee's membership in the plan is optional and the claim applies to a time when the employee was not a member of the retirement system.
2. It requires that if an employee claims that the employee was not offered membership in a participating local district plan at the time of or during the course of employment with a local district, that claim must be made within six years of the date upon which the employee was first eligible for membership.
3. It makes clear that if an employee requests retroactive membership in the plan and the request is granted, all employer contributions to the alternative plan plus earnings must be paid to the retirement system up to the amount the employer is required to fund the retroactive benefits under the participating local district program. If the employer contributions and earnings are not sufficient to fund the employer's contribution to the retirement system plan, the employer must pay any remaining employer contributions required by the retirement system.

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

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

**Committee Amendment "A" (H-677)**

This amendment is the majority amendment of the committee. The amendment expands the use of the bond issue proceeds to include food storage and distribution infrastructure, specifies that it is for infrastructure in central and northern Maine and changes the administering agency to the Finance Authority of Maine. This amendment also provides for funds to be transferred to the Office of the Secretary of State if the number or length of the referendum questions to be submitted to the voters at the general election in November 2016 requires the Secretary of State to produce and distribute more than one ballot to accommodate those questions.

This amendment was not adopted.

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

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W LANGLEY B	OTP-AM ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

The funds provided by this bond issue, in the amount of \$3,000,000, will be used to collect data, monitor waterways and perform tests related to the 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.

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**Committee Amendment "A" (H-678)**

This amendment is the majority report of the committee. This amendment provides for funds to be transferred to the Office of the Secretary of State if the number or length of the referendum questions to be submitted to the voters at the general election in November 2016 requires the Secretary of State to produce and distribute more than one ballot to accommodate those questions.

This amendment was not adopted.

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

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to make certain necessary appropriations and allocations necessary for the proper operation of State Government.

This bill was not reported out of committee.

**LD 1020 An Act To Provide Supplemental Deallocations for the Department of the Secretary of State and Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017**

**PUBLIC 480  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO M	OTP-AM	H-681

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to make certain necessary supplemental appropriations and allocations necessary for the proper operation of State Government.

**Committee Amendment "A" (H-681)**

This amendment replaces the original bill, which is a concept draft, and changes the title. This amendment eliminates one position in the Department of Secretary of State, Administration - Archives program and one position in the Department of Secretary of State, Bureau of Administrative Services and Corporations program. This amendment also authorizes the Department of the Secretary of State to carry forward unexpended All Other funds as of June 30, 2016 in the Department of Secretary of State, Bureau of Administrative Services and Corporations program to be used to upgrade computer software.

**Enacted Law Summary**

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Public Law 2015, chapter 480 eliminates one position in the Department of Secretary of State, Administration - Archives program and one position in the Department of Secretary of State, Bureau of Administrative Services and Corporations program. Chapter 480 also authorizes the Department of the Secretary of State to carry forward unexpended All Other funds as of June 30, 2016 in the Department of Secretary of State, Bureau of Administrative Services and Corporations program to be used to upgrade computer software.

Public Law 2015, chapter 480 was enacted as an emergency measure effective April 16, 2016.

**LD 1021 An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System**

**PUBLIC 385  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO M	OTP-AM	H-511

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill does the following.

1. It clarifies that cost-of-living adjustments for benefit recipients from the Governor's Retirement Fund are the same as those paid to benefit recipients from the State Employee and Teacher Retirement Program.
2. It clarifies the authority and responsibilities of the Board of Trustees of the Maine Public Employees Retirement System with respect to eligibility and membership issues that arise in the context of the Participating Local District Retirement Program. In *Kennebec County v. Maine Public Employees Retirement System*, 2014 ME 26 (February 20, 2014), the Maine Supreme Judicial Court held that the retirement system did not have the statutory authority to make final administrative decisions with respect to enrollment election matters when the local employer's employees were not members of the Maine Public Employees Retirement System. This bill provides explicit statutory authority for the retirement system and the board to continue to make such determinations as they had prior to the court's decision. Consistent adherence to federal law is required to ensure that the retirement plan of the Maine Public Employees Retirement System remains a qualified governmental retirement plan entitled to favorable tax treatment under the United States Internal Revenue Code of 1986, as amended.
3. It codifies language enacted in Public Law 2007, chapter 240, Part U, section 8 to make clear that administrative costs and expenses attributable to the administrative operating budget of the Maine Public Employees Retirement System are charged against the assets of applicable funds.
4. It repeals obsolete language pertaining to information included in the retirement system's annual report to the Legislature.
5. It removes the requirement that the Legislature approve collective bargaining agreements between the retirement system and its employees.
6. It amends and repeals existing laws to reflect that the retirement system no longer administers a distinct expense fund, since all administrative expenses are paid out of applicable fund assets.
7. It makes the manner in which the member contribution rate is established for specific members of the Participating Local District Retirement Program consistent with how member contribution rates are established for all other members of the program.

**Committee Amendment "A" (H-511)**

This amendment removes the provisions in the bill that clarify the authority and responsibilities of the Board of

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Trustees of the Maine Public Employees Retirement System with respect to eligibility and membership issues that arise in the context of the Participating Local District Retirement Program. This amendment also corrects errors in Public Law 2015, chapter 267, Part CCCC. The intent of that law was to permit members who were subject to a merit pay and longevity pay freeze in fiscal year 2011-12 and fiscal year 2012-13 to include those lost wages in their retirement benefit calculations by paying the necessary member contributions. The law also inadvertently omitted fiscal year 2011-12. This amendment corrects these errors in that law. This amendment also adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2015, chapter 385 does the following.

1. It corrects errors in Public Law 2015, chapter 267, Part CCCC: it permits members who were subject to a merit pay and longevity pay freeze in fiscal year 2011-12 and fiscal year 2012-13 to include those lost wages in their retirement benefit calculations by paying the necessary member contributions; it also corrects the omission in that law of fiscal year 2011-12.
2. It clarifies that cost-of-living adjustments for benefit recipients from the Governor's Retirement Fund are the same as those paid to benefit recipients from the State Employee and Teacher Retirement Program.
3. It codifies language enacted in Public Law 2007, chapter 240, Part U, section 8 to make clear that administrative costs and expenses attributable to the administrative operating budget of the Maine Public Employees Retirement System are charged against the assets of applicable funds.
4. It repeals obsolete language pertaining to information included in the retirement system's annual report to the Legislature.
5. It removes the requirement that the Legislature approve collective bargaining agreements between the retirement system and its employees.
6. It amends and repeals existing laws to reflect that the retirement system no longer administers a distinct expense fund, since all administrative expenses are paid out of applicable fund assets.
7. It makes the manner in which the member contribution rate is established for specific members of the Participating Local District Retirement Program consistent with how member contribution rates are established for all other members of the program.

Public Law 2015, chapter 385 was enacted as an emergency measure effective March 6, 2016.

**LD 1032    An Act To Implement the Combination Defined Benefit and Defined Contribution Retirement Plan Described in a Report Submitted to the Joint Standing Committee on Appropriations and Financial Affairs in March 2012**

**Died Between Houses**

Sponsor(s)  
WINSOR T

Committee Report  
ONTP  
OTP-AM

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes the Adjustable Pension Plan Program, a combined defined benefit and defined contribution retirement plan, to replace the State Employee and Teacher Retirement Program for state employees and teachers

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hired on or after July 1, 2017. Under the bill, all state employees and teachers hired on or after July 1, 2017 are covered by the United States Social Security Act, participate in the federal social security system and become members of the Adjustable Pension Plan Program as a condition of their employment. This bill also directs the Maine Public Employees Retirement System to review the laws governing the existing retirement program and develop proposed legislation necessary to implement the Adjustable Pension Plan Program in accordance with the plan document developed by the Maine Public Employees Retirement System and submitted in March 2012 to the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Public Law 2011, chapter 380, Part U, section 2.

**Committee Amendment "A" (H-534)**

This amendment is the minority report of the committee. It changes the hire date on or after which state employees and teachers are covered by the United States Social Security Act from July 1, 2017 to July 1, 2019. It also changes the date by which the Maine Public Employees Retirement System must submit proposed legislation to the joint standing committee of the Legislature having jurisdiction over state and teacher retirement matters from December 2, 2015 to December 2, 2017.

This amendment was not adopted.

**LD 1053     An Act To Authorize a General Fund Bond Issue To Stimulate  
Investment in Innovation by Maine Businesses To Produce Nationally  
and Globally Competitive Products and Services**

**PUBLIC 479**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L LANGLEY B	OTP-AM	H-680

This bill was carried over from the First Regular Session of the 127th Legislature.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds for investment in research, development and commercialization in the State's seven targeted technology areas to be used for infrastructure, equipment and technology upgrades that enable organizations to gain and hold market share and to expand employment or preserve jobs, to be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in a one-to-one ratio.

**Committee Amendment "A" (H-680)**

This amendment reduces the bond issue amount for investment in research, development and commercialization to \$45,000,000 and provides \$5,000,000 to recapitalize the Small Enterprise Growth Fund. This amendment also delays the referendum until June 2017.

**Enacted Law Summary**

Public Law 2015, chapter 479 provides for a bond issue totaling \$50,000,000 with \$45,000,000 to be used for investment infrastructure, equipment and technology upgrades to further research, development and commercialization in the State's seven targeted technology areas and \$5,000,000 to be used to recapitalize the Small Enterprise Growth Fund.

The bond issue is subject to voter approval at a statewide election to be held in June, 1017.

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**LD 1069      An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

The funds provided by this bond issue, in the amount of \$10,000,000, will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitat and increase community safety.

**Committee Amendment "A" (H-679)**

This amendment is the majority report of the committee. This amendment reduces the total bond issue amount to \$5,000,000 from \$10,000,000. The amendment also provides for funds to be transferred to the Office of the Secretary of State if the number or length of the referendum questions to be submitted to the voters at the general election in November 2016 requires the Secretary of State to produce and distribute more than one ballot to accommodate those questions.

This amendment was not adopted.

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

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

This bill was carried over from the First Regular Session of the 127th Legislature in the Joint Standing Committee on Agriculture, Conservation and Forestry.

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

**Committee Amendment "B" (H-659)**

This amendment was reported out by the Joint Standing Committee on Agriculture, Conservation and Forestry in the Second Regular Session of the 127th Legislature. It renames the Animal and Plant Disease and Insect Control Fund in the bill to the Animal and Plant Disease and Ticks and Other Insects Management Fund and changes the permitted uses of the fund. It also changes the funding source of the fund from a 20¢ fee on every sale of a container of consumer packaged pesticides to an annual allocation from the Legislature of at least \$400,000. In fiscal year 2016-17, this allocation will come from the Other Special Revenue Funds account within the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control. Beginning in 2017, the Commissioner of Agriculture, Conservation and Forestry is required to determine by February 1st of each year from which accounts or sources the funds must be transferred so that the sum equals at least \$400,000, and must notify the State

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Controller, the joint standing committee of the Legislature having jurisdiction over pest management matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The transfer of funds must take place on October 1st of each year or the first business day thereafter. It further provides that, after receiving notification, the joint standing committee of the Legislature having jurisdiction over pest management matters may report out a bill related to the transfer.

The bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs.

**LD 1234      An Act To Authorize a General Fund Bond Issue To Acquire the Frances Perkins Homestead      ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill provides for a bond issue to be presented to the voters in the amount of \$2,000,000 to be used for the acquisition of the Frances Perkins homestead in Newcastle, which is on the National Register of Historic Places, is a National Historic Landmark and is the ancestral home of Frances Perkins, who served as the United States Secretary of Labor longer than any other person in that office and became the first woman to hold a cabinet position in the United States. This bill directs that a preservation easement or covenant be held by the Maine Historic Preservation Commission.

**LD 1248      An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Fund      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to provide funds for the Land for Maine's Future Fund.

**Committee Amendment "A" (H-675)**

This amendment, which is the majority report of the committee, reduces the total bond issue amount to \$5,000,000 from \$20,000,000, which includes reductions in the amounts allocated for the protection of working waterfront properties, public access to water and the protection of farmland. This amendment also provides for funds to be transferred to the Office of the Secretary of State if the number or length of the referendum questions to be submitted to the voters at the general election in November 2016 requires the Secretary of State to produce and distribute more than one ballot to accommodate those questions.

This amendment was not adopted.

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**LD 1334      An Act To Authorize a General Fund Bond Issue To Repair and Renovate the Former Cutler Naval Base in Washington County To Facilitate Development and Stimulate the Economy      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D TUELL W	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

The funds provided by this bond issue, in the amount of \$5,525,000, will be used to repair and renovate buildings at the former Cutler naval base in Washington County in order to facilitate development and stimulate the economy.

**LD 1336      An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges      ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

The funds provided by this bond issue, in the amount of \$24,000,000, will be used to upgrade and renovate classrooms, laboratories, equipment and facilities at Maine's seven community colleges in order to strengthen educational programming, increase energy efficiency and expand capacity to serve more students.

**LD 1341      An Act To Authorize a General Fund Bond Issue To Improve Maine's Housing Stock and Reduce Heating Costs and Oil Consumption      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL D DION M	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

The funds provided by this bond issue, in the amount of \$30,000,000, will be used to provide \$23,000,000 in funds to leverage private funds on at least a 2-to-1 basis to modernize the State's market rate housing stock through improvements in weatherization and energy efficiency of building envelopes and heating equipment and to provide \$7,000,000 in funds to rehabilitate and modernize the State's low-income housing stock with up to 4 housing units through improvements in weatherization and energy efficiency of building envelopes and heating equipment.

**LD 1454      Resolve, Reauthorizing the Balance of the 2009 Bond Issue for Land Conservation Projects      RESOLVE 55 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K		H-505    MCCABE J H-508    GROHMAN M

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This resolve was not referred to committee.

This resolve extends to June 30, 2016 the period for issuing the balance of bond issues for land conservation projects.

**House Amendment "A" (H-505)**

This amendment replaces the resolve and instead requires the Governor and the Land for Maine's Future Board to take the proper and necessary steps to issue bonds for Land for Maine's Future projects that were authorized by the voters in 2010 but have not yet been issued.

**House Amendment "B" To House Amendment "A" (H-508)**

This amendment strikes the language that replaces the resolve with language requiring the Governor to issue bonds for the Land for Maine's Future projects, and instead extends by five years the period for issuing the balance of bonds for land conservation purposes that were authorized by voters at a statewide election held in November 2010. This amendment also adds an emergency preamble and clause.

**Enacted Law Summary**

Resolve 2015, chapter 55 extends by five years the period for issuing the balance of bonds for land conservation purposes that were authorized by voters at a statewide election held in November 2010.  
Resolve 2015, chapter 55 was finally passed as an emergency measure effective February 3, 2016.

**LD 1463      An Act To Allow Members of the State Employee and Teacher Retirement Program To Reapply for Disability Retirement Benefits after Denial and To Direct the Board of Trustees of the Maine Public Employees Retirement System To Explore the Feasibility of Offering Long-term Disability Insurance Coverage      PUBLIC 392**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R COLLINS R	OTP-AM	H-517

This bill provides that a denial of a disability retirement benefit application to the Maine Public Employees Retirement System does not bar the filing and approval of a subsequent application for the same or different medical conditions if the applicant has returned to service with an employer covered under the Maine Public Employees Retirement System. This bill authorizes the Board of Trustees of the Maine Public Employees Retirement System, beginning January 5, 2017, to procure and offer long-term disability insurance to the retirement system's members and nonmembers who participate in the retirement system defined contribution plan. Persons who elect this coverage or their employers are responsible for premiums and other 3rd-party costs. This bill also directs the Maine Public Employees Retirement System to study how it would procure and offer long-term disability insurance and to report the results of its study to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, which is authorized to report out a bill to the First Regular Session of the 128th Legislature.

**Committee Amendment "A" (H-517)**

This amendment strikes the provisions in the bill that provide that a denial of a disability retirement benefit application to the Maine Public Employees Retirement System does not bar the filing and approval of a subsequent application for different medical conditions if the applicant has returned to service with an employer covered under the Maine Public Employees Retirement System. This amendment also strikes the provisions of the bill that authorize the Board of Trustees of the Maine Public Employees Retirement System, beginning January 5, 2017, to

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procure and offer long-term disability insurance to the retirement system's members and nonmembers who participate in the retirement system's defined contribution plan.

**Enacted Law Summary**

Public Law 2015, chapter 392 directs the Maine Public Employees Retirement System to study how it would procure and offer long-term disability insurance and to report the results of its study to the joint standing committee of the Legislature having jurisdiction over retirement matters, which is authorized to report out a bill to the First Regular Session of the 128th Legislature.

**LD 1486      Resolve, To Reauthorize the Issuance of Certain Bonds for Land Conservation Projects      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M CUSHING A	ONTP	

This resolve extends for two years the period for issuance of bonds authorized by the voters in November 2010 for the Land for Maine's Future Board.

See LD 1454.

**LD 1512      An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R LANGLEY B	OTP-AM ONTP	

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to provide funds to purchase equipment for and make capital improvements to career and technical education centers for high school students.

**Committee Amendment "A" (H-676)**

This amendment is the majority report of the committee. This amendment reduces the bond issue amount to \$10,000,000 from \$25,000,000. This amendment also provides for funds to be transferred to the Office of the Secretary of State if the number or length of the referendum questions to be submitted to the voters at the general election in November 2016 requires the Secretary of State to produce and distribute more than one ballot to accommodate those questions.

This amendment was not adopted.

**LD 1515      An Act To Update the Laws Governing the Maine Public Employees Retirement System as They Relate to Wartime Veterans      ONTP**

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

This bill updates the definition of "federally recognized period of conflict" to include service during operations in Lebanon, August 21, 1982 to February 26, 1984; operations in Grenada, October 25, 1983 to November 2, 1983; the

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Persian Gulf War, August 2, 1990 to April 6, 1991; and operations in Afghanistan and Iraq, October 7, 2001 to the present for purposes of allowing members of the Maine Public Employees Retirement System to purchase military time to add those years to their years of creditable service for purposes of calculating their retirement benefits. The cost of purchasing military time depends in part on whether a member served during a federally recognized period of conflict.

**LD 1537     An Act To Combat Drug Addiction through Enforcement, Prevention,  
Treatment and Recovery**

**PUBLIC 378  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M EVES M	OTP-AM OTP-AM	S-344 S-346    HAMPER J

This bill does the following.

Part A provides ongoing funding for 10 investigative agents in the Department of Public Safety, Maine Drug Enforcement Agency.

Part B directs the Department of the Attorney General to administer grants to local law enforcement agencies and county jails located in geographically diverse communities throughout the State to fund projects designed solely to facilitate pathways to community-based treatment, recovery and support services.

Part C directs the Department of Health and Human Services to provide grants to a substance abuse treatment entity to develop and operate a 10-bed social detoxification center located in the greater Bangor area.

Part D provides ongoing funding for annual grants to the Maine Association of Substance Abuse Programs for the establishment and expansion of peer support recovery centers and the coordination and provision of substance abuse prevention and education in schools and communities.

Part E provides funding to increase substance abuse residential treatment and substance abuse outpatient services for the uninsured.

Part F transfers \$725,000 in fiscal year 2015-16 and \$1,775,000 in fiscal year 2016-17 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49, to the unappropriated surplus of the General Fund.

**Committee Amendment "A" (S-344)**

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

In Part A, adds the Joint Standing Committee on Criminal Justice and Public Safety to the entities to which periodic reports must be made by the Commissioner of Public Safety; adds funding provided by financial order 03451F16 to the unencumbered balances that may not be transferred; adds funding provided by financial order 03451F16 to the unencumbered balances that may not lapse and restricts the nonlapsing year to fiscal year 2015-16 only; eliminates the appropriation for 10 investigative agents in fiscal year 2015-16 and reduces the appropriation in fiscal year 2016-17 from \$1,600,000 to \$1,230,000; and adds a section to transfer \$1,230,000 from the Gambling Control Board administrative expenses, Other Special Revenue Funds account to the unappropriated surplus of the General Fund on or before the close of fiscal year 2016-17.

In Part B, adds a requirement of consultation with the Maine Sheriffs' Association and the Maine Chiefs of Police Association; and requires enhanced reporting.

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In Part C, changes the requirement for a new 10-bed detoxification center to a requirement for a new detoxification center with at least 10 beds and changes the requirement that the center be in Bangor to a requirement that the center be in a northern or eastern area of the State with high rates of opioid use and accessible to related services and supports.

In Part C, and Part D changes the reporting requirements so that the Commissioner of Health and Human Services reports periodically to the Joint Standing Committee on Health and Human Services rather than the Joint Standing Committee on Appropriations and Financial Affairs.

In Part D, removes the reference to the Maine Association of Substance Abuse Programs and directs the Department of Health and Human Services to provide funding within 60 days after the effective date of the Part to an organization with expertise and experience in substance abuse prevention, treatment and peer recovery services to provide substance abuse services statewide; adds to the services to be provided a requirement that coordination services include links to career services and a requirement that the organization develop and maintain a directory of providers and resources that is publicly available; and requires that, although funding may be sole-sourced for fiscal years 2015-16 and 2016-17, future awards must be awarded on a competitive basis and requires the Department of Health and Human Services to issue a request for proposals by January 1, 2017 that is competitively bid through the regular process pursuant to the Maine Revised Statutes, Title 5, chapter 155 for ongoing funding awards beginning no later than July 1, 2017.

In Part E, adds individual, group and intensive outpatient treatment to the substance abuse outpatient services for the uninsured for which a funding increase is provided.

In Part F, adds language regarding the requirements of the court order from which the funds to be transferred originated and states that the Attorney General has provided confirmation that the use of funds is consistent with the terms of the court order.

Adds Part G, which transfers funds from Personal Services to All Other in the Judicial Department, Courts - Supreme, Superior and District program, General Fund account in fiscal year 2015-16 to provide funding to support increased criminal dockets, including an increase in criminal jury trials.

### **Committee Amendment "B" (S-345)**

This amendment, which is the minority report of the committee, makes the following changes to the bill.

In Part A, adds the Joint Standing Committee on Criminal Justice and Public Safety to the entities to which periodic reports must be made by the Commissioner of Public Safety; adds funding provided by financial order 03451F16 to the unencumbered balances that may not be transferred; adds funding provided by financial order 03451F16 to the unencumbered balances that may not lapse and restricts the non-lapsing year to fiscal year 2015-16 only; eliminates the appropriation for 10 investigative agents in fiscal year 2015-16 and reduces the appropriation in fiscal year 2016-17 from \$1,600,000 to \$1,230,000; and adds a section to transfer \$1,230,000 from the Gambling Control Board administrative expenses, Other Special Revenue Funds account to the unappropriated surplus of the General Fund on or before the close of fiscal year 2016-17.

In Part B, requires the Department of Public Safety, rather than the Attorney General, to administer the grants to local law enforcement agencies; requires consultation with the Maine Sheriffs' Association and the Maine Chiefs of Police Association and requires enhanced reporting; and limits to fiscal year 2015-16 the period for which funds provided by this Part may not lapse.

In Part C, changes the requirement for a new 10-bed detoxification center to a requirement for a new detoxification center with at least 10 beds; limits to fiscal year 2015-16 the period for which funds provided by this Part may not lapse; and changes the requirement that the center be in Bangor to a requirement that the center be in a northern or

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eastern area of the State with high rates of opioid use and accessible to related services and supports.

In Part C, and Part D: changes the reporting requirements so that the Commissioner of Health and Human Services reports periodically to the Joint Standing Committee on Health and Human Services rather than the Joint Standing Committee on Appropriations and Financial Affairs.

In Part D, limits to fiscal year 2015-16 the period for which funds provided by this Part may not lapse; removes the reference to the Maine Association of Substance Abuse Programs and directs the Department of Health and Human Services to provide funding within 60 days after the effective date of the Part to an organization with expertise and experience in substance abuse prevention, treatment and peer recovery services to provide substance abuse services statewide; adds to the services to be provided a requirement that coordination services include links to career services and a requirement that the organization develop and maintain a directory of providers and resources that is publicly available; and requires that although funding may be sole-sourced for fiscal years 2015-16 and 2016-17, future awards must be awarded on a competitive basis and requires the Department of Health and Human Services to issue a request for proposals by January 1, 2017 that is competitively bid through the regular process pursuant to the Maine Revised Statutes, Title 5, chapter 155 for ongoing funding awards beginning no later than July 1, 2017.

In Part E, limits to fiscal year 2015-16 the period for which funds provided by this Part may not lapse and adds individual, group and intensive outpatient treatment to the substance abuse outpatient services for the uninsured for which a funding increase is provided.

In Part F, changes the source of the transfer to the unappropriated surplus of the General Fund from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC* to the Fund for a Healthy Maine.

Adds Part G, which transfers funds from Personal Services to All Other in the Judicial Department, Courts - Supreme, Superior and District program, General Fund account in fiscal year 2015-16 to provide funding to support increased criminal dockets, including an increase in criminal jury trials.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-346)**

This amendment requires the Department of Public Safety, rather than the Attorney General, to administer grants to local law enforcement agencies and county jails. This amendment also removes language requiring the transfer to the General Fund of funds received from the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC* and instead requires the transfer of funds from the Medical Use of Marijuana Fund.

### **Enacted Law Summary**

Public Law 2015, chapter 378 does the following.

Part A provides ongoing funding for 10 investigative agents in the Department of Public Safety, Maine Drug Enforcement Agency and transfers \$1,230,000 in unexpended funds from the Gambling Control Board administrative expenses, Other Special revenue account in the Department of Public Safety to the General Fund unappropriated surplus in fiscal year 2016-17.

Part B directs the Commissioner of Public Safety after receiving advice from the Maine Sheriffs' Association and the Maine Chiefs of Police Association, to administer grants to local law enforcement agencies and county jails located in geographically diverse communities throughout the State to fund projects designed solely to facilitate pathways to community-based treatment, recovery and support services.

Part C directs the Department of Health and Human Services to provide grants to a substance abuse treatment entity

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to develop and operate a 10-bed social detoxification center located in the a northern or eastern area of the State and provides funding for the development and operation of the center.

Part D provides ongoing funding for annual grants for the establishment and expansion of peer support recovery centers; the coordination and provision of substance abuse prevention; education in schools and communities; and the maintenance of a directory of substance abuse prevention and recovery services.

Part E provides funding to increase substance abuse residential treatment and substance abuse outpatient services for the uninsured.

Part F transfers \$725,000 in fiscal year 2015-16 and \$1,775,000 in fiscal year 2016-17 from the Medical Use of Marijuana Fund to the unappropriated surplus of the General Fund.

Part G transfers funds from Personal Services to All Other in the Courts-Supreme, Superior and District account in the Judicial Department.

Public Law 2015, chapter 378 was enacted as an emergency measure effective January 19, 2016.

**LD 1561      An Act To Reauthorize Certain Land for Maine's Future Bonds and To      Died On  
Facilitate the Issuance of Those Bonds      Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R GRANT G		

This bill was not referred to committee.

This bill makes the following changes to the laws governing specific bonds for the Land for Maine's Future Board:

1. It authorizes the reissuance of bonds authorized by the voters in November 2010 for the Land for Maine's Future Board that have not yet been issued;
2. It requires that the Governor authorize the issuance of the specific bonds for the Land for Maine's Future Board that were ratified by the voters of the State in statewide elections held in November 2010 and November 2012, unless one of five specific conditions exists;
3. It requires the Treasurer of State to initiate borrowing in accordance with Public Law 2009, chapter 414, Part E, section 6, as amended by Public Law 2009, chapter 645, Part J, section 3, and Public Law 2011, chapter 696, section 6, ratified by the voters of the State in statewide elections held in November 2010 and November 2012, respectively; and
4. It requires the Commissioner of Administrative and Financial Services to effectuate the release to the Land for Maine's Future Board the funds resulting from the issuance of those bonds, to be expended for the purposes described in Public Law 2009, chapter 414, Part E, section 6, as amended by Public Law 2009, chapter 645, Part J, section 3, and Public Law 2011, chapter 696, section 6 and ratified by the voters of the State in statewide elections held in November 2010 and November 2012.

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**LD 1579 An Act Regarding the Maine Clean Election Fund**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-661 S-510 GRATWICK G

This bill specifies that the State Controller is directed to transfer \$2,500,000 from the General Fund to the Maine Clean Election Fund on or before June 30, 2016 instead of on or before January 1, 2017.

**Committee Amendment "A" (H-661)**

This amendment, which is the majority report of the committee, changes the date by which the State Controller is directed to transfer funds from the General Fund to the Maine Clean Election Fund from on or before June 30, 2016 to on or before August 1, 2016 and changes the amount of that transfer from \$2,500,000 to \$500,000.

**Senate Amendment "A" To Committee Amendment "A" (S-510)**

This amendment removes the emergency preamble and the emergency clause and changes the date of the 2nd transfer from on or before August 1, 2016 to on or before September 1, 2016.

**LD 1583 An Act To Provide for Tax Conformity and Funding Methods**

**PUBLIC 388  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-354

This bill was reported ought to pass by a majority of the committee pursuant to joint order, S.P. 630.

Part A of this bill:

1. Decouples the Maine individual and corporate income taxes from the federal bonus depreciation deductions for taxable years beginning on or after January 1, 2015. In addition, it provides a Maine capital investment credit for taxable years beginning in 2015 with respect to depreciable property placed in service in Maine. The credit is equal to 9% of the amount of the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for taxable corporations; for individuals the credit is 8% of such amount for tax years beginning in 2015;
2. Decouples Maine's individual and corporate income tax from the Code, Section 179 expensing deductions for tax years beginning on or after January 1, 2016. It enacts addition and subtraction modifications to reverse any increase allowed at the federal level for the first year the property is placed in service, and then to allow depreciation deductions for the remainder of the asset's life;
3. Decouples Maine's individual income tax from the teacher expense deduction under the Code, Section 62(a)(2) (D) by requiring an addition modification in the amount of the federal deduction;
4. Disallows for Maine itemized deduction purposes the federal deduction for mortgage insurance premiums treated as qualified residence interest; and
5. For taxable years beginning after 2017, decouples the Maine earned income tax credit from the increased federal 45% earned income tax credit rate for taxpayers with three or more qualifying children and from the higher

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phase-out thresholds for married individuals filing joint returns.

Part B transfers \$9,535,933 from the Tax Relief Fund for Maine Residents to the unappropriated surplus of the General Fund by the end of fiscal year 2015-16.

Part C deappropriates funds no longer needed for debt service costs.

Part D requires the State Controller to transfer the first \$153,447 of unexpended Personal Services savings that would otherwise lapse to the General Fund Salary Plan program to the General Fund unappropriated surplus at the close of fiscal year 2015-16. This Part also requires the State Controller to transfer funding from the General Fund Salary Plan program to the General Fund unappropriated surplus in the event that the full \$153,447 of Personal Services savings in this Part is not achieved.

Part E requires the State Controller to transfer the first \$1,034,880 of unexpended Personal Services savings that would otherwise lapse to the General Fund Salary Plan program to the General Fund unappropriated surplus at the close of fiscal year 2016-17. This Part also requires the State Controller to transfer funding from the General Fund Salary Plan program to the General Fund unappropriated surplus in the event that the full \$1,034,880 of Personal Services savings in this Part is not achieved.

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

This amendment is the minority report to the bill reported pursuant to joint order, S.P. 360.

Part A of this amendment:

1. Repeals, for taxable years beginning on or after January 1, 2016, the addition modification that decouples Maine's individual income tax law from the federal deduction for qualified tuition and related expenses under the United States Internal Revenue Code of 1986, Section 222; and
2. Decouples the Maine individual and corporate income taxes from the federal bonus depreciation deductions for taxable years beginning on or after January 1, 2015. It provides a Maine capital investment credit for taxable years beginning on or after January 1, 2015 with respect to depreciable property placed in service in Maine. The credit is equal to 9% of the amount of the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the United States Internal Revenue Code of 1986, Section 168(k) with respect to property placed in service in the State during the taxable year for taxable corporations; for individuals the credit is 8% of such amount for tax years beginning in 2015 and is 7% for tax years beginning on or after January 1, 2016.

Part B transfers \$9,535,933 from the Tax Relief Fund for Maine Residents to the unappropriated surplus of the General Fund by the end of fiscal year 2015-16.

Part C adjusts funding based on projected needs in the first year of the biennium in the Veterans Tax Reimbursement program, which provides an exemption of estates up to a specific value for veterans, under the Maine Revised Statutes, Title 36, section 653. Part C also deappropriates funds no longer needed for debt service costs in the Office of the State Treasurer.

Part D requires the State Controller to transfer \$194,312, by June 30, 2016, from available balances in Other Special Revenue Funds accounts within the Department of Environmental Protection to the General Fund unappropriated surplus.

Part E requires the State Controller to transfer the first \$6,750,000 of unexpended Personal Services savings that would otherwise lapse to the General Fund Salary Plan program to the General Fund unappropriated surplus at the close of fiscal year 2015-16. This Part also requires the State Controller to transfer funding from the General Fund Salary Plan program to the General Fund unappropriated surplus in the event that the full \$6,750,000 of Personal

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Services savings in this Part is not achieved.

Part F requires the State Controller to transfer the first \$6,750,000 of unexpended Personal Services savings that would otherwise lapse to the General Fund Salary Plan program to the General Fund unappropriated surplus at the close of fiscal year 2016-17. Part E also requires the State Controller to transfer funding from the General Fund Salary Plan program to the General Fund unappropriated surplus in the event that the full \$6,750,000 of Personal Services savings in this Part is not achieved.

Part G transfers the projected increases in funding to the Department of Education from casino revenues in the December 1, 2015 revenue forecast to the General Fund in each fiscal year of the 2016-2017 biennium. Part G also requires the State Controller to transfer \$767,507 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2016. It also requires the State Controller to transfer \$711,355 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2017.

Part H repeals Public Law 2015, chapter 267, Part T, which required the State Controller to transfer \$750,000 in each fiscal year of the 2016-2017 biennium, as a one-time transfer, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account within the Department of Administrative and Financial Services. Part H also reduces the allocation in the associated Other Special Revenue Funds account in both fiscal years of the biennium that would have received the transfer.

Part I repeals Public Law 2015, chapter 267, Part PP, which required the State Controller to transfer \$750,000 in each fiscal year of the 2016-2017 biennium, as a one-time transfer, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education. Part I also eliminates one-time funding for the consolidation of school administrative units.

Part J transfers the projected remaining balance of \$300,000 in fiscal year 2015-16 from the Dirigo Health Fund to the General Fund unappropriated surplus in addition to the transfer of \$700,000 enacted in Public Law 2015, chapter 267, Part W. Current law directs the State Controller to conduct recovery audits of payments made by state agencies to vendors at least once every 10 years.

Part K lapses the remaining balance of the audit recovery, after the amounts paid to the consultant, to the unappropriated surplus of the General Fund no later than June 30, 2016.

### **Enacted Law Summary**

Public Law 2015, chapter 388 does the following.

Part A:

1. Repeals, for taxable years beginning on or after January 1, 2016, the addition modification that decouples Maine's individual income tax law from the federal deduction for qualified tuition and related expenses under the United States Internal Revenue Code of 1986, Section 222; and
2. Decouples the Maine individual and corporate income taxes from the federal bonus depreciation deductions for taxable years beginning on or after January 1, 2015. It provides a Maine capital investment credit for taxable years beginning on or after January 1, 2015 with respect to depreciable property placed in service in Maine. The credit is equal to 9% of the amount of the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the United States Internal Revenue Code of 1986, Section 168(k) with respect to property placed in service in the State during the taxable year for taxable corporations; for individuals the credit is 8% of such

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amount for tax years beginning in 2015 and is 7% for tax years beginning on or after January 1, 2016.

Part B transfers \$9,535,933 from the Tax Relief Fund for Maine Residents to the unappropriated surplus of the General Fund by the end of fiscal year 2015-16.

Part C adjusts funding based on projected needs in the first year of the biennium in the Veterans Tax Reimbursement program, which provides an exemption of estates up to a specific value for veterans, under the Maine Revised Statutes, Title 36, section 653. Part C also deappropriates funds no longer needed for debt service costs in the Office of the State Treasurer.

Part D requires the State Controller to transfer \$194,312, by June 30, 2016, from available balances in Other Special Revenue Funds accounts within the Department of Environmental Protection to the General Fund unappropriated surplus.

Part E requires the State Controller to transfer the first \$6,750,000 of unexpended Personal Services savings that would otherwise lapse to the General Fund Salary Plan program to the General Fund unappropriated surplus at the close of fiscal year 2015-16. This Part also requires the State Controller to transfer funding from the General Fund Salary Plan program to the General Fund unappropriated surplus in the event that the full \$6,750,000 of Personal Services savings in this Part is not achieved.

Part F requires the State Controller to transfer the first \$6,750,000 of unexpended Personal Services savings that would otherwise lapse to the General Fund Salary Plan program to the General Fund unappropriated surplus at the close of fiscal year 2016-17. Part E also requires the State Controller to transfer funding from the General Fund Salary Plan program to the General Fund unappropriated surplus in the event that the full \$6,750,000 of Personal Services savings in this Part is not achieved.

Part G transfers the projected increases in funding to the Department of Education from casino revenues in the December 1, 2015 revenue forecast to the General Fund in each fiscal year of the 2016-2017 biennium. Part G also requires the State Controller to transfer \$767,507 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2016. It also requires the State Controller to transfer \$711,355 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2017.

Part H repeals Public Law 2015, chapter 267, Part T, which required the State Controller to transfer \$750,000 in each fiscal year of the 2016-2017 biennium, as a one-time transfer, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account within the Department of Administrative and Financial Services. Part H also reduces the allocation in the associated Other Special Revenue Funds account in both fiscal years of the biennium that would have received the transfer.

Part I repeals Public Law 2015, chapter 267, Part PP, which required the State Controller to transfer \$750,000 in each fiscal year of the 2016-2017 biennium, as a one-time transfer, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education. Part I also eliminates one-time funding for the consolidation of school administrative units.

Part J transfers the projected remaining balance of \$300,000 in fiscal year 2015-16 from the Dirigo Health Fund to the General Fund unappropriated surplus in addition to the transfer of \$700,000 enacted in Public Law 2015, chapter 267, Part W. Current law directs the State Controller to conduct recovery audits of payments made by state agencies to vendors at least once every 10 years.

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Part K lapses the remaining balance of the audit recovery, after the amounts paid to the consultant, to the unappropriated surplus of the General Fund no later than June 30, 2016.

Public Law 2015, chapter 388 was enacted as an emergency measure effective March 10, 2016.

**LD 1597     An Act To Provide Supplemental Appropriations and Deappropriations  
for the Judicial Department for the Fiscal Years Ending June 30, 2016  
and June 30, 2017**

**PUBLIC 439  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBSINS B	OTP-AM	H-631

This bill does the following.

1. It provides an hourly rate increase for guardians ad litem.
2. It provides funding for the guardian ad litem hourly rate increase from \$50 per hour to \$60 per hour to be consistent with the rate paid to court-appointed counsel.
3. It provides funding for an increase in the workweek of certain judicial branch employees from 37.5 hours per week to 40 hours per week.
4. It provides funding for an increase in fees charged by the Department of Administrative and Financial Services, Office of Information Technology to the judicial branch.
5. It deappropriates unused feasibility study funds.
6. It deappropriates funds no longer needed for debt services.

**Committee Amendment "A" (H-631)**

This amendment adds an effective date for funding for the increase in hours from a 37.5-hour workweek to a 40-hour workweek for the administrative bargaining unit, remaining employees in the professional and supervisory bargaining units and confidential nonmanagement employees and changes the appropriation from "All Other" to "Personal Services" and adds an effective date of July 1, 2016 to the changes in statute affecting the hourly rate of compensation for guardians ad litem. This amendment also clarifies that the deappropriation of funds no longer needed for courthouse feasibility studies and for debt service cost is for the 2016-2017 biennium only.

**Enacted Law Summary**

Public Law 2015, chapter 439 does the following.

1. It provides an hourly rate increase for guardians ad litem effective July 1, 2016.
2. It provides funding for the guardian ad litem hourly rate increase from \$50 per hour to \$60 per hour to be consistent with the rate paid to court-appointed counsel.
3. It provides funding for an increase in the workweek of certain judicial branch employees from 37.5 hours per week to 40 hours per week effective on the first pay period following July 1, 2016.
4. It provides funding for an increase in fees charged by the Department of Administrative and Financial Services, Office of Information Technology to the judicial branch.

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- 5. It deappropriates unused feasibility study funds in fiscal year 2015-16.
- 6. It deappropriates funds no longer needed for debt services in fiscal years 2015-16 and 2016-17 only.

Public Law 2015, chapter 439 was enacted as an emergency measure effective April 7, 2016.

**LD 1606 An Act To Provide Funding to the Maine Budget Stabilization Fund and To Make Additional 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, 2016 and June 30, 2017**

**PUBLIC 481  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM	S-545 ALFOND J
WINSOR T	OTP-AM	

This bill requires the transfer of \$67,292,995 in fiscal year 2015-16 and \$5,389,377 in fiscal year 2016-17 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

**Committee Amendment "A" (S-464)**

This amendment, which is the majority report of the committee, replaces the bill and changes the title.

Part A increases wages for select personnel at the state mental health institutions. Similar provisions are contained in LD 1645.

Part B directs the Department of Health and Human Services to amend its rules to increase the reimbursement rates for personal care and related services to reflect 50% of Personal Care and Related Services: Final Rate Models. It requires the Department of Health and Human Services to estimate the number of hours, and cost of those hours, of unmet need. Similar provisions are contained in LD 886 as amended by the Joint Standing Committee on Health and Human Services.

Part C provides for the upward adjustment of salary schedules in fiscal year 2015-6 for certain law enforcement positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources and law enforcement supervisors within the Department of Agriculture, Conservation and Forestry and the Baxter State Park Authority. It also provides for a similar salary schedule adjustment for certain law enforcement confidential employees and allows the Governor to make similar salary schedule adjustments to unclassified law enforcement positions that are subject to the Governor's adjustment or approval. This Part authorizes use of the Salary Plan program to fund the adjustments and provides that certain law enforcement positions supported from other funds must be funded whenever possible from those other sources. Similar provisions are contained in LD 1653 and in LD 1523 as finally passed by the 127th Legislature.

Part D provides one-time funding for the operation of the State's county jails and regional jails. Similar provisions are contained in LD 1614 as finally passed by the 127th Legislature.

Part E establishes certain requirements relating to maximum allowable cost pricing lists used by pharmacy benefits managers; requires a pharmacy benefits manager to provide certain information to a pharmacy with which the pharmacy benefits manager has a contract; and establishes an appeal process to allow a pharmacy to challenge a drug's maximum allowable cost under certain conditions. Similar provisions are contained in LD 1150 as enacted by the 127th Legislature.

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Part F provides funding for an increase in reimbursement rates to eligible MaineCare providers for the last three months of fiscal year 2015-16 and for fiscal year 2016-17 in order to offset a January 1, 2016 increase in the service provider tax. Similar provisions are contained in LD 1638 as enacted by the 127th Legislature.

Part G allows a portion of a consolidated loan that is a qualifying education loan to be eligible for the educational opportunity tax credit beginning with tax year 2015. It also provides that only a qualifying education loan that is consolidated with a nonqualifying education loan is eligible. Similar provisions are contained in LD 1657 as enacted by the 127th Legislature.

Part H does the following for tax years beginning on or after January 1, 2016: 1) allows a qualified individual who earned a bachelor's or associate degree from an accredited Maine community college, college or university after December 31, 2007 but before January 1, 2016 to be eligible for the educational opportunity tax credit regardless of the number of transfer credits earned at a non-Maine community college, college or university; 2) allows a resident of Maine who is employed at least part time in a position on a vessel at sea to qualify for the educational opportunity tax credit; expands the employer credit to include graduate degrees earned by qualified employees and by removes the principal cap relative to qualified employees. Similar provisions are contained in LD 1657 as enacted by the 127th Legislature.

Part I requires the transfer of \$44,500,000 in fiscal year 2015-16 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

This amendment was not adopted.

### **Committee Amendment "B" (S-465)**

This amendment is the minority report of the committee. This amendment reduces the amount of the unappropriated surplus transferred to the Maine Budget Stabilization Fund in fiscal year 2015-16 to \$55,500,000 and eliminates the transfer in fiscal year 2016-17. This amendment also establishes a priority for the transfer of the uncommitted balances after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made in fiscal year 2015-16. The first priority is that 90% of the unappropriated surplus is transferred to the Maine Budget Stabilization Fund; the remaining 10% is distributed on a priority basis in the same manner as specified in the so-called cascade established in the Maine Revised Statutes, Title 5, section 1536, including requiring 80% of the funds remaining after those distributions to be transferred to the Maine Budget Stabilization Fund and 20% transferred to the Tax Relief Fund for Maine Residents.

This amendment was not adopted.

### **Senate Amendment "A" (S-545)**

This amendment replaces the bill and changes the title.

Part A transfers \$10,000,000 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49 to the Maine Budget Stabilization Fund in fiscal year 2016-17.

Part B extends the current sales tax exemption or refund for fuel used in commercial fishing vessels to include all fuel used in commercial fishing and fuel used in commercial agricultural production, aquacultural production and wood harvesting. Similar provisions are contained in LD 1481 as amended by the Joint Standing Committee on Taxation.

Part C provides for two cost-of-living rate increases for private nonmedical institutions. The first is a 4% increase starting on July 1, 2016 and the second, for fiscal year 2017-18 is based on the Consumer Price Index medical care services index. Similar provisions are contained in LD 1527 as amended by the Joint Standing Committee on

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Health and Human Services.

Part D provides one-time funds for the Jobs for Maine's Graduates - College Program.

Part E establishes the Substance Abuse Assistance Program to provide grants to municipalities and counties to carry out projects designed to reduce substance abuse, substance abuse-related crimes and recidivism. It also appropriates funds for grants and for one Contract Grant Specialist position and other administrative costs. Similar provisions are contained in LD 1488 as amended by the Joint Standing Committee on Judiciary.

Part F provides funding for three new peer centers in different parts of the State to coordinate and run peer support programs to help persons in recovery from drug addiction. Similar provisions are contained in LD 1496 as amended by the Joint Standing Committee on Health and Human Services.

Part G directs the State Controller to transfer \$10,555,982 in fiscal year 2016-17 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49, to the unappropriated surplus of the General Fund.

Part H transfers \$979,732 in fiscal year 2016-17 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49 to the Office of the Treasurer to be used solely for consumer and antitrust activities identified in the court decree and approved by the Attorney General with the consent of the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

Part I provides one-time funding to the Maine State Grant Program for scholarships.

### **Enacted Law Summary**

Public Law 2015, chapter 481 does the following.

Part A transfers \$10,000,000 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49 to the Maine Budget Stabilization Fund in fiscal year 2016-17.

Part B extends the current sales tax exemption or refund for fuel used in commercial fishing vessels to include all fuel used in commercial fishing and fuel used in commercial agricultural production, aquacultural production and wood harvesting.

Part C provides for two cost-of-living rate increases for private nonmedical institutions. The first is a 4% increase starting on July 1, 2016 and the second, for fiscal year 2017-18 is based on the Consumer Price Index medical care services index.

Part D provides one-time funds for the Jobs for Maine's Graduates - College Program.

Part E establishes the Substance Abuse Assistance Program to provide grants to municipalities and counties to carry out projects designed to reduce substance abuse, substance abuse-related crimes and recidivism. It also appropriates funds for grants and for one Contract Grant Specialist position and other administrative costs.

Part F provides funding for three new peer centers in different parts of the State to coordinate and run peer support programs to help persons in recovery from drug addiction.

Part G directs the State Controller to transfer \$10,555,982 in fiscal year 2016-17 from the funds received pursuant

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to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49, to the unappropriated surplus of the General Fund

Part H transfers \$979,732 in fiscal year 2016-17 from the funds received pursuant to the court order in *State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC*, Kennebec County Superior Court Docket No. BCD-CV-14-49 to the Office of the Treasurer to be used solely for consumer and antitrust activities identified in the court decree and approved by the Attorney General with the consent of the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

Part I provides one-time funding to the Maine State Grant Program for scholarships.

Public Law 2015, chapter 481 was enacted as an emergency measure effective April 16, 2016.

**LD 1630      An Act To Authorize a General Fund Bond Issue for the Construction of a New Fish Hatchery      ONTP**

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

The funds provided by this bond issue, in the amount of \$28,000,000, will be used to fund the design and construction of a new fish hatchery in the State.

**LD 1640      An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin      Died Between Houses**

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

The bill provides funds for Maine Maritime Academy in order to make repairs and do restorative work on the schooner Bowdoin, the official state vessel used by Maine Maritime Academy for its Vessel Operations and Technology Program.

**Committee Amendment "A" (S-456)**

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

This amendment was not adopted.

**LD 1645      An Act To Address Employee Recruitment and Retention Issues at State Mental Health Institutions      PUBLIC 505 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R DOORE D	OTP-AM ONTP	S-507

This bill increases wages for select personnel at the state mental health institutions.

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**Committee Amendment "A" (S-507)**

This amendment, which is the majority report of the committee, strikes the bill and provides that the wages for select personnel at the state mental health institutions must be increased beginning with the first pay period commencing on or after July 1, 2016. This amendment provides for the funding of the General Fund costs of the wage increases through transfers from the Department of Administrative and Financial Services, Salary Plan program, General Fund account up to \$944,379 in fiscal year 2016-17.

**Enacted Law Summary**

Public Law 2017, chapter 505 provides that wages for select personnel at the state mental health institutions must be increased beginning with the first pay period commencing on or after July 1, 2016 and provides for the funding of the General Fund costs of the wage increases through transfers from the Department of Administrative and Financial Services, Salary Plan program, General Fund account up to \$944,379 in fiscal year 2016-17.

Public Law 2015, chapter 505 was enacted as an emergency measure effective April 29, 2016.

**LD 1653      An Act Implementing Pay Increases for Certain Law Enforcement Employees To Aid in Recruitment and Retention      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K MASON G	ONTP	

This bill provides for the upward adjustment of salary schedules in fiscal year 2015-16 by 12% to 18% for certain law enforcement positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources beginning with the pay period closest to May 1, 2016. The bill provides for a similar salary schedule adjustment for certain law enforcement confidential employees in those departments and allows the Governor to make similar salary schedule adjustments to unclassified law enforcement positions in those departments that are subject to the Governor's adjustment or approval. The bill authorizes use of the Salary Plan program to fund the adjustments and provides that certain law enforcement positions supported from other funds must be funded whenever possible from those other sources.

See LD 1523.

**LD 1656      An Act To Authorize a General Fund Bond Issue To Fund Loan Repayment Programs for Graduates in the Fields of Science, Technology, Engineering and Mathematics      ONTP**

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to attract and retain college and university graduates who work in Maine in the fields of science, technology, engineering and mathematics by helping reduce their postsecondary loan debt.

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**LD 1677      Resolve, Directing the Department of Administrative and Financial Services and the Maine Public Employees Retirement System To Identify Retirees Whose Retirement Benefit Calculations Were Adversely Affected by Certain Pay Freezes and To Calculate Costs Associated with Authorizing Those Retirees To Include Such Lost Wages in Retirement Benefit Calculations**

**RESOLVE 78**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT R WHITTEMORE R	OTP-AM	H-632

This resolve directs the Department of Administrative and Financial Services and the Maine Public Employees Retirement System to work together to identify retirees who retired prior to July 1, 2015 and whose retirement benefit calculations were adversely affected by merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13, and to calculate the projected costs associated with authorizing members of the Maine Public Employees Retirement System who retired prior to July 1, 2015 to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13. The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs is authorized to report out a bill to the First Regular Session of the 128th Legislature to authorize members of the Maine Public Employees Retirement System who retired prior to July 1, 2015 to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13.

**Committee Amendment "A" (H-632)**

This amendment changes the report date in the resolve from November 2, 2016 to January 12, 2017 and clarifies the committee to which the report must be made.

**Enacted Law Summary**

Resolve 2015, chapter 78 directs the Department of Administrative and Financial Services and the Maine Public Employees Retirement System to work together to identify retirees who retired prior to July 1, 2015 and whose retirement benefit calculations were adversely affected by merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13, and to calculate the projected costs associated with authorizing members of the Maine Public Employees Retirement System who retired prior to July 1, 2015 to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13. The joint standing committee of the Legislature having jurisdiction over retirement matters is authorized to report out a bill in the First Regular Session of the 128th Legislature to authorize members of the Maine Public Employees Retirement System who retired prior to July 1, 2015 to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13.

**LD 1694      An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities**

**PUBLIC 478**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R PARRY W	OTP-AM	S-534

The funds provided by this bond issue, in the amount of \$100,000,000, will be used for construction, reconstruction and rehabilitation of highways and bridges and for facilities, equipment and property acquisition related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails,

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matching an estimated \$137,000,000 in federal and other funds.

**Committee Amendment "A" (S-534)**

This amendment provides for a transfer to the Secretary of State if the number or length of the referendum questions to be submitted to the voters at the general election in November 2016 requires the Secretary of State to produce and distribute more than one ballot to accommodate those questions.

**Enacted Law Summary**

Public Law 2015, chapter 478 provides for a bond issue, in the amount of \$100,000,000, to be used for construction, reconstruction and rehabilitation of highways and bridges and for facilities, equipment and property acquisition related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$137,000,000 in federal and other funds. It also provides for a transfer to the Secretary of State if the number or length of the referendum questions to be submitted to the voters at the general election in November 2016 requires the Secretary of State to produce and distribute more than one ballot to accommodate those questions.

The bond issue is subject to voter approval at a statewide election to be held in November, 2016.

**LD 1702     An Act To Fund Agreements with Bargaining Units for Certain  
Executive Branch Employees**

**PUBLIC 512  
EMERGENCY**

Sponsor(s)

CUSHING A

Committee Report

Amendments Adopted

This bill was not referred to a committee.

This bill extends the date by which a collective bargaining agreement for certain executive branch employees must be ratified in order to require the adjustment of the salary schedules to accommodate and fund the terms of the agreement.

**Enacted Law Summary**

Public Law 2015, chapter 512 bill extends the date by which a collective bargaining agreement for certain executive branch employees must be ratified in order to require the adjustment of the salary schedules to accommodate and fund the terms of the agreement.

Public Law 2015, chapter 512 was enacted as an emergency measure effective May 3, 2016.

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## **SUBJECT INDEX**

### **Budget Bills**

#### **Enacted**

LD 1020	An Act To Provide Supplemental Deallocations for the Department of the Secretary of State and Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017	PUBLIC 480 EMERGENCY
LD 1597	An Act To Provide Supplemental Appropriations and Deappropriations for the Judicial Department for the Fiscal Years Ending June 30, 2016 and June 30, 2017	PUBLIC 439 EMERGENCY
LD 1606	An Act To Provide Funding to the Maine Budget Stabilization Fund and To Make Additional 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, 2016 and June 30, 2017	PUBLIC 481 EMERGENCY

#### **Not Enacted**

LD 1018	An Act To Make Certain Necessary Appropriations and Allocations	Died On Adjournment
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### **General Obligation Bond Bills**

#### **Enacted**

LD 1053	An Act To Authorize a General Fund Bond Issue To Stimulate Investment in Innovation by Maine Businesses To Produce Nationally and Globally Competitive Products and Services	PUBLIC 479
LD 1694	An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities	PUBLIC 478

#### **Not Enacted**

LD 2	An Act To Authorize a General Fund Bond Issue for the Purchase and Development of the Bar Harbor Ferry Terminal as a Multimodal Transportation Facility	ONTP
LD 68	An Act To Authorize a General Fund Bond Issue To Attract Business by Investing in High-speed Broadband Infrastructure	ONTP
LD 100	An Act To Authorize a General Fund Bond Issue To Help Small Businesses	ONTP
LD 108	An Act To Authorize a General Fund Bond Issue for Riverfront Community Development	ONTP

LD 193	An Act To Authorize a General Fund Bond Issue for Bicycle and Pedestrian Projects	ONTP
LD 217	An Act To Authorize a General Fund Bond Issue for Development of a Multimodal Transportation Facility	ONTP
LD 254	An Act To Authorize a General Fund Bond Issue To Support Waterfront Development	Died On Adjournment
LD 354	An Act To Authorize a General Fund Bond Issue To Enhance Public Transportation in the Bangor Area	ONTP
LD 385	An Act To Authorize a General Fund Bond Issue for Improvements to Facilities at the University of Maine System Campuses	ONTP
LD 386	An Act To Authorize a General Fund Bond Issue To Fund Farmland Restoration	ONTP
LD 387	An Act To Authorize a General Fund Bond Issue To Support Agricultural Enterprises and Encourage the Use of Local Farm Products in Public Schools	ONTP
LD 426	An Act To Authorize a General Fund Bond Issue To Address Sea Level Rise	ONTP
LD 438	An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service	ONTP
LD 453	An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation	Died On Adjournment
LD 628	An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure	ONTP
LD 733	An Act To Authorize a General Fund Bond Issue To Build the Infrastructure Needed To End Hunger in Central and Northern Maine	ONTP
LD 747	An Act To Authorize a General Fund Bond Issue To Assist in the Creation and Retention of Jobs and Improve Access to Higher Education in Maine	ONTP
LD 873	An Act To Authorize a General Fund Bond Issue for Housing for Homeless Veterans	ONTP
LD 875	An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges, Ports, Railroads and Other Multimodal Facilities	ONTP
LD 924	An Act To Authorize a General Fund Bond Issue To Enhance State Parks	ONTP
LD 931	An Act To Authorize a General Fund Bond Issue for Research and Development for the University of Maine System	ONTP
LD 996	An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Rural Areas of the State	Died On Adjournment
LD 998	An Act To Authorize a General Fund Bond Issue To Collect Data on and To Monitor Ocean Acidification	Died On Adjournment

LD 1069	An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings	Died On Adjournment
LD 1234	An Act To Authorize a General Fund Bond Issue To Acquire the Frances Perkins Homestead	ONTP
LD 1248	An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Fund	Died On Adjournment
LD 1334	An Act To Authorize a General Fund Bond Issue To Repair and Renovate the Former Cutler Naval Base in Washington County To Facilitate Development and Stimulate the Economy	ONTP
LD 1336	An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges	ONTP
LD 1341	An Act To Authorize a General Fund Bond Issue To Improve Maine's Housing Stock and Reduce Heating Costs and Oil Consumption	ONTP
LD 1512	An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers	Died On Adjournment
LD 1630	An Act To Authorize a General Fund Bond Issue for the Construction of a New Fish Hatchery	ONTP
LD 1656	An Act To Authorize a General Fund Bond Issue To Fund Loan Repayment Programs for Graduates in the Fields of Science, Technology, Engineering and Mathematics	ONTP

**Miscellaneous Funding and Other Requests**

**Enacted**

LD 1537	An Act To Combat Drug Addiction through Enforcement, Prevention, Treatment and Recovery	PUBLIC 378 EMERGENCY
LD 1583	An Act To Provide for Tax Conformity and Funding Methods	PUBLIC 388 EMERGENCY
LD 1645	An Act To Address Employee Recruitment and Retention Issues at State Mental Health Institutions	PUBLIC 505 EMERGENCY
LD 1702	An Act To Fund Agreements with Bargaining Units for Certain Executive Branch Employees	PUBLIC 512 EMERGENCY

**Not Enacted**

LD 1099	An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory	ONTP
LD 1579	An Act Regarding the Maine Clean Election Fund	Veto Sustained
LD 1640	An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin	Died Between Houses

LD 1653	An Act Implementing Pay Increases for Certain Law Enforcement Employees To Aid in Recruitment and Retention	ONTP
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**Other Bonding**

**Enacted**

LD 1454	Resolve, Reauthorizing the Balance of the 2009 Bond Issue for Land Conservation Projects	RESOLVE 55 EMERGENCY
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**Not Enacted**

LD 784	An Act To Authorize a Revenue Bond for a Student Loan Reduction Plan	ONTP
LD 1486	Resolve, To Reauthorize the Issuance of Certain Bonds for Land Conservation Projects	ONTP
LD 1561	An Act To Reauthorize Certain Land for Maine's Future Bonds and To Facilitate the Issuance of Those Bonds	Died On Adjournment

**Public Employee Retirement**

**Enacted**

LD 995	An Act To Amend the Laws Governing Participating Local Districts in the Maine Public Employees Retirement System	PUBLIC 384
LD 1021	An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System	PUBLIC 385 EMERGENCY
LD 1463	An Act To Allow Members of the State Employee and Teacher Retirement Program To Reapply for Disability Retirement Benefits after Denial and To Direct the Board of Trustees of the Maine Public Employees Retirement System To Explore the Feasibility of Offering Long-term Disability Insurance Coverage	PUBLIC 392
LD 1677	Resolve, Directing the Department of Administrative and Financial Services and the Maine Public Employees Retirement System To Identify Retirees Whose Retirement Benefit Calculations Were Adversely Affected by Certain Pay Freezes and To Calculate Costs Associated with Authorizing Those Retirees To Include Such Lost Wages in Retirement Benefit Calculations	RESOLVE 78

**Not Enacted**

LD 212	An Act Concerning Cost-of-living Adjustments for Certain Retirees	ONTP
LD 518	An Act To Clarify and Protect Certain Public Service Retirement Benefits	ONTP
LD 654	An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General	Veto Sustained
LD 927	An Act To Remove the Age Penalty for State Retirees Working at Institutions That Are Closing	Died Between Houses
LD 1032	An Act To Implement the Combination Defined Benefit and Defined Contribution Retirement Plan Described in a Report Submitted to the Joint Standing Committee on Appropriations and Financial Affairs in March 2012	Died Between Houses

LD 1515

An Act To Update the Laws Governing the Maine Public Employees  
Retirement System as They Relate to Wartime Veterans

ONTP

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



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

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

May 2016

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*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 195      An Act Regarding County Jails**

**ONTP**

Sponsor(s)

DAVIS P  
BLACK R

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

**LD 440      An Act To Create a Secure, Therapeutic Mental Health Unit**

**Accepted Majority  
(ONTP) Report**

Sponsor(s)

GERZOFSKY S  
DION M

Committee Report

ONTP  
OTP-AM

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

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

This amendment is the minority report of the committee. The amendment does the following.

1. It retains the provisions of the bill that establish a secure, therapeutic mental health unit for defendants undergoing court-ordered assessments to determine their competency to stand trial or their criminal culpability, to provide therapeutic care for forensic patients and to provide care for jail inmates who meet the criteria for involuntary civil commitment under the Maine Revised Statutes, Title 34-B, chapter 3. The amendment directs the Department of Health and Human Services to establish one or more units.

2. It adds to the laws governing the placement process a requirement for a determination by a court that a secure, therapeutic mental health unit is appropriate for the defendant.

3. It assigns responsibility for operation of a secure, therapeutic mental health unit to the Commissioner of Health and Human Services and allows contracts with multiple jails for multiple secure, therapeutic mental health units. It specifies that staffing must be dedicated to the units, that staff must be trained, who may provide the training, that a unit must be separated from the general jail population at all times and that the Department of Health and Human Services and the county sheriff for the county in which a unit is located must work to obtain and maintain any federal certification that is required or available and through which funding may be secured for the unit.

4. It directs the Department of Health and Human Services, by January 15, 2017, after consultation with the county sheriff of a county in which a secure, therapeutic mental health unit is located, to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the operations of the units. The report must include data on population, length of stay, staffing and services. The

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report must also include recommendations regarding the reallocation of resources for the units, the designs of the units, the provisions of forensic services at the Riverview Psychiatric Center and the units and the transfer provisions of Title 34-A, sections 3069, 3069-A and 3069-B.

**LD 655      *Resolve, To Provide the Engineering Study and Planning Needed for a Statewide, Centrally Located Emergency Services Training Facility and Several Regional Training Facilities*      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE M DUTREMBLE D	OTP-AM ONTP	H-528 S-502    HAMPER J

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Public Safety to hire an independent consultant to study the feasibility of establishing a statewide, centrally located firefighter training facility and several regional firefighter training facilities. The resolve includes a General Fund appropriation and requires the department to submit a report based on the results of the study to the Joint Standing Committee on Criminal Justice and Public Safety by January 6, 2016.

**Committee Amendment "A" (H-528)**

This amendment is the majority report of the committee. This amendment replaces the resolve and changes the title.

This amendment directs the Maine Fire Protection Services Commission, after consultation with the State Fire Marshal, to contract with an independent consultant to conduct an engineering study and complete the planning needed for a statewide, centrally located emergency services training facility, to be designated as the Maine Emergency Services Institute, and several regional emergency services training facilities, to be designated as branches of the Maine Emergency Services Institute.

This amendment includes a General Fund appropriation and requires the Maine Fire Protection Services Commission to submit a report based on the results of the engineering study and planning to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 6, 2017.

**Senate Amendment "A" To Committee Amendment "A" (S-502)**

This amendment removes the funding provided in Committee Amendment "A" for a contract with an independent consultant to conduct an engineering study and complete the planning for the emergency services training facility.

**LD 823      *An Act To Upgrade the Concealed Handgun Permit Law*      Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

It amends the laws concerning permits to carry concealed handguns by:

1. Making the Chief of the State Police the sole issuing authority for a permit to carry concealed handguns;

***Joint Standing Committee on Criminal Justice and Public Safety***

- 2. Extending the term of a permit to carry concealed handguns from four years to 10 years; and
- 3. Removing the requirement that a course that includes handgun safety taken by an applicant for a permit to carry concealed handguns must have been taken by the applicant within five years prior to the date of application.

**Committee Amendment "B" (H-595)**

This amendment is minority report of the committee. It provides funding to the Department of Public Safety for the costs of issuing concealed handgun permits and makes a technical correction. This amendment was not adopted.

**LD 944      An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M WALLACE R	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill makes a person who operates a motor vehicle while intoxicated and proximately causes an incident requiring an emergency response liable for the costs of that response up to an amount of \$2,500.

**Committee Amendment "A" (S-390)**

This amendment is the minority report of the committee and replaces the bill. The amendment makes a person who is convicted of operating a motor vehicle while under the influence of alcohol or drugs strictly liable for the costs of specified emergency response services, up to \$1,000, under a court-ordered payment plan.

This amendment was not adopted.

**LD 1002      An Act Regarding the Electronic Monitoring Program      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K	OTP-AM	H-220

This bill was reported out from committee in the prior session and then carried over on the Special Appropriations Table.

This bill includes a General Fund appropriation of \$500,000 in fiscal year 2015-16 and fiscal year 2016-17 for the State Board of Corrections to fund the increased use of electronic monitoring.

**LD 1114      An Act Regarding Sexual Exploitation of Children      PUBLIC 394**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND G LONG R	OTP-AM	S-369

## ***Joint Standing Committee on Criminal Justice and Public Safety***

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill amends the law regarding solicitation of a child to commit a prohibited act and creates the crimes of exploitive travel and unlawful electronic transmission of an image or video depicting sexually explicit conduct. The bill also amends the criminal forfeiture provisions of the sexual exploitation of minors laws to include conveyances and money instruments as items in addition to computer equipment that may be subject to forfeiture proceedings.

### **Committee Amendment "A" (S-369)**

This amendment replaces the bill and changes the title.

This amendment does the following.

1. It amends the law on sexual exploitation of a minor by changing the applicable age of protected minors from under 18 years of age to under 16 years of age, except in cases of compulsion. It also provides that the law does not apply with respect to a minor who is 14 or 15 years old who is employed, solicited, enticed, persuaded or used to engage in sexually explicit conduct by a person who is less than 5 years older than the minor, unless the person is the minor's parent or legal guardian or has care or custody of the minor.
2. It amends the law on dissemination of sexually explicit material by changing the applicable age of protected persons from under 18 years of age to under 16 years of age. It also provides that the law does not apply with respect to a person depicted in such material if the person is 14 or 15 years old and the person disseminating the material is less than 5 years older than the depicted person.
3. It amends the law on possession of sexually explicit material to exempt from the law possession of material in which the depicted person is 14 or 15 years of age and the actor is less than five years older than the depicted person.
4. It amends the law on unauthorized dissemination of certain private images to remove the requirement that the depicted person be 18 years of age or older for the law to apply.

### **Enacted Law Summary**

Public Law 2015, chapter 394 does the following.

1. It amends the law on sexual exploitation of a minor by changing the applicable age of protected minors from under 18 years of age to under 16 years of age, except in cases of compulsion. It also provides that the law does not apply with respect to a minor who is 14 or 15 years old who is employed, solicited, enticed, persuaded or used to engage in sexually explicit conduct by a person who is less than 5 years older than the minor, unless the person is the minor's parent or legal guardian or has care or custody of the minor.
2. It amends the law on dissemination of sexually explicit material by changing the applicable age of protected persons from under 18 years of age to under 16 years of age. It also provides that the law does not apply with respect to a person depicted in such material if the person is 14 or 15 years old and the person disseminating the material is less than 5 years older than the depicted person.
3. It amends the law on possession of sexually explicit material to exempt from the law possession of material in which the depicted person is 14 or 15 years of age and the actor is less than 5 years older than the depicted person.
4. It amends the law on unauthorized dissemination of certain private images to remove the requirement that the depicted person be 18 years of age or older for the law to apply.

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**LD 1387 An Act Regarding the State Board of Corrections**

**ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to amend the laws regarding the State Board of Corrections.

**LD 1447 An Act To Authorize the Maine Governmental Facilities Authority To Issue Securities To Pay for Capital Repairs and Improvements to the Maine Correctional Center in South Windham and a Facility Owned by the Department of Corrections in Washington County**

**PUBLIC 472**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM OTP-AM	S-415

This bill amends current law regarding the authority of the Maine Governmental Facilities Authority to issue securities to increase the ceiling on the securities outstanding for correctional facilities to \$165,000,000 and specifies that the securities must be used for the Maine Correctional Center in South Windham.

**Committee Amendment "A" (S-415)**

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. It changes the title and strikes the bill. It authorizes the Maine Governmental Facilities Authority to issue securities to pay for capital repairs and improvements to the Maine Correctional Center in South Windham and a facility owned by the Department of Corrections in Washington County up to an amount not to exceed \$149,700,000 outstanding at any one time.

**Committee Amendment "B" (S-416)**

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment changes the title and replaces the bill with legislation authorizing a General Fund bond issue. The bonds, in the amount of \$149,700,000, will be used for capital construction, repairs and improvements to the Maine Correctional Center in South Windham and a facility owned by the Department of Corrections in Washington County.

This amendment was not adopted.

**Enacted Law Summary**

Public Law 2013, chapter 472 authorizes the Maine Governmental Facilities Authority to issue securities to pay for capital repairs and improvements to the Maine Correctional Center in South Windham and a facility owned by the Department of Corrections in Washington County up to an amount not to exceed \$149,700,000 outstanding at any one time.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1476 An Act To Improve the Law Concerning Carbon Monoxide Detectors**

**PUBLIC 396  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND G MAREAN D	OTP-AM	S-370

Under current law, carbon monoxide detectors required to be installed in educational facilities and units of multifamily dwellings; fraternity houses, sorority houses and dormitories affiliated with educational facilities; children's homes, shelters and residential care facilities licensed by the Department of Health and Human Services; and eating and lodging places must be powered either by the electrical service in the building and a battery or by a nonreplaceable 10-year battery. This bill allows a carbon monoxide detector installed in such a building to be powered by a battery other than a nonreplaceable 10-year battery if the detector uses a low-power radio frequency wireless communication signal or multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

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

This amendment replaces the bill. The amendment allows the use in certain buildings of a carbon monoxide detector that is powered by replaceable batteries if the detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

**Enacted Law Summary**

Public Law 2015, chapter 396 allows a carbon monoxide detector installed in certain buildings to be powered by a battery other than a nonreplaceable 10-year battery if the detector uses low-power radio frequency wireless communication, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel. The law clarifies that a carbon monoxide detector that is powered by replaceable batteries is allowed if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

Public Law 2015, chapter 396 was enacted as an emergency measure effective March 16, 2016.

**LD 1487 An Act To Amend the Laws on Protection from Abuse, Protection from Harassment and Unauthorized Dissemination of Certain Private Images**

**PUBLIC 410  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE L DIAMOND G	OTP-AM	H-545

This bill amends the protection from abuse laws and the laws concerning unauthorized dissemination of certain private images. The bill provides a process for sealing certain private images and any written information describing and directly pertaining to the images that are contained in court records. The bill adds unauthorized dissemination of certain private images to the definition of "abuse" for the purposes of the protection from abuse laws. The bill adds to the protection from abuse laws remedies pertinent to the unauthorized dissemination of certain private images.

**Committee Amendment "A" (H-545)**

This amendment replaces the bill.

This amendment replaces the title and does the following.

## *Joint Standing Committee on Criminal Justice and Public Safety*

1. In Part A it amends the laws concerning unauthorized dissemination of certain private images by providing that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

2. In Part B it amends the laws on protection from abuse by including in the definition of abuse the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

3. In Part C it amends the laws on protection from harassment by including in the definition of harassment the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

### **Enacted Law Summary**

Public Law 2015, chapter 410 does the following.

1. In Part A it amends the laws concerning unauthorized dissemination of certain private images by providing that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

2. In Part B it amends the laws on protection from abuse by including in the definition of abuse the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

3. In Part C it amends the laws on protection from harassment by including in the definition of harassment the unauthorized dissemination of certain private images. It allows a court in ordering interim relief to enjoin a defendant from engaging in the unauthorized dissemination of certain private images. It allows a court in ordering relief to order the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images or to cease dissemination, and to prohibit the defendant from disseminating the private images. It allows the court to enter any other orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of private images. It

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also provides that access to and dissemination of certain private images and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order of the Supreme Judicial Court.

Public Law 2015, chapter 410 was enacted as an emergency measure effective March 29, 2016.

**LD 1516 An Act To Clarify the Authority of County Sheriffs To Grant Law Enforcement Powers**

**PUBLIC 419  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M CUSHING A	OTP-AM ONTP	H-529

This bill allows a school resource officer to enforce laws relating to crimes committed on school premises and at other locations where that school's activities are occurring.

**Committee Amendment "A" (H-529)**

This amendment replaces the bill and changes the title. The amendment provides a process by which a trained municipal law enforcement officer may be appointed as a deputy sheriff, have the duties of a deputy sheriff to enforce the criminal laws and have the same privileges and immunities as when acting within the officer's own jurisdiction. The amendment requires an agreement between the municipality and the county that specifies the time period and purpose for which authorization is granted and liability between the sheriff's office and the municipal law enforcement agency.

**Enacted Law Summary**

Public Law 2016, chapter 419 provides a process by which a trained municipal law enforcement officer may be appointed as a deputy sheriff, have the duties of a deputy sheriff to enforce the criminal laws and have the same privileges and immunities as when acting within the officer's own jurisdiction. The law requires an agreement between the municipality and the county that specifies the time period and purpose for which authorization is granted and liability between the sheriff's office and the municipal law enforcement agency.

Public Law 2015, chapter 419 was enacted as an emergency measure effective March 31, 2016.

**LD 1523 Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel and Other Law Enforcement Personnel**

**RESOLVE 80**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P NADEAU C	OTP-AM	S-383 H-663 DAVITT J

This resolve provides appropriations and allocations to increase by 5% the base salary of law enforcement supervisors in the Department of Agriculture, Conservation and Forestry, the Baxter State Park Authority, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Public Safety. This resolve also requires the Department of Administrative and Financial Services, Bureau of Human Resources to make a corresponding change to the bureau's rules governing compensation.

**Committee Amendment "A" (S-383)**

This amendment adds senior motor vehicle detectives and the Capitol Police sergeants to those law enforcement supervisors who will receive a 5% salary increase under the resolve.

*Joint Standing Committee on Criminal Justice and Public Safety*

**House Amendment "A" To Committee Amendment "A" (H-663)**

This amendment replaces the resolve. It makes salary schedule adjustments for law enforcement positions as proposed in LD 1653 and incorporates the salary increases for law enforcement supervisors as proposed in the resolve, except that it adds senior motor vehicle detective positions and delays the proposed increases to August 1, 2016, effective for the first pay period commencing on or after July 1, 2016.

**Enacted Law Summary**

Resolve 2015, chapter 80 adjusts upward the salary schedules for certain law enforcement personnel beginning July 1, 2016 as follows:

1. A 12% increase for positions classified as Game Warden Sergeant, Game Warden Lieutenant, Marine Patrol Pilot Supervisor, Marine Patrol Sergeant or Marine Patrol Lieutenant;
2. A 13% increase for positions classified as State Police Trooper, Game Warden Investigator, Game Warden Specialist, Capitol Police Officer or Fire Investigator;
3. A 14% increase for positions classified as Game Warden Pilot Supervisor;
4. A 15% increase for positions classified as State Police Specialist, State Police Corporal, State Police Detective, State Police Polygraph Examiner, State Police Forensic Specialist, State Police Pilot, State Police Pilot Supervisor, State Police Polygraph Examiner Supervisor, State Police Sergeant-E, Game Warden, Marine Patrol Officer, Capitol Police Sergeant, Senior Fire Investigator, Fire Investigations Sergeant or Forensic Specialist, Dual Discipline;
5. A 17% increase for positions classified as Game Warden Pilot;
6. A 18% increase for positions classified as State Police Lieutenant, Capitol Police Lieutenant or Marine Patrol Specialist;
7. A 5% increase for senior motor vehicle detectives within the Department of the Secretary of State; and
8. A 5% increase for law enforcement supervisors in the Department of Agriculture, Conservation and Forestry, the Baxter State Park Authority, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Public Safety.

Resove 2015, chapter 80 also provides that the funds in the Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be used for economic items contained in this resolve and in Public Law 2015, chapter 376 in fiscal year 2016-17 but limits the total amount that may be transfered from the Salary Plan program pursuant to this resolve to no more than \$6,347,655 in fiscal year 2016-17.

**LD 1526     An Act Regarding the Disclosure of Intelligence and Investigative Record Information**

**PUBLIC 411**

Sponsor(s)  
BURNS D  
HOBBINS B

Committee Report  
OTP-AM

Amendments Adopted  
S-379

This bill allows a state criminal justice agency, subject to reasonable limitations, to disclose intelligence and investigative record information to an employee or volunteer of a nongovernmental advocacy program for persons with mental illness as long as the employee or volunteer has a specific agreement with the agency that complies with the Maine Revised Statutes, Title 16, section 806, subsection 3.

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**Committee Amendment "A" (S-379)**

This amendment replaces the bill and changes the title. Current law allows a criminal justice agency to disclose intelligence and investigative record information to a sexual assault counselor or an advocate for victims of domestic or family violence if a specific agreement exists between the counselor or advocate and the agency and the agreement contains terms provided in the statute. The amendment repeals these provisions and instead places into law a list of requirements that must be met by a sexual assault counselor or an advocate that receives intelligence and investigative record information from a criminal justice agency.

**Enacted Law Summary**

Public Law 2015, chapter 411 amends the law on disclosure of intelligence and investigative record information to a sexual assault counselor or an advocate for victims of domestic or family violence. Current law requires for disclosure that a specific agreement exist between the counselor or advocate and the agency and that the agreement contains terms provided in the statute. Public Law 2015, chapter 411 repeals these provisions and instead places into law a list of requirements that must be met by a sexual assault counselor or an advocate in order to receive intelligence and investigative record information from a criminal justice agency.

**LD 1529 An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides**

**PUBLIC 421  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-382

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

It proposes to review and change, if necessary, the application fees and inspection fees charged by the Department of Public Safety for amusement rides set forth in the Maine Revised Statutes, Title 8, chapter 18.

**Committee Amendment "A" (S-382)**

This amendment replaces the bill, adds an emergency preamble and emergency clause and makes the following changes to the law regarding the inspection of amusement rides and amusement devices.

1. It removes the \$100 application fee for the inspection of amusement rides.
2. It changes the inspection fee for amusement rides and amusement devices from \$75 per hour per ride or device to a \$100 flat fee per amusement ride or amusement device.
3. It provides that if an amusement ride or amusement device is not available for inspection at the time the Office of the State Fire Marshal conducts its inspections, the owner or operator must still pay the \$100 inspection fee and an additional \$100 per amusement ride or amusement device each time an inspector must return to inspect a ride or device that was not available for inspection during the prior inspection.
4. It exempts a bounce house or other similar inflatable structures from the inspection requirement imposed on amusement rides and amusement devices.

**Enacted Law Summary**

Public Law 2015, chapter 421 makes the following changes to the law regarding the inspection of amusement rides and amusement devices.

1. It removes the \$100 application fee for the inspection of amusement rides.

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2. It changes the inspection fee for amusement rides and amusement devices from \$75 per hour per ride or device to a \$100 flat fee per amusement ride or amusement device.

3. It provides that if an amusement ride or amusement device is not available for inspection at the time the Office of the State Fire Marshal conducts its inspections, the owner or operator must still pay the \$100 inspection fee and an additional \$100 per amusement ride or amusement device each time an inspector must return to inspect a ride or device that was not available for inspection during the prior inspection.

4. It exempts a bounce house or other similar inflatable structures from the inspection requirement imposed on amusement rides and amusement devices.

Public Law 2015, chapter 421 was enacted as an emergency measure effective March 31, 2016.

**LD 1534     An Act To Reduce the Trafficking of Illegal Drugs in the State**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D	OTP-AM OTP-AM	S-371

This bill establishes the Maine State Police Drug Interdiction Unit in the Department of Public Safety, Bureau of State Police to conduct drug trafficking patrols on state roads and ways and at access points to the State to prevent the trafficking of illegal drugs in the State. The drug interdiction unit consists of at least three state police officers and a supervising state police officer, all of whom must have training and experience in illegal drug interdiction techniques.

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

This amendment is the majority report of the committee. This amendment provides funding for three State Police Trooper positions, one State Police Sergeant position and related costs for the Maine State Police Drug Interdiction Unit in the Department of Public Safety, Bureau of State Police.

**Committee Amendment "B" (S-372)**

This amendment is the minority report of the committee. This amendment specifies that the Maine State Police Drug Interdiction Unit in the Department of Public Safety, Bureau of State Police must be established using existing resources and vacant positions within the Maine State Police.

This amendment was not adopted.

**LD 1536     An Act To Provide Ballistic Vests to State Law Enforcement Officers  
and Certain Other State Agents**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D EVES M	OTP-AM OTP-AM	S-428

This bill requires that all active law enforcement officers employed by the State, including game wardens, forest rangers, marine patrol officers and investigative officers and detectives in the Office of the Attorney General, the Department of the Secretary of State and the Department of Corrections, be equipped with well-fitting,

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contemporary ballistic vests. This bill also requires such vests to be provided for dogs used in law enforcement by the State. The cost of each vest must be paid by the political subdivision of the State employing the law enforcement officer or using the dog. The State is permitted to accept private or public funds to offset the cost of the vests.

### **Committee Amendment "A" (S-428)**

This amendment is the majority report of the committee. It removes juvenile community corrections officers from the list of positions in which individuals must be issued ballistic vests. It also limits the application of the bill to individuals employed by the State.

### **Committee Amendment "B" (S-429)**

This amendment is the minority report of the committee. It adds security screeners in the State Capitol Building to the list of positions in which individuals must be issued ballistic vests. It also limits the application of the bill to individuals employed by the State. This amendment was not adopted.

### **LD 1540     An Act To Protect All Students in Elementary or Secondary Schools                   from Sexual Assault by School Officials**

**PUBLIC 509**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S NADEAU C	OTP-AM	S-365

This bill removes the age limit on the victim of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault when the victim is a student at an elementary, secondary or special education school and the actor is a person at the school who has authority over the student.

Additionally, this bill specifies that a parent convicted of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault is subject to stricter scrutiny by the court when it determines residence for and contact with a child of the parent when the victim was a student at an elementary, secondary or special education school and the parent was a person at the school who had authority over the student.

### **Committee Amendment "A" (S-365)**

This amendment removes those sections of the bill that remove the age limit on the victim of the crime of unlawful sexual contact and unlawful sexual touching when the victim is a student at an elementary, secondary or special education school and the actor is a person at the school who does not have authority over the student.

### **Enacted Law Summary**

Public Law 2015, chapter 509 removes the age limit on the victim of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault when the victim is a student at an elementary, secondary or special education school and the actor is a person at the school who has authority over the student.

Public Law 2015, chapter 509 also specifies that a parent convicted of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault is subject to stricter scrutiny by the court when it determines residence for and contact with a child of the parent when the victim was a student at an elementary, secondary or special education school and the parent was a person at the school who had authority over the student.

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**LD 1541 An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs**

**PUBLIC 485**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S NADEAU C	OTP-AM OTP-AM	S-403

This bill raises the class of crime for the illegal importation of scheduled drugs from a Class C crime to a Class B crime if the drug is a schedule W drug and from a Class D crime to a Class C crime if the drug is a schedule X, Y or Z drug.

The bill also creates the crime of aggravated illegal importation of scheduled drugs. Under the new crime, which is based on the crime of aggravated trafficking of scheduled drugs, certain aggravating factors, such as a prior conviction, using a child under 18 years of age to assist with the illegal importation or the quantity of drugs being imported, raise the class of crime by one class.

This bill specifies that the minimum sentence of imprisonment is four years for a Class A violation of illegal importation of drugs or aggravated illegal importation of drugs and two years for a Class B violation of those crimes.

**Committee Amendment "A" (S-403)**

This amendment is the majority report of the committee. This amendment removes from the bill the provision that specifies a minimum sentence of imprisonment of four years for a Class A violation or two years for a Class B violation of the law prohibiting illegal importation of scheduled drugs. The amendment adds aggravated illegal importation of a scheduled drug to the crimes that may result, under certain circumstances, in the forfeiture of firearms. The amendment retains the provisions of the bill that establish a new crime of aggravated illegal importation of a scheduled drug and specify for that crime a minimum sentence of imprisonment of four years for a Class A violation and two years for a Class B violation.

**Committee Amendment "B" (S-404)**

This amendment is the minority report of the committee. The amendment raises the class of crime for the illegal importation of scheduled drugs for a schedule W drug from a Class C crime to a Class B crime if the drug is fentanyl powder or the drug is heroin and at the time of the offense the person illegally imports six grams or more of heroin or 270 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin.

Like the bill, this amendment creates the crime of aggravated illegal importation of a scheduled drug; however, the amendment limits the scheduled drugs that may give rise to the crime to fentanyl powder and certain amounts of heroin. The aggravating factors include a prior drug conviction, using a firearm while committing the offense, having a child under 18 years of age assist with the illegal importation and when death is in fact caused by the use of the scheduled drug.

The amendment adds aggravated illegal importation of a scheduled drug to the crimes that may result, under certain circumstances, in the forfeiture of firearms.

The amendment specifies that the minimum sentence of imprisonment is four years for a violation of the law prohibiting aggravated illegal importation of a scheduled drug.

This amendment was not adopted.

**Enacted Law Summary**

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Public Law 2015, chapter 485 raises the class of crime for the illegal importation of scheduled drugs from a Class C crime to a Class B crime if the drug is a schedule W drug and from a Class D crime to a Class C crime if the drug is a schedule X, Y or Z drug.

The law also creates the crime of aggravated illegal importation of scheduled drugs. Under the law, which is based on the crime of aggravated trafficking of scheduled drugs, certain aggravating factors, such as a prior conviction, using a child under 18 years of age to assist with the illegal importation or the quantity of drugs being imported, raise the class of crime by one class. A Class A violation of aggravated illegal importation of drugs carries a minimum sentence of four years and a Class B carries a minimum sentence of two years.

### **LD 1554     An Act To Resolve Inconsistencies in the Drug Laws**

**PUBLIC 496**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-418
DAVITT J	OTP-AM	H-664    DION M

This bill corrects a conflict created by Public Law 2015, chapters 308 and 346, which affected the same provision of law. It repeals the provision and replaces it with a new version that provides that a person is guilty of unlawful possession of a scheduled drug and commits a Class C crime if the person intentionally or knowingly possesses what that person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is a schedule W drug that contains:

1. Heroin;
2. Cocaine in the form of cocaine base, oxycodone, hydrocodone or hydromorphone and at the time of the offense the person had one or more convictions for violating the State's drug laws or for engaging in substantially similar conduct to that of offenses under the State's drug laws in another jurisdiction;
3. Methamphetamine;
4. Oxycodone and the aggregate quantity of pills, capsules, tablets, mixtures or substances is equal to or more than 30 milligrams;
5. Fentanyl powder;
6. Cocaine and the quantity possessed is seven grams or more; or
7. Cocaine in the form of cocaine base and the quantity possessed is two grams or more.

#### **Committee Amendment "A" (S-417)**

This amendment is the majority report of the committee. This amendment repeals two conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, subsection 1, paragraph B, which was amended by Public Law 2015, chapter 308, section 2 and chapter 346, section 6. The amendment resolves the conflicts and enacts a new version of Title 17-A, section 1107-A, subsection 1, paragraph B. Under this amendment, and subject to other provisions of law that address the quantities of drugs possessed:

1. The first offense of possession of oxycodone, hydrocodone or hydromorphone is a Class D crime, and a second or subsequent offense is a Class C crime;
2. Possession of heroin, methamphetamine and fentanyl powder is a Class C crime;

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3. Possession of cocaine in a quantity of 14 grams or more is a Class C crime and possession of less than 14 grams is a Class D crime; and
4. Possession of cocaine in the form of cocaine base if the quantity is four grams or more or if the offense is a second or subsequent offense is a Class C crime.

This amendment also amends the law on affirmative defenses to charges of possession of schedule W prescription drugs to take into account reordering in Title 17-A, section 1107-A, subsection 1, paragraph B the list of prescription drugs and amends the law on deferred disposition under Title 17-A, section 1348-A to affirmatively state that deferred disposition is a preferred disposition in a prosecution for possession of schedule W drugs under Title 17-A, section 1107-A, subsection 1, paragraph B.

This amendment was not adopted.

### **Committee Amendment "B" (S-418)**

This amendment is the minority report of the committee. The amendment repeals two conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, subsection 1, paragraph B, which was amended by Public Law 2015, chapter 308, section 2 and chapter 346, section 6. The amendment resolves the conflict and enacts a new version of Title 17-A, section 1107-A, subsection 1, paragraph B. Under this amendment, and subject to other provisions of law that address the quantities of drugs possessed:

1. The first offense of possession of heroin, methamphetamine, oxycodone, hydrocodone, hydromorphone or fentanyl powder, or cocaine in the form of cocaine base if the quantity possessed is two grams or more, is a Class D crime;
2. The second and subsequent offenses of possession of heroin, methamphetamine, oxycodone, hydrocodone, hydromorphone or fentanyl powder, or cocaine in the form of cocaine base if the quantity possessed is 2 grams or more, is a Class C crime;
3. The first offense and the second and subsequent offenses of possession of cocaine in the form of cocaine base if the quantity possessed is less than two grams is a Class D crime; and
4. By the interaction of Title 17-A, section 1107-A, subsection 1, paragraphs A, B and C, the possession of cocaine in any quantity of 14 grams or less regardless of whether the offense is a first or subsequent offense is a Class D crime.

### **House Amendment "A" To Committee Amendment "B" (H-664)**

This amendment repeals two conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, subsection 1, paragraph B, which was amended by Public Law 2015, chapter 308, section 2 and chapter 346, section 6. The amendment resolves the conflicts. Under this amendment, as long as a person does not have one or more prior convictions for furnishing or trafficking scheduled drugs or operation of a methamphetamine laboratory, possession of the following is a Class D crime:

1. Heroin in the amount of 200 milligrams or less;
2. Cocaine in the amount of two grams or less;
3. Cocaine in the form of cocaine base in the amount two grams or less;
4. Oxycodone in the amount of 200 milligrams or less;
5. Hydrocodone in the amount of 200 milligrams or less;

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6. Hydromorphone in the amount of 200 milligrams or less;
7. Methamphetamine in the amount of 200 milligrams or less; or
8. Fentanyl powder in the amount of 200 milligrams or less.

For a person who has one or more convictions for violating the laws governing furnishing or trafficking scheduled drugs or operating a methamphetamine laboratory, possession of the above-listed scheduled drugs is a Class C crime.

This amendment also amends the law on affirmative defenses to charges of possession of schedule W prescription drugs and amends the law on deferred disposition under Title 17-A, section 1348-A to affirmatively state that deferred disposition is a preferred disposition in a prosecution for possession of schedule W drugs under Title 17-A, section 1107-A, subsection 1, paragraphs B and B-1.

### **Enacted Law Summary**

Public Law 2015, chapter 496 repeals two conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, subsection 1, paragraph B and enacts a new version. Public Law 2015, chapter 496 amends the laws on possession of schedule W drugs so that:

1. As long as a person does not have one or more prior convictions for furnishing or trafficking scheduled drugs or operation of a methamphetamine laboratory, possession of the following is a Class D crime:
  - A. Heroin in the amount of 200 milligrams or less;
  - B. Cocaine in the amount of two grams or less;
  - C. Cocaine in the form of cocaine base in the amount two grams or less;
  - D. Oxycodone in the amount of 200 milligrams or less;
  - E. Hydrocodone in the amount of 200 milligrams or less;
  - F. Hydromorphone in the amount of 200 milligrams or less;
  - G. Methamphetamine in the amount of 200 milligrams or less; or
  - H. Fentanyl powder in the amount of 200 milligrams or less;
2. For a person who has one or more convictions for violating the laws governing furnishing or trafficking scheduled drugs or operating a methamphetamine laboratory, possession of the above-listed scheduled drugs is a Class C crime;
3. For a person charged with possession, deferred disposition is a preferred disposition in a prosecution for possession of schedule W drugs under Title 17-A, section 1107-A, subsection 1, paragraphs B and B-1; and
4. For a person who is charged with possession of schedule W drugs the affirmative defense of possession of a valid prescription applies to each subsection of Title 17-A, section 1107-A under which that person could be charged.

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**LD 1572    An Act To Ensure Nondiscrimination against Gun Owners in Certain Federally Subsidized Housing**

**PUBLIC 455**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A FREDETTE K	OTP-AM ONTP	S-405

This bill prohibits a rental agreement for the provision of public housing from containing a provision requiring a tenant to agree to a prohibition on the lawful ownership, use, possession, bearing or transportation of a firearm, firearm component or ammunition on or within the premises by a tenant, tenant's household member or guest.

**Committee Amendment "A" (S-405)**

This amendment does the following.

1. It restricts the application of the bill to a rental unit for which the landlord receives federal rent subsidies under the multifamily housing rental assistance program, the housing choice voucher program, the new construction program, the substantial rehabilitation program or the moderate rehabilitation program. The ability of tenants in public housing owned and operated by the State to possess a firearm is addressed by a 1995 Maine Supreme Judicial Court decision: *John Doe, et al. v. Portland Housing Authority*, 656 A.2d 1200 (1995).
2. It limits the bill's prohibition on firearm restrictions to the tenant's specific rental unit and allows a landlord to impose reasonable restrictions related to the possession, use or transport of a firearm within common areas as long as those restrictions do not circumvent the use or possession of a firearm in the tenant's rental unit.
3. It modifies the landlord immunity provision to cover civil liability that may arise from any firearm, legally or illegally possessed, that the landlord is required to allow on the property under the bill. The bill limits the landlord's immunity to cases in which the firearm was lawfully owned by the tenant.
4. It provides that the landlord immunity provision does not cover willfully, recklessly or grossly negligent acts by the landlord. The bill exempts the landlord from immunity only when that landlord is grossly negligent.
5. It exempts an owner-occupied housing accommodation of four units or fewer from the bill's prohibition on firearm restrictions.

**Enacted Law Summary**

Public Law 2015, chapter 455 prohibits a rental agreement for the provision of certain public housing from containing a provision requiring a tenant to agree to a prohibition on the lawful ownership, use, or possession, of a firearm, firearm component or ammunition within the tenants specific rental unit by a tenant, tenant's household member or guest. It limits the scope of this provision to rental units for which the landlord receives federal rent subsidies under the multifamily housing rental assistance program, the housing choice voucher program, the new construction program, the substantial rehabilitation program or the moderate rehabilitation program. The ability of tenants in public housing owned and operated by the State to possess a firearm is not affected by Public Law 2015, chapter 455 but is addressed by a 1995 Maine Supreme Judicial Court decision: *John Doe, et al. v. Portland Housing Authority*, 656 A.2d 1200 (1995).

Public Law 2015, chapter 455 allows a landlord who receives federal rent subsidies to impose reasonable restrictions related to the possession, use or transport of a firearm within common areas as long as those restrictions do not circumvent the use or possession of a firearm in the tenant's rental unit.

Public Law 2015, chapter 455 provides a landlord with immunity from any civil liability that may arise from a

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firearm, legally or illegally possessed, that the landlord is required to allow on the property under the provisions of this law. It also provides that the landlord immunity provision does not cover willfully, recklessly or grossly negligent acts by the landlord.

Public Law 2015, chapter 455 exempts an owner-occupied housing accommodation of four units or fewer from the provisions of this law.

**LD 1575     An Act To Make Technical Amendments to the Maine Juvenile Code**

**PUBLIC 409**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill implements the recommendations of the Criminal Law Advisory Commission to make technical amendments to the Maine Juvenile Code. Specifically, the bill makes changes to the Maine Revised Statutes, Title 15, Part 6 as follows.

1. It amends references in the Maine Juvenile Code to the Superior Court to more accurately identify that, following a bind-over hearing, a juvenile is prosecuted as an adult.
2. It corrects a cross-reference in the laws concerning hunting and operating under the influence.
3. It corrects a headnote and the term "conviction" in reference to the disposition of a juvenile crime.
4. It changes a reference to the Superior Court to the Supreme Judicial Court to reflect that juvenile appeals are to the Supreme Judicial Court.
5. It establishes that if a juvenile is bound over for prosecution as an adult the issue of the juvenile's competency may be revisited.

**Enacted Law Summary**

Public Law 2015, chapter 409 makes technical amendments to the Maine Juvenile Code, the Maine Revised Statutes, Title 15, Part 6, as follows:

1. It amends references in the Maine Juvenile Code to the Superior Court to more accurately identify that, following a bind-over hearing, a juvenile is prosecuted as an adult;
2. It corrects a cross-reference in the laws concerning hunting and operating under the influence;
3. It corrects a headnote and the term "conviction" in reference to the disposition of a juvenile crime;
4. It changes a reference to the Superior Court to the Supreme Judicial Court to reflect that juvenile appeals are to the Supreme Judicial Court; and
5. It establishes that if a juvenile is bound over for prosecution as an adult the issue of the juvenile's competency may be revisited.

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**LD 1603    An Act To Implement the Recommendations of the Criminal Law  
Advisory Commission Relative to the Maine Criminal Code and Related  
Statutes**

**PUBLIC 470**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-566
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This bill implements the recommendations of the Criminal Law Advisory Commission to make amendments to the Maine Criminal Code and related statutes. Specifically, the bill:

1. Amends the law on prohibited possession of firearms to remove a redundant reference in the case of a deferred disposition;
2. Amends the law on prohibited possession of firearms as a result of a domestic violence offense to add termination of the five-year prohibition period if at the conclusion of a deferred disposition period the court grants the State's motion to allow a person to withdraw the plea and the State dismisses the pending charging instrument with prejudice;
3. Adds penalties for possession of a firearm by a person designated as prohibited pursuant to the Maine Revised Statutes, Title 15, section 393, subsection 1, paragraphs F to J and subsection 1-B. These prohibition provisions were added by Public Law 2015, chapter 287, sections 3 and 5, but penalties for violations of them were not enacted. This bill makes a violation of paragraphs F to J a Class D crime. It makes a violation of subsection 1-B by a person at least 18 years of age a Class C crime;
4. Enacts a definition of "administration of juvenile justice" in Title 15, chapter 102 regarding the interception of wire and oral communications that is consistent with the Maine Juvenile Code;
5. Amends the definition of "administration of criminal justice" as used in certain laws regarding the interception of wire and oral communications by including under administration of criminal justice activities under the Intelligence and Investigative Record Information Act;
6. Amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year;
7. Amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court in determining the basic term of imprisonment as the first step in the sentencing process to select a term of at least two years; and
8. Strikes redundant provisions requiring the court, in imposing a sentencing alternative for the crime of stalking, to consider whether the victim was being stalked by the person being sentenced.

Current law provides that for the purpose of imposing a sentence for certain crimes, if the defendant has two or more convictions for those crimes, the sentencing class for the crime is one class higher. This bill provides that an attempt to commit such crimes also results in a higher sentencing class.

**Committee Amendment "A" (H-566)**

This amendment strikes the bill and does the following.

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1. The amendment designates the classes of crime in the subsections or paragraphs of the Maine Revised Statutes, Title 15, section 393 on prohibited possession of firearms to conform to the Maine Criminal Code drafting standards. The amendment repeals the subsection that does not conform to current drafting standards.
2. Like the bill, the amendment terminates the five-year period of prohibited possession of firearms when charges of violating the prohibition for domestic violence offenses are dismissed at the end of a period of deferred disposition.
3. Like the bill, the amendment defines or standardizes the use of certain terms and references to those terms in the laws governing interception of wire and oral communications to reference actions taken under the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act; the amendment also makes these changes in the laws governing the Department of Corrections.
4. Like the bill, the amendment amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year.
5. Like the bill, the amendment amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court in determining the basic term of imprisonment as the first step in the sentencing process to select a term of at least two years.
6. Like the bill, the amendment strikes redundant provisions requiring the court, in imposing a sentencing alternative for the crime of stalking, to consider whether the victim was being stalked by the person being sentenced.

Current law provides that for the purpose of imposing a sentence for certain crimes, if the defendant has two or more convictions for those crimes, the sentencing class for the crime is one class higher. Like the bill, the amendment provides that an attempt to commit such crimes also results in a higher sentencing class.

### **Enacted Law Summary**

Public Law 2015, chapter 470 amends the Maine Criminal Code as follows.

1. The law designates the classes of crime in the subsections or paragraphs of the Maine Revised Statutes, Title 15, section 393 on prohibited possession of firearms to conform to the Maine Criminal Code drafting standards.
2. The law terminates the five-year period of prohibited possession of firearms when charges of violating the prohibition for domestic violence offenses are dismissed at the end of a period of deferred disposition.
3. The law defines or standardizes the use of certain terms and references to those terms in the laws governing interception of wire and oral communications to reference actions taken under the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act.
4. The law makes these changes in the laws governing the Department of Corrections.
5. The law amends the Class C sentencing provision for a person convicted of stalking who has one or more prior convictions to clarify that although the court continues to have discretion to impose any other authorized sentencing alternative, the court is required to impose a sentencing alternative that includes a term of imprisonment of at least one year.

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6. The law amends the Class B sentencing provision for a person convicted of stalking who has one or more prior convictions, at least one of which was for stalking two or more specific persons that are members of an identifiable group, to require the court in determining the basic term of imprisonment as the first step in the sentencing process to select a term of at least two years.

7. The law strikes redundant provisions requiring the court, in imposing a sentencing alternative for the crime of stalking, to consider whether the victim was being stalked by the person being sentenced.

8. The law raises the class of certain "attempt" crimes to a higher class in a manner that is consistent with the increase in class for second and subsequent convictions of those crimes.

**LD 1614      Resolve, To Provide Funding for the County Jail Operations Fund**

**RESOLVE 90  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-400
	ONTP	S-508    HAMPER J

This resolve was reported by a majority of the Joint Standing Committee on Criminal Justice and Public Safety pursuant to the Maine Revised Statutes, Title 34-A, section 1402, subsection 13 and was then referred back to committee for processing in the normal course.

This resolve provides funding for the operation of the State's county jails and regional jail in the amount of \$2,465,896 in fiscal years 2015-16 and 2016-17.

**Committee Amendment "A" (S-400)**

This amendment is the majority report of the committee. The amendment specifies that the funding is provided on a one-time basis. The amendment requires the Department of Corrections to make the distributions pursuant to the resolve prior to June 30, 2016 and prior to June 30, 2017 on the basis of the financial needs of each county jail and the regional jail. The amendment requires the department to determine the financial needs of the jails in cooperation with the Maine County Commissioners Association and the Maine Sheriffs' Association, taking into consideration the revenues and verified expenditures of each jail and the use of tax assessments by each county as a source of funding for the jail as allowed by current law.

**Senate Amendment "B" To Committee Amendment "A" (S-508)**

This amendment eliminates the proposed General Fund appropriation in fiscal year 2016-17 for the County Jail Operations Fund and reduces the General Fund appropriation to Medical Care - Payments to Providers by \$2,465,896 in fiscal year 2016-17 as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

**Enacted Law Summary**

Resolve 2015, chapter 90 provides General Fund funding for the operation of the State's county jails and regional jail in the amount of \$2,465,896 in fiscal years 2015-16 and reduces the General Fund appropriation to Medical Care - Payments to Providers by \$2,465,896 in fiscal year 2016-17 as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

Resolve 2015, chapter 90 was passed as an emergency measure effective April 29, 2016.

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**LD 1626      Resolve, Regarding Legislative Review of Portions of Chapter 4:  
Water-based Fire Protection Systems, a Late-filed Major Substantive  
Rule of the Department of Public Safety, Office of the State Fire  
Marshal**

**RESOLVE 70  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

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 that was filed outside the legislative rule acceptance period.

**Enacted Law Summary**

Resolve 2015, chapter 70 authorizes final adoption 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 2015, chapter 70 was passed as an emergency measure effective March 29, 2016.

**LD 1628      An Act To Strengthen the Laws on Operating a Motor Vehicle under the  
Influence of Intoxicants**

**Died Between  
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP  
OTP-AM

This bill was reported by the committee pursuant to joint order, S.P. 631 and then referred back to the committee for processing in the normal course.

This bill contains the recommendations of the majority of the Working Group on Marijuana and Driving that was convened in 2015 by the Secretary of State. The bill does the following.

1. It establishes a permissible inference of operating under the influence of intoxicants when a person operates a motor vehicle and has a level of delta-nine-tetrahydrocannabinol, or THC, of five nanograms or more per milliliter of blood.
2. It establishes a permissible inference of operating under the influence of intoxicants when a person operates a motor vehicle and has a level of THC of two nanograms or more per milliliter of blood and an alcohol level of 0.05 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.
3. It establishes a 0.00 nanogram level for THC for a person under 21 years of age and provides an affirmative defense for marijuana use in compliance with the Maine Medical Use of Marijuana Act.
4. It permits a qualified law enforcement officer, without making an arrest, to request that a person who the officer reasonably believes has been operating under the influence take a preliminary breath test for alcohol level and allows the results to be used to determine whether there is probable cause to believe the person was operating under the influence.

**Committee Amendment "A" (S-420)**

*Joint Standing Committee on Criminal Justice and Public Safety*

This amendment is the minority report of the committee. This amendment clarifies that THC level is determined based on a milliliter of whole blood. This amendment provides funds to allow the Department of Public Safety to conduct drug testing.

This amendment was not adopted.

**LD 1632 An Act To Make Certain Statutory Changes in Light of the New Maine Rules of Unified Criminal Procedure**

**PUBLIC 431**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-565

This bill implements the recommendations of the Criminal Law Advisory Commission and makes the following changes to the Maine Revised Statutes.

1. It replaces all references and citations to the former Maine Rules of Criminal Procedure with references and citations to the new Maine Rules of Unified Criminal Procedure.
2. It repeals, amends or enacts provisions to provide that the Superior Court will no longer be called upon to exercise its jurisdiction to hear appeals and petitions from the District Court.
3. It removes the reference to Rule 42 of the Maine Rules of Criminal Procedure in the Maine Revised Statutes, Title 14, section 3142, subsection 3.
4. It replaces the word "judge" with the word "court" in certain provisions in Title 15 and Title 17-A because modern usage does not employ the word "judge" to refer simultaneously to both a justice and a judge. Instead, the word "court" is employed.
5. It removes references to Rule 16 of the Maine Rules of Criminal Procedure in certain provisions in Title 15 and Title 17-A.
6. It amends certain provisions in Title 15 to enhance clarity and consistency.

**Committee Amendment "A" (H-565)**

This amendment provides technical corrections to the bill and rewrites the proposed changes to the law regarding filing copies of the proceedings in murder and felony murder cases.

The amendment changes the requirements applicable to the assembling of records in cases in which a person is convicted of murder or felony murder. With respect to the records that must be assembled, the amendment repeals the requirement that a copy of the Maine Rules of Criminal Procedure, Rule 11 be included, requires inclusion of a transcript of the plea hearing and jury instructions and repeals the requirement that the charge of the presiding justice be included. The amendment makes the same changes in the law requiring the clerk of court to provide certain records to the Secretary of State for use by the Governor in a pardon hearing.

**Enacted Law Summary**

Public Law 2015, chapter 431 enacts the recommendations of the Criminal Law Advisory Commission. The law does the following.

1. It replaces all references and citations to the former Maine Rules of Criminal Procedure with references and citations to the new Maine Rules of Unified Criminal Procedure.

***Joint Standing Committee on Criminal Justice and Public Safety***

2. It repeals, amends or enacts provisions to provide that the Superior Court will no longer be called upon to exercise its jurisdiction to hear appeals and petitions from the District Court.
3. It removes the reference to Rule 42 of the Maine Rules of Criminal Procedure in the Maine Revised Statutes, Title 14, section 3142, subsection 3.
4. It replaces the word "judge" with the word "court" in certain provisions in Title 15 and Title 17-A because modern usage does not employ the word "judge" to refer simultaneously to both a justice and a judge. Instead, the word "court" is employed.
5. It removes references to Rule 16 of the Maine Rules of Criminal Procedure in certain provisions in Title 15 and Title 17-A.
6. It amends certain provisions in Title 15 to enhance clarity and consistency.
7. It rewrites the law regarding filing copies of the proceedings in murder and felony murder cases. With respect to the records that must be assembled, the law repeals the requirement that a copy of the Maine Rules of Criminal Procedure, Rule 11 be included, requires inclusion of a transcript of the plea hearing and jury instructions and repeals the requirement that the charge of the presiding justice be included. The law makes the same changes in the law requiring the clerk of court to provide certain records to the Secretary of State for use by the Governor in a pardon hearing.

**LD 1647     An Act Relating to Penalties for Drug Offenses**

**Died Between  
Houses**

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

The purpose of this bill is to ensure that Maine is in compliance with 23 United States Code, Section 159(a)(3)(A), a federal law that requires the withholding of federal funds unless a state provides for a mandatory six month revocation or suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act or a drug offense.

This bill does the following.

1. It requires a court to suspend for a minimum of 6 months the driver's license of a person convicted of a crime specified in the Maine Revised Statutes, Title 17-A, chapter 45, except for section 1116, which prohibits trafficking or furnishing imitation scheduled drugs.
2. If a person who is convicted of a crime specified in Title 17-A, chapter 45, except for section 1116, does not have a driver's license, or the person's driver's license is already suspended, it requires the court to delay the issuance or reinstatement of the license of that person for at least six months after the person applies for issuance or reinstatement of a driver's license.
3. It requires the Secretary of State, on receipt of an attested copy of a court record of a suspension of the driver's license of a person convicted of violating the federal Controlled Substances Act or of a crime specified in Title 17-A, chapter 45, except for section 1116, to immediately record the suspension and send written notice of the suspension to the person whose license has been suspended. If that person does not have a driver's license or that person's driver's license is already suspended, the Secretary of State is required to delay the issuance or

***Joint Standing Committee on Criminal Justice and Public Safety***

reinstatement of that person's license for the period specified by the court.

4. It increases the minimum period of suspension for a person convicted of operating under the influence of intoxicants, including scheduled drugs, who has no prior convictions for operating under the influence within a 10-year period, from 150 days to 180 days.

**Committee Amendment "A" (S-425)**

This amendment is one of two minority reports of the committee. The bill increases the driver's license suspension period from 150 days to 180 days for a person who is convicted of operating under the influence and who has no previous operating under the influence convictions within the prior 10 years. The amendment makes the change from 150 to 180 days in two other provisions of operating under the influence law.

This amendment also adds an allocation for the cost of computer programming necessitated by the changes made to the bill.

This amendment was not adopted.

**Committee Amendment "B" (S-426)**

This amendment is one of two minority reports of the committee. The bill increases the driver's license suspension period from 150 days to 180 days for a person who is convicted of operating under the influence and who has no previous operating under the influence convictions within the prior 10 years. This amendment makes the change from 150 to 180 days in two other provisions of operating under the influence law. The amendment adds to several provisions of the bill an exception based on compelling circumstances found by the court. In the case of a drug conviction under Title 17-A, chapter 45, this exception could negate the suspension completely. In the case of an operating under the influence conviction, this exception could decrease the suspension period to 150 days.

This amendment adds an allocation for the cost of computer programming necessitated by the changes made to the bill.

This amendment was not adopted.

**LD 1662 An Act To Require Background Checks for Gun Sales**

**INDEF PP**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was not referred to committee.

This initiated bill requires a background check before a firearm sale or transfer between individuals not licensed as firearm dealers. If neither party to a sale or transfer has a federal firearms license, the parties meet at a licensed firearm dealer, who conducts a background check on the transferee and completes the sale or transfer as though selling or transferring from the dealer's own inventory. Exceptions to the background check requirement are made for transfers between family members, while the parties are hunting or sport shooting, for emergency self-defense, in the presence of the transferor and in other circumstances.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1674     An Act To Create Community Substance Abuse Programs**

**INDEF PP**

Sponsor(s)

ROSEN K

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill does the following.

1. It requires a court to sentence a person who is convicted of unlawful possession of a scheduled drug to a definite term of imprisonment and to suspend all of the sentence if the person has no prior convictions for certain drug-related offenses or other specified crimes, such as assault or sexual assault. The person must be sentenced to a definite term of probation with the condition that the person successfully complete a community substance abuse program.
2. It specifies that probation may be imposed for a Class D or Class E crime of unlawful possession of a scheduled drug.
3. It requires each county sheriff to establish a community substance abuse program at that sheriff's regional or county jail. Programs are administered by the counties and must meet certification standards established by the Department of Corrections by rule.
4. It establishes the Community Substance Abuse Fund to annually reimburse counties for the cost of the community substance abuse programs that meet the department's certification requirements. A person participating in a program must comply with certain requirements in order to successfully complete the program, including submitting to electronic monitoring and daily testing for illegal drug and alcohol use, and must participate in the program for 12 months. If a person fails to successfully complete the program, the court is required to revoke the probation for that person and that person must serve the unsuspended portion of the sentence in the custody of the Department of Corrections.

**LD 1683     An Act To Increase Penalties for the Use of Violence against Firefighters**

**PUBLIC 471**

Sponsor(s)

CYRWAY S  
LUCHINI L

Committee Report

ONTP  
OTP-AM

Amendments Adopted

S-472

This bill establishes the Class C crime of assault on a firefighter and specifies that the current crime of assault on an emergency medical care provider does not apply to a firefighter.

**Committee Amendment "A" (S-472)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2015, chapter 471 establishes the Class C crime of assault on a firefighter and specifies that the current crime of assault on an emergency medical care provider does not apply to a firefighter.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1685 An Act To Clarify That Buprenorphine Is a Scheduled Drug**

**PUBLIC 492**

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

This bill provides that buprenorphine is a schedule W drug.

**Enacted Law Summary**

Public Law 2015, chapter 492 provides that buprenorphine is a schedule W drug.

**LD 1697 An Act To Raise the Base Assessment for Correctional Services for Oxford County**

**Died Between Houses**

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

This bill was reported ought to pass by a majority of the committee pursuant to joint order, S.P. 695.

This bill establishes for calendar year 2017 a minimum tax assessment for Oxford County for correctional services of \$1,228,757 and a maximum tax assessment of \$2,050,000. This bill addresses a critical need for funding for the Oxford County jail, which can be satisfied through county taxes if the base assessment for correctional services is increased. The minority of the committee was not in favor of the bill.

**LD 1701 An Act To Legalize Marijuana**

**INDEF PP**

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

This bill was not referred to committee.

This initiated bill allows the possession and use of marijuana by a person 21 years of age or older. It provides for the licensure of retail marijuana facilities including retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana testing facilities and retail marijuana stores. It also provides for the licensure of retail marijuana social clubs where retail marijuana products may be sold to consumers for consumption on the licensed premises.

The details of the bill are as follows.

1. It provides for regulation and control of the cultivation, manufacture, distribution and sale of marijuana by the Department of Agriculture, Conservation and Forestry. It allows the department to establish limitations on retail marijuana cultivation.
2. It allows a municipality to regulate the number of retail marijuana stores and the location and operation of retail

## ***Joint Standing Committee on Criminal Justice and Public Safety***

marijuana establishments and to prohibit the operation of retail marijuana establishments in the municipality. It also allows a municipality to require separate local licensing of retail marijuana establishments.

3. It allows a person 21 years of age or older to use, possess or transport marijuana accessories and up to 2.5 ounces of prepared marijuana; transfer or furnish, without remuneration, up to 2.5 ounces of marijuana and up to six immature plants or seedlings to a person who is 21 years of age or older; possess, grow, cultivate, process or transport up to six flowering marijuana plants, 12 immature marijuana plants and unlimited seedlings, and possess all the marijuana produced by the marijuana plants at that person's residence; purchase up to 2.5 ounces of marijuana and marijuana accessories from a retail marijuana store; and purchase up to 12 marijuana seedlings or immature marijuana plants from a retail marijuana cultivator.

4. It allows the home cultivation of marijuana for personal use of up to 6 flowering marijuana plants by a person 21 years of age or older.

5. It allows a person to consume marijuana in a nonpublic place including a private residence.

6. It provides that the prohibitions and limitations on smoking tobacco products in specified areas as provided by law apply to smoking marijuana and that a person who smokes marijuana in a public place other than as allowed by law commits a civil violation for which a fine of not more than \$100 may be adjudged.

7. It places a sales tax of 10% on retail marijuana and retail marijuana products.

# *Joint Standing Committee on Criminal Justice and Public Safety*

## **SUBJECT INDEX**

### **Amusement Rides**

#### **Enacted**

LD 1529	An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides	PUBLIC 421 EMERGENCY
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### **Criminal History Record Information/DNA/Forensics**

#### **Enacted**

LD 1526	An Act Regarding the Disclosure of Intelligence and Investigative Record Information	PUBLIC 411
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### **Criminal Law**

#### **Enacted**

LD 1114	An Act Regarding Sexual Exploitation of Children	PUBLIC 394
LD 1487	An Act To Amend the Laws on Protection from Abuse, Protection from Harassment and Unauthorized Dissemination of Certain Private Images	PUBLIC 410 EMERGENCY
LD 1603	An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes	PUBLIC 470

### **Criminal Procedure/Bail/Sentencing**

#### **Enacted**

LD 1632	An Act To Make Certain Statutory Changes in Light of the New Maine Rules of Unified Criminal Procedure	PUBLIC 431
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#### **Not Enacted**

LD 1674	An Act To Create Community Substance Abuse Programs	INDEF PP
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### **Department of Corrections**

#### **Enacted**

LD 1447	An Act To Authorize the Maine Governmental Facilities Authority To Issue Securities To Pay for Capital Repairs and Improvements to the Maine Correctional Center in South Windham and a Facility Owned by the Department of Corrections in Washington County	PUBLIC 472
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## *Drugs*

### Enacted

LD 1541	An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs	PUBLIC 485
LD 1554	An Act To Resolve Inconsistencies in the Drug Laws	PUBLIC 496
LD 1685	An Act To Clarify That Buprenorphine Is a Scheduled Drug	PUBLIC 492

### Not Enacted

LD 1534	An Act To Reduce the Trafficking of Illegal Drugs in the State	Died On Adjournment
LD 1647	An Act Relating to Penalties for Drug Offenses	Died Between Houses
LD 1701	An Act To Legalize Marijuana	INDEF PP

## *Electronic Devices--Monitoring/Crimes/Disposal*

### Not Enacted

LD 1002	An Act Regarding the Electronic Monitoring Program	Died On Adjournment
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## *Firearms/Concealed Firearms*

### Enacted

LD 1572	An Act To Ensure Nondiscrimination against Gun Owners in Certain Federally Subsidized Housing	PUBLIC 455
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### Not Enacted

LD 823	An Act To Upgrade the Concealed Handgun Permit Law	Majority (ONTP) Report
LD 1662	An Act To Require Background Checks for Gun Sales	INDEF PP

## *Firefighters*

### Enacted

LD 1683	An Act To Increase Penalties for the Use of Violence against Firefighters	PUBLIC 471
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### Not Enacted

LD 655	Resolve, To Provide the Engineering Study and Planning Needed for a Statewide, Centrally Located Emergency Services Training Facility and Several Regional Training Facilities	Veto Sustained
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## *Juveniles*

### Enacted

LD 1575	An Act To Make Technical Amendments to the Maine Juvenile Code	PUBLIC 409
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## **Law Enforcement**

### **Enacted**

LD 1516	An Act To Clarify the Authority of County Sheriffs To Grant Law Enforcement Powers	PUBLIC 419 EMERGENCY
LD 1523	Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel and Other Law Enforcement Personnel	RESOLVE 80

### **Not Enacted**

LD 1536	An Act To Provide Ballistic Vests to State Law Enforcement Officers and Certain Other State Agents	Died On Adjournment
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## **OUI/OAS/Other MV Violations**

### **Not Enacted**

LD 944	An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense	Died Between Houses
LD 1628	An Act To Strengthen the Laws on Operating a Motor Vehicle under the Influence of Intoxicants	Died Between Houses

## **Prison/Jail/Inmate**

### **Enacted**

LD 1614	Resolve, To Provide Funding for the County Jail Operations Fund	RESOLVE 90 EMERGENCY
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### **Not Enacted**

LD 195	An Act Regarding County Jails	ONTP
LD 440	An Act To Create a Secure, Therapeutic Mental Health Unit	Majority (ONTP) Report
LD 1387	An Act Regarding the State Board of Corrections	ONTP
LD 1697	An Act To Raise the Base Assessment for Correctional Services for Oxford County	Died Between Houses

## **Public Safety/Emergency Medical Services**

### **Enacted**

LD 1476	An Act To Improve the Law Concerning Carbon Monoxide Detectors	PUBLIC 396 EMERGENCY
LD 1626	Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Late-filed Major Substantive Rule of the Department of Public Safety, Office of the State Fire Marshal	RESOLVE 70 EMERGENCY

## **Sex Offenses -- Criminal**

### **Enacted**

LD 1540	An Act To Protect All Students in Elementary or Secondary Schools from Sexual Assault by School Officials	PUBLIC 509
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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON EDUCATION AND  
CULTURAL AFFAIRS**

May 2016

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*Joint Standing Committee on Education and Cultural Affairs*

**LD 215      An Act To Improve Student Retention in Maine's Postsecondary Institutions**

**PUBLIC 466**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND J MAKER J	OTP-AM	S-21 S-489    HAMPER J

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

The bill directs Jobs for Maine's Graduates, a state-authorized nonprofit corporation, to provide mentoring and counseling services, course guidance and graduation planning, peer support services and financial guidance to up to 200 students and at up to four postsecondary institutions in the State for the purpose of significantly increasing the percentage of eligible students who obtain a postsecondary degree. Eligible students must have previously been enrolled in a Jobs for Maine's Graduates high school program, been in or currently be in foster care or have earned a high school equivalency diploma within the five years prior to obtaining these services.

**Committee Amendment "A" (S-21)**

This amendment removes the limitations included in the bill on the number of postsecondary education institutions and the number of students that may be served by Jobs for Maine's Graduates as authorized by the bill.

**Senate Amendment "A" (S-489)**

This amendment strikes the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2015, chapter 466 directs Jobs for Maine's Graduates, a state-authorized nonprofit corporation, to provide mentoring and counseling services, course guidance and graduation planning, peer support services and financial guidance to students at postsecondary institutions in the State for the purpose of significantly increasing the percentage of eligible students who obtain a postsecondary degree. Eligible students must have previously been enrolled in a Jobs for Maine's Graduates high school program, been in or currently be in foster care or have earned a high school equivalency diploma within the five years prior to obtaining these services.

**LD 305      An Act To Authorize Circus Conservatory of America To Grant Baccalaureate Degrees**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

The bill authorizes Circus Conservatory of America to grant the degrees of Bachelor of Arts and Bachelor of Fine Arts.

***Joint Standing Committee on Education and Cultural Affairs***

**LD 356      An Act To Permit the New England School of Dental Technology To      ONTP**  
**Grant the Degree of Bachelor of Science**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

The bill authorizes the New England School of Dental Technology to grant the degree of Bachelor of Science beginning December 1, 2015.

**LD 419      An Act To Establish the Summer Success Program Fund      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T	OTP-AM ONTP	H-450 S-491    HAMPER J

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

The bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the current law to promote the establishment and expansion of summer school programs for elementary and secondary school students. The bill proposes that:

1. Elementary and secondary schools be provided with additional resources and incentives to establish or expand summer school programs that enhance the academic opportunities for Maine students;
2. The Department of Education provide elementary and secondary schools with examples of effective models of summer school programs that improve student performance, including model programs that involve school networking and partnerships with community-based organizations such as the Maine Alliance of Boys & Girls Clubs that provide summer activities to align and leverage existing resources, improve program quality and develop shared outcomes for student success; and
3. The current provisions in the Maine Revised Statutes, Title 20-A related to funding summer school programs be amended to provide additional funds for the establishment and expansion of summer school programs for elementary and secondary school students. The amendments to the current law may include, but are not limited to:
  - A. Providing an adjustment of the state share of the total allocation to qualifying school administrative units for the costs of establishing or expanding summer school programs for elementary and secondary school students; or
  - B. Providing qualifying school administrative units with the allocation of state grants to be awarded on an annual basis by the Department of Education for the establishment and expansion of summer school programs for elementary and secondary school students.

**Committee Amendment "A" (H-450)**

This amendment, which is the majority report of the committee, replaces the concept draft to establish the Summer Success Program Fund, a dedicated fund to be directed and administered by the Commissioner of Education and

***Joint Standing Committee on Education and Cultural Affairs***

held by the Treasurer of State, to encourage the facilitation of high-quality summer success programs in school administrative units throughout the State. The amendment 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 and money received from a social impact bond. It requires that school administrative units ensure that grants provided from the fund for expanding access to summer success programs supplement and not supplant federal funding.
2. It requires the commissioner to administer the fund within the Department of Education and to establish standards and approval for the allocation and use of fund money for summer success programs offered at elementary or secondary schools in the State. It also allows the commissioner to include the following in the standards:
  - A. Guidelines similar to the federal 21st Century Community Learning Centers program to close the achievement gap between economically disadvantaged students and their peers;
  - B. Effective models of summer success programs that involve networking and partnerships with community-based organizations that provide a range of high-quality services to support student learning and development; and
  - C. Implementation of the formative and summative assessment methods to measure student achievement in order to monitor the progress of students participating in summer success programs.
3. It provides that, beginning in fiscal year 2016-17, the department is required to provide grant funding, through a grant application process, to cover 90% 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, 2015 that outlines the proposed rules to implement the fund by the 2016-2017 school year.

It adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-491)**

This amendment changes from fiscal year 2016-17 to fiscal year 2017-18 the fiscal year in which the Department of Education is required to provide grant funding to cover a portion of the costs of summer success programs and adjusts related dates and funding accordingly. This amendment also corrects the name of the federal act.

**LD 981      An Act To Establish a Veterinary School**

**ONTP**

Sponsor(s)

MARTIN J

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature. The bill is a concept draft pursuant to Joint Rule 208. The bill proposes to establish a veterinary school.

***Joint Standing Committee on Education and Cultural Affairs***

**LD 1033      Resolve, To Assist the University of Maine System and the Maine  
Community College System To Reduce the Need for Remedial  
Education**

**ONTP**

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

This resolve was carried over from the First Regular Session of the 127th Legislature.

The resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to require the Department of Education to analyze the data for the last three academic years from public and private secondary schools regarding the number of students needing remedial education at the postsecondary level and the graduation rates of those students from postsecondary programs. The department is required to determine what methods are used by those schools with high graduation rates among students requiring remedial education and determine how to use those methods in other schools that do not have graduation rates as high. This resolve provides \$1,000,000, disbursed by the department, to assist schools with low rates of graduation among its remedial education students to adopt methods of increasing the graduation rates of those students.

**LD 1253      An Act To Improve the Evaluation of Elementary and Secondary  
Schools**

**PUBLIC 500**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATES D	OTP-AM	H-658 S-530    LANGLEY B

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table. At the request of the Joint Standing Committee on Education and Cultural Affairs, the Joint Standing Committee on Appropriations and Financial Affairs removed the bill from the Special Appropriations Table and this bill was re-referred to the Joint Standing Committee on Education and Cultural Affairs.

The bill is a concept draft pursuant to Joint Rule 208 and would require that, beginning with the 2016-2017 school year and only after the adoption of major substantive rules by the Department of Education, the Commissioner of Education implement a school assessment system to measure school performance and student proficiency. The system implemented must include multiple measures of student achievement and may include, but is not limited to, the use of:

1. Summative assessments aligned with the grade level expectations of the parameters for essential instruction and graduation requirements established under the Maine Revised Statutes, Title 20-A, section 6209, subsection 2 and Department of Education Rule Chapter 132: Learning Results: Parameters for Essential Instruction;
2. Formative assessments that measure student growth over time; and
3. Information of the state assessment program under Title 20-A, section 6204 on student achievement reported by the department in compliance with applicable federal statutes and regulations regarding student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

The bill would require the commissioner to annually report the statewide and school level results of the school assessment system with regard to the performance of schools and the proficiency of students in each of the State's elementary and secondary schools and to provide each participating school with a profile of school performance and

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student proficiency based upon data from the school assessment system. The reporting mechanisms and the categories reported must be uniform for each school compared at the elementary level or the secondary level.

The bill would also require the Commissioner of Education to convene a task force to develop a system to evaluate or rate the performance of public schools in the State and to incorporate the recommendations of the task force in the adoption of major substantive rules under this bill. The task force must include, but is not limited to, representatives of the following entities and stakeholder groups: the Department of Education; the State Board of Education; teachers; principals; parents; the Education Research Institute under Title 20-A, section 10; and students.

The school assessment system developed by the task force must include, but is not limited to, the following elements: Accurate measures of student progress over at least three years; rates of postsecondary school attendance and enlistment in the United States Armed Forces over at least three years; a peer group comparison that takes into account, but is not limited to, use of special education services, the number of students eligible for free or reduced-price meals, local and county unemployment data and median household income; school attendance rates; graduation rates; procedures to address specific challenges unique to a municipality, county or school administrative unit; and interviews with parents of students, members of governing boards of school administrative units, teachers and other education leaders about the overall school environment.

The bill would require the task force to review the requirements of Title 20-A, chapter 222 and the school assessment systems that have been implemented in other states and jurisdictions and develop a school assessment system that will best serve the academic and developmental needs of students in this State. The school assessment system may not use a bell curve, and a school may not be penalized because of the failure of students to take certain standardized tests. The task force would be required to provide opportunities for the public and interested parties to provide input regarding the development of the school assessment system and give notice to the public and interested parties of the task force's meetings during which the public may provide testimony or feedback on the proposed models under consideration by the task force.

### **Committee Amendment "A" (H-467)**

This amendment replaces the concept draft with a bill that does the following.

1. It provides that, beginning with the 2017-2018 school year and only after the adoption of major substantive rules by the Department of Education, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students, the Commissioner of Education shall implement a school assessment system to measure school performance and student proficiency in achieving the knowledge and skills described in the parameters for essential instruction and graduation requirements established under the Maine Revised Statutes, Title 20-A, section 6209, subsection 2 and the Department of Education's rule Chapter 132: Learning Results: Parameters for Essential Instruction.
2. It provides that, notwithstanding any other provisions of Title 20-A, chapter 222, the commissioner may not provide a report of the statewide or school-level results of the school assessment system until the final adoption of department rules adopted in accordance with Title 20-A, section 6214, subsection 3. It provides that the rules must be consistent with the recommendations reported by the task force established in this amendment. It also provides that this law may not be construed to prevent or inhibit the department from providing reports to comply with the federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001.
3. It directs the commissioner to convene a task force to review school assessment systems that have been implemented in other states and to develop a system to evaluate and rate the performance of schools in this State.
4. It provides that the commissioner must report the task force's findings, recommendations and any necessary legislation with respect to the implementation of a school assessment system to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2016 and authorizes the joint standing committee to report

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out a bill to the Second Regular Session of the 127th Legislature related to the recommendations included in this report.

5. It provides that the department must file provisionally adopted major substantive rules by January 6, 2017 to implement the school assessment system and that the rules must specify the methods to be used as part of the annual assessment of the performance of elementary and secondary schools and the proficiency of elementary and secondary school students beginning with the 2017-2018 school year.

This amendment also adds an appropriations and allocations section.

This amendment was not adopted.

### **Committee Amendment "B" (H-658)**

This amendment replaces the bill, which is a concept draft, with language that does the following.

1. It provides that, beginning with the 2018-2019 school year and only after the adoption of major substantive rules by the Department of Education, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students, the Commissioner of Education shall implement a school accountability system to measure school performance and student proficiency in achieving the knowledge and skills described in the parameters for essential instruction and graduation requirements established under the Maine Revised Statutes, Title 20-A, section 6209, subsection 2.

2. The measures of school performance and student proficiency for the school accountability system must also:

A. Align with components of the state accountability system required to ensure equity in educational opportunity;

B. Use data gathered related to measures of student proficiency in all content areas of the learning results and the guiding principles; and

C. Use a six-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates.

3. It provides that, notwithstanding any other provisions of Title 20-A, chapter 222, the commissioner may not provide a report of the statewide or school-level results of the school accountability system until the final adoption of department rules adopted in accordance with Title 20-A, section 6214, subsection 3.

4. It provides that the rules must be consistent with the recommendations reported by the work group established in this amendment. It also provides that this law may not be construed to prevent or inhibit the department from providing reports to comply with the federal statutes and regulations pertaining to student assessment, as required by the federal Every Student Succeeds Act of 2015 and related regulations.

5. It directs the commissioner to convene a work group to review school accountability systems that have been implemented in other states and to develop a system to evaluate and rate the performance of schools in this State.

6. It provides that the commissioner must report the work group's findings, recommendations and any necessary legislation with respect to the implementation of a school accountability system to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 15, 2017 and authorizes the committee to report out a bill to the First Regular Session of the 128th Legislature related to the recommendations included in this report.

7. It provides that the department must file provisionally adopted major substantive rules by January 5, 2018 to

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implement the school accountability system and that the rules must specify the methods to be used as part of the annual assessment of the performance of elementary and secondary schools and the proficiency of elementary and secondary school students beginning with the 2018-2019 school year.

### **Senate Amendment "A" To Committee Amendment "B" (S-530)**

This amendment requires the school accountability work group to consider at least certain specified elements in developing the school accountability system. It also removes the provision that prohibits the school accountability system from using a bell curve and prohibits a school from being penalized because of the failure of students to take certain standardized tests.

### **Enacted Law Summary**

Public Law 2015, chapter 500 directs the Commissioner of Education to reform public education laws to improve school performance and student proficiency. The law accomplishes the following.

1. It provides that, beginning with the 2018-2019 school year and only after the adoption of major substantive rules by the Department of Education, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students, the Commissioner of Education shall implement a school accountability system to measure school performance and student proficiency in achieving the knowledge and skills described in the parameters for essential instruction and graduation requirements established under the Maine Revised Statutes, Title 20-A, section 6209, subsection 2.
2. It provides that the measures of school performance and student proficiency for the school accountability system must also:
  - A. Align with components of the state accountability system required to ensure equity in educational opportunity;
  - B. Use data gathered related to measures of student proficiency in all content areas of the learning results and the guiding principles; and
  - C. Use a six-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates.
3. It provides that, notwithstanding any other provisions of Title 20-A, chapter 222, the commissioner may not provide a report of the statewide or school-level results of the school accountability system until the final adoption of department rules adopted in accordance with Title 20-A, section 6214, subsection 3.
4. It provides that the rules must be consistent with the recommendations reported by the work group established in this amendment. It also provides that this law may not be construed to prevent or inhibit the department from providing reports to comply with the federal statutes and regulations pertaining to student assessment, as required by the federal Every Student Succeeds Act of 2015 and related regulations.
5. It directs the commissioner to convene a work group to review school accountability systems that have been implemented in other states and to develop a system to evaluate and rate the performance of schools in this State.
6. It provides that the commissioner must report the work group's findings, recommendations and any necessary legislation with respect to the implementation of a school accountability system to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 15, 2017 and authorizes the committee to report out a bill to the First Regular Session of the 128th Legislature related to the recommendations included in this report.
7. It provides that the department must file provisionally adopted major substantive rules by January 5, 2018 to

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implement the school accountability system and that the rules must specify the methods to be used as part of the annual assessment of the performance of elementary and secondary schools and the proficiency of elementary and secondary school students beginning with the 2018-2019 school year.

**LD 1370     An Act To Improve the Quality of Teachers**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R HUBBELL B	OTP-AM ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

The bill proposes to improve teacher quality in the State by amending the current statutes related to programs involving teacher preparation, support systems for provisional teachers, teacher certification, teacher salaries and college loans for students enrolled in a program of study leading to certification as a teacher. The bill includes the following provisions.

1. It expands the student teaching experience and specifies an academic achievement level necessary for applicants to qualify for a provisional teaching certificate.
2. It strengthens the support systems required to provide assistance for provisional teachers during each year of their probationary period.
3. It directs the Commissioner of Education to pay salary supplements to classroom teachers who are involved in the operation of a school administrative unit's support system approved in accordance with the provisions of the Maine Revised Statutes, Title 20-A, section 13015.
4. It provides that an individual who has not completed a master's degree program and who is issued a teacher certificate in accordance with Title 20-A, chapter 502 on or after July 1, 2015 may not receive a renewed certificate or a new teaching certificate unless the individual completes a master's degree program within five years of being employed as a teacher in the State.
5. It increases the minimum salaries for certified teachers to \$40,000 beginning in the 2016-2017 school year and includes state funding for the incremental costs of meeting this minimum as part of the school funding formula.
6. It requires the Department of Education to increase the qualifying scores for the standardized qualifying examinations for applicants for initial teacher certification in its Rule Chapter 13: Qualifying Examinations for Teachers, Educational Specialists and Administrators no later than July 1, 2016.
7. It provides additional appropriations for the Educators for Maine Program within the Finance Authority of Maine in order to double the annual investment of state loan funds awarded to eligible students.

**Committee Amendment "A" (S-432)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs and, like the bill, proposes to improve teacher quality in the State by amending the current statutes related to programs involving teacher preparation, support systems for provisional teachers, teacher certification, teacher salaries and college loans for students enrolled in a program of study leading to certification as a teacher. The amendment includes the following provisions.

1. It amends the provisions of the bill that expand the student teaching experience and academic achievement

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requirements for a provisional teacher certificate. The amendment specifies the number of hours of practicum an applicant must complete, clarifies the time frame during which the student teaching experience must occur and specifies that the grade point average requirement applies only to an applicant's teacher preparation course work. The bill increases to 24 the minimum number of weeks of student teaching experience an applicant must complete; the amendment retains the current requirement of 15 weeks. The amendment enacts a grade point average requirement with respect to applicants recommended by educational institutions offering teacher preparation programs.

2. It retains the provisions of the bill that strengthen the support systems required to provide assistance for provisional teachers during each year of their probationary period and that require the Commissioner of Education to pay salary supplements to teachers who are involved in the operation of such systems.
3. It removes the provision of the bill that requires an individual who is issued a teacher certificate on or after July 1, 2015 and has not completed a master's degree program to complete a master's degree program before the individual may have the individual's certificate renewed or be issued another certificate.
4. It provides that the provisions of the bill increasing the minimum salary for certified teachers to \$40,000 apply beginning with the 2017-2018 school year and that the provisions of the bill that include in the school funding formula the state funding for the incremental costs of meeting this minimum apply beginning in fiscal year 2017-18. The amendment removes the provision of the bill requiring the commissioner to pay the increased teacher retirement contributions resulting from the increase in minimum salary.
5. It removes the provision of the bill that requires the Department of Education to increase the qualifying scores for the standardized qualifying examinations for initial teacher certification.
6. It requires the State Board of Education to amend its rule Chapter 114: Purpose, Standards and Procedures for the Review and Approval of Preparation Programs for Education Personnel to articulate and outline clear standards for the memorandum of understanding between student teachers, teacher preparation programs and participating school administrative units.
7. It directs the Governor to appoint members to vacant positions on the Professional Standards Board by September 1, 2016 and directs the board to reactivate by October 1, 2016.
8. It provides additional appropriations for the Educators for Maine Program within the Finance Authority of Maine in order to double the annual investment of state loan funds awarded to eligible students.

This amendment was not adopted.

**LD 1394      An Act To Implement the Recommendations of the Commission To  
Strengthen the Adequacy and Equity of Certain Cost Components of the  
School Funding Formula**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-630

The bill was reported out by the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session pursuant to Resolve 2013, chapter 114, section 10 and then referred back to the committee. The bill was then carried over from the First Regular Session of the 127th Legislature.

The bill incorporates changes to the education statutes and rules proposed by the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula that the commission's report

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indicated are necessary to implement its recommendations.

### **Committee Amendment "A" (H-630)**

This amendment strikes and replaces the bill. The amendment updates a number of initiatives proposed in the bill to incorporate changes to the education statutes and rules proposed by the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula that the commission's report indicated are necessary to implement its recommendations. The amendment retains many provisions of the bill, but differs from the bill in the following ways.

1. It amends the laws concerning after-school programs to comply with the extended learning program recommended by the commission.
2. It strikes the bill's proposal to remove the state contributions to teacher retirement, retired teachers' health insurance and retired teachers' life insurance from the annual transition targets.
3. The bill proposes to remove language reducing the salary and benefit costs for teachers and school education staff from the amount of funds received by a school administrative unit under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq. The amendment instead directs the Department of Education and the Education Research Institute to conduct further research and analysis of the availability of federal grant funds.
4. It strikes the bill's proposal to increase the adjustments to the state share of the special education costs as part of the total allocation provided to a school administrative unit that receives a minimum state allocation under the Maine Revised Statutes, Title 20-A, section 15689, subsection 1, paragraph B.
5. It strikes the bill's proposals to authorize the Commissioner of Education to expend and disburse state funds to provide grants to school administrative units for the establishment of summer schools and for the establishment of collaborative time for professional development through the authorization of miscellaneous costs under Title 20-A, section 15689-A.
6. It adds the following initiatives to the enhancing student performance and opportunity system provisions of school funding based on essential programs and services in Title 20-A, section 15688-A to authorize the commissioner to expend and disburse state funds:
  - A. To provide for additional support to school administrative units beyond the additional weight of 15 provided for each economically disadvantaged student;
  - B. To provide grants to school administrative units for the establishment of summer schools;
  - C. To provide grants to school administrative units for the establishment of extended learning programs;  
and
  - D. To provide grants to school administrative units for the establishment of collaborative time for professional development.
7. It adds the enhancing-student-performance-and-opportunity-system provisions of school funding based on essential programs and services in Title 20-A, section 15688-A to the guidelines that require the commissioner to update the recommendations, computation and the purposes for each of the cost components included in adjustments and miscellaneous costs under Title 20-A, section 15689-C, subsection 4.

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8. It strikes the bill's proposal to appropriate and allocate funds for the General Purpose Aid for Local Schools account.

9. It removes the requirement for the department to convene and staff a stakeholder group to develop guidelines for the definition of "qualifying leadership" and best practice guidelines for the inclusion of leadership in collaborative time for professional development and instead requires the department to develop those guidelines.

This amendment was not adopted.

**LD 1459     An Act To Clarify the Use of Student Data from the Statewide Assessment Test**

**PUBLIC 405**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E BRAKEY E	OTP-AM	H-553

This bill delays by one year the implementation of any assessment test chosen by the Department of Education to replace the Smarter Balanced Assessment but allows schools to voluntarily implement the new test for the 2015-2016 school year.

**Committee Amendment "A" (H-553)**

This amendment strikes and replaces the bill to delay until the 2017-2018 school year the requirement that school administrative units fully implement the performance evaluation and professional growth system established pursuant to the Maine Revised Statutes, Title 20-A, chapter 508 to measure educator effectiveness. The amendment provides that, during the 2016-2017 school year, each unit must operate and apply a pilot project to all of the schools and applicable staff in the unit. The amendment delays the use of statewide student assessment data as part of the performance evaluation and professional growth system to measure educator effectiveness. The amendment also delays until the 2017-2018 school year the use of statewide assessment data of student academic achievement as part of a system to evaluate or rate the performance of public schools in the State that is similar to or different from the school performance grading system developed by the Department of Education and introduced on May 1, 2013.

**Enacted Law Summary**

Public Law 2015, chapter 405 delays until the 2017-2018 school year the requirement that school administrative units fully implement the performance evaluation and professional growth system established pursuant to the Maine Revised Statutes, Title 20-A, chapter 508 to measure educator effectiveness. The law provides that, during the 2016-2017 school year, each unit must operate and apply a pilot project to all of the schools and applicable staff in the unit. The law delays the use of statewide student assessment data as part of the performance evaluation and professional growth system to measure educator effectiveness. The law also delays until the 2017-2018 school year the use of statewide assessment data of student academic achievement as part of a system to evaluate or rate the performance of public schools in the State that is similar to or different from the school performance grading system developed by the Department of Education and introduced on May 1, 2013.

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**LD 1464 An Act To Revise the Educational Personnel Certification Statutes and To Direct the Department of Education To Review Department Rules Regarding Educational Personnel Certification**

**PUBLIC 395**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J BAKER L	OTP-AM	H-525

This bill amends the laws regarding the criminal history record information of educational personnel to consolidate and update language. It requires the Commissioner of Education to set annually fees for criminal history record checks for and certification of educational personnel that currently are set in statute. It extends from fiscal year 2014-15 to all subsequent fiscal years the crediting of up to \$335,000 of fees from the initial and renewal certification of educational personnel to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the Department of Education. It allows course work and testing for targeted need area and conditional certificates and transitional endorsements issued preceding the amendment of rules regarding qualifications to be completed within three years instead of annually. It also requires the department in conjunction with the State Board of Education to review all educational personnel certification rules and report by January 7, 2017 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The committee is authorized to report out legislation to the First Regular Session of the 128th Legislature.

**Committee Amendment "A" (H-525)**

This amendment clarifies the bill's proposed changes to the Commissioner of Education's authority to establish and assess fees for initial and renewal certificates. The amendment requires the Department of Education to annually post the fees required for the initial issuance of and the renewal of teacher, education specialist and administrator certificates on the department's publicly accessible website. The amendment also requires the commissioner to adopt major substantive rules to carry out the establishment and assessment of these certification fees.

**Enacted Law Summary**

Public Law 2015, chapter 395 makes the following changes to the laws related to the educational personnel certification.

1. It amends the laws regarding criminal history record information of educational personnel to consolidate and update language. It requires the Commissioner of Education to set annually fees for criminal history record checks for and certification of educational personnel that currently are set in statute.
2. It amends the commissioner's authority to establish and assess fees for initial and renewal certificates. It requires the Department of Education to annually post the fees required for the initial issuance of and the renewal of teacher, education specialist and administrator certificates on the department's publicly accessible website; and it also requires the commissioner to adopt major substantive rules to carry out the establishment and assessment of these certification fees.
3. It extends from fiscal year 2014-15 to all subsequent fiscal years the crediting of up to \$335,000 of fees from the initial and renewal certification of educational personnel to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the department.
4. It allows course work and testing for targeted need area and conditional certificates and transitional endorsements issued preceding the amendment of rules regarding qualifications to be completed within three years instead of annually.
5. It also requires the department in conjunction with the State Board of Education to review all educational

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personnel certification rules and report by January 7, 2017 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The committee is authorized to report out legislation to the First Regular Session of the 128th Legislature.

**LD 1469     An Act To Promote Private Fund-raising for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf**

**PUBLIC 383**

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

This bill requires the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to designate a nonprofit organization as the private support organization for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to organize and foster support for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and its programs.

**Enacted Law Summary**

Public Law 2015, chapter 383 requires the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to designate a nonprofit organization as the private support organization for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to organize and foster support for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and its programs.

**LD 1475     An Act To Facilitate the Use of State Education Subsidies**

**PUBLIC 463  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MAKER J	OTP-AM	S-388

This bill authorizes a regional school unit to include an article in the warrant for its annual budget meeting providing that, in the event that the regional school unit receives more state education subsidy than the amount included in its budget, the regional school unit board is authorized to increase expenditures for school purposes in cost center categories approved by the regional school unit board, without a special budget meeting and budget validation referendum.

**Committee Amendment "A" (S-388)**

This amendment strikes and replaces the bill. The bill authorizes a regional school unit to include an article in the warrant for its annual budget meeting providing that, in the event that the regional school unit receives more state education subsidy than the amount included in its budget, the regional school unit board is authorized to increase expenditures for school purposes in cost center categories approved by the regional school unit board, without a special budget meeting and budget validation referendum. The amendment retains that provision and allows a regional school unit to include such articles for the purposes of increasing the allocation of finances in a reserve fund and decreasing the local cost share expectation for local property taxpayers for funding public education.

**Enacted Law Summary**

Public Law 2015, chapter 463 authorizes a regional school unit to include an article in the warrant for its annual budget meeting providing that, in the event that the regional school unit receives more state education subsidy than

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the amount included in its budget, the regional school unit board is authorized to increase expenditures for school purposes in cost center categories approved by the regional school unit board, without a special budget meeting and budget validation referendum. The law also allows a regional school unit to include such articles for the purposes of increasing the allocation of finances in a reserve fund and decreasing the local cost share expectation for local property taxpayers for funding public education.

Public Law 2015, chapter 463 was enacted as an emergency measure effective April 13, 2016.

**LD 1489 An Act To Clarify Expenditures Regarding Androscoggin County**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO M	OTP-AM	H-551

This bill clarifies the provisions enacted in Public Law 2015, chapter 267 which amended the education funding formula statute to require the Commissioner of Education to disburse \$75,000 over each of the fiscal years 2015-16 and 2016-17 for postsecondary education attainment in Androscoggin County; the intent of this disbursement was to provide funding to College for ME - Androscoggin to provide financial assistance for individuals in Androscoggin County who wanted to attend college or obtain a postsecondary degree. Because College for ME - Androscoggin was not specifically named in the amended statute, the funds were not disbursed.

The bill repeals the statute requiring the Commissioner of Education to disburse the funds and instead requires the State Controller to disburse \$75,000 to College for ME - Androscoggin in each of the fiscal years 2015-16 and 2016-17. The funds are appropriated from the General Purpose Aid for Local Schools Program General Fund account to be used to support individuals aspiring to attend college and support postsecondary degree attainment initiatives in Androscoggin County.

**Committee Amendment "A" (H-551)**

This amendment strikes from the bill the provision regarding the proposed disbursement of funds in fiscal year 2015-16 to College for ME - Androscoggin and amends the provision regarding the proposed disbursement of funds in fiscal year 2016-17 to College for ME - Androscoggin to require the State Controller to pay \$75,000 from unobligated funds carried forward from fiscal year 2015-16 to fiscal year 2016-17 in the Department of Education, General Purpose Aid for Local Schools program, General Fund account.

This amendment also removes the emergency preamble and emergency clause from the bill.

**LD 1490 An Act Regarding the Maine Arts Commission**

**PUBLIC 379**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCLELLAN M LANGLEY B	OTP	

This bill removes language in current law that requires the Treasurer of State to invest funds given as an endowment for the Maine Arts Commission. It allows the Maine Arts Commission to administer its endowment fund.

**Enacted Law Summary**

Public Law 2016, chapter 379 repeals language in current law that requires the Treasurer of State to invest funds given as an endowment for the Maine Arts Commission and allows the Maine Arts Commission to administer its endowment fund.

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**LD 1491      An Act To Allow Trained, Nonmedical Employees in Schools To Administer Emergency Medications      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J DUTREMBLE D	ONTP	

This bill authorizes a school administrative unit to participate in a program to allow nonmedical employees to volunteer to be trained to provide emergency medication to students upon request by a parent or guardian.

**LD 1492      An Act To Establish a Protocol for Review of State Education Content Standards of the System of Learning Results      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W WOODSOME D	OTP-AM	H-579

This bill removes the Common Core State Standards Initiative standards from the system of learning results at the end of the 2016-2017 school year. For the 2016-2017 school year, as an alternative to the core of standards in English language arts and mathematics for kindergarten to grade 12 established in common with the other states, the bill allows a school administrative unit to administer the statewide system of learning results standards that were in effect prior to April 12, 2010. It requires the Department of Education, with input from a stakeholder group, to develop new statewide content standards for use beginning with the 2017-2018 school year and to submit provisionally adopted major substantive rules to the Legislature by January 2, 2017. It requires the department to develop and adopt assessments for elementary and secondary schools in English language arts and mathematics that are aligned with the new content standards for use beginning with the 2017-2018 school year. The bill also requires the department to establish accountability standards at all grade levels in the area of social studies.

**Committee Amendment "A" (H-579)**

This amendment replaces the bill and does the following.

1. It requires the Commissioner of Education to submit an annual report to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the review of the content standards and performance indicators by content area of the system of learning results established pursuant to the Maine Revised Statutes, Title 20-A, section 6209, subsection 4.
2. It requires the annual report on the status of the review of the content standards to include a compilation and analysis of data on student progress towards achievement of the content areas under review and a listing of public comments received related to the content areas under review. It requires the commissioner, by June 30, 2017, to adopt or amend rules regarding the annual reporting requirement.
3. It requires the Department of Education to establish a content standards review committee and content standards review subcommittees to review and approve the statewide content standards developed by the department pursuant to the Maine Revised Statutes, Title 20-A, section 6209, subsections 4 and 5. It authorizes the commissioner to adopt rules based on recommendations from the review committee and review subcommittees.

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**LD 1493    An Act To Provide a Private Support Organization for the Maine Arts  
Commission**

**PUBLIC 380**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCLELLAN M LANGLEY B	OTP	

This bill requires the Director of the Maine Arts Commission to designate a nonprofit organization as the private support organization for the Maine Arts Commission to organize and foster support for the commission and its programs.

**Enacted Law Summary**

Public Law 2016, chapter 380 requires the Director of the Maine Arts Commission to designate a nonprofit organization as the private support organization for the Maine Arts Commission to organize and foster support for the commission and its programs.

**LD 1517    An Act To Enable an Alternative Organizational Structure To Purchase  
Group Health Insurance for Its Employees**

**PUBLIC 420  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL B LANGLEY B	OTP-AM	H-549

This bill allows the governing body of an alternative organizational structure to obtain health insurance loss information for all of the alternative organizational structure's member school administrative units' employees and retirees and their dependents on an aggregate basis and to purchase a single health insurance policy that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents.

**Committee Amendment "A" (H-549)**

This amendment removes the provision of the bill giving an alternative organizational structure specific authority to request, from an insurer providing health insurance, loss information for employees and retirees and their dependents, since school administrative units already have this authority and the definition of a school administrative unit in the Maine Revised Statutes, Title 20-A includes alternative organizational structures. This amendment also provides a cross-reference to that definition to make clear that it includes alternative organizational structures.

**Enacted Law Summary**

Public Law 2015, chapter 420 provides clarification that the governing body of an alternative organizational structure is authorized to obtain health insurance loss information for all of the alternative organizational structure's member school administrative units' employees and retirees and their dependents on an aggregate basis and to purchase a single health insurance policy that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents.

Public Law 2015, chapter 420 was enacted as an emergency measure effective March 31, 2016.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1544 An Act To Improve Teaching Assignments in Maine's Public Schools**

**Died Between Houses**

Sponsor(s)

BAKER L

Committee Report

ONTP  
OTP-AM

Amendments Adopted

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

This bill proposes to amend municipal public employees labor relations law to allow a public employer and a teacher to confer and negotiate regarding the assignment of the teacher to a grade level or content area.

**Committee Amendment "A" (S-401)**

This amendment is the minority report of the committee. The amendment replaces the bill, which is a concept draft. The amendment provides that if a school administrative unit seeks to transfer a teacher to a teaching assignment and that transfer is involuntary, it must do so in accordance with a written policy adopted by the school administrative unit that addresses involuntary transfers. If a school administrative unit adopts a written policy on involuntary transfers, the policy must provide for notification to the teacher of the involuntary transfer. The amendment provides that a teacher who receives notice of an involuntary transfer may request, within 15 days of the notice, a hearing with the school board, which must take place within 30 days of the request.

The fiscal note on the amendment identifies certain requirements in this amendment as a potential state mandate. The committee members voting for this report find 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. The requirement in the amendment that a school administrative unit adopt a written policy on involuntary transfers if the school administrative unit decides to involuntarily transfer a teacher does not require an expansion or modification of activities so as to necessitate additional expenditures from local revenue since there is no requirement that a school administrative unit involuntarily transfer a teacher.

This amendment was not adopted.

**LD 1555 Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education**

**RESOLVE 60  
EMERGENCY**

Sponsor(s)

Committee Report

OTP

Amendments Adopted

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a major substantive rule of the Department of Education.

**Enacted Law Summary**

Resolve 2015, chapter 60 authorizes final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a major substantive rule of the Department of Education.

Resolve 2015, chapter 60 was finally passed as an emergency measure effective March 13, 2016.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1556      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**

**RESOLVE 65  
EMERGENCY**

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

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. The revisions to the rule are made pursuant to Public Law 2012, chapter 526 and pertain to the administration of epinephrine auto-injectors and training programs for the administration of epinephrine.

**Enacted Law Summary**

Resolve 2016, chapter 65 authorizes final adoption of portions of Chapter 40: Rule for Medication Administration in Maine Schools, a major substantive rule of the Department of Education. The revisions to the rule are made pursuant to Public Law 2012, chapter 526 and pertain to the administration of epinephrine auto-injectors and training programs for the administration of epinephrine.

Resolve 2016, chapter 65 was finally passed as an emergency measure effective March 22, 2016.

**LD 1576      An Act To Amend Certain Education Laws**

**PUBLIC 448  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL B LANGLEY B	OTP-AM	H-585

This bill provides that if a superintendent's decision regarding the transfer of a student receiving special education services to a school out of the student's school administrative unit is appealed to the Commissioner of Education or the State Board of Education and the commissioner or state board approves the transfer of the student, the state subsidy of special education costs for the transferred student may not be reduced as a result of the transfer.

The bill gives the commissioner the authority to designate a school administrative unit to enroll a student when the student's school administrative unit neither maintains a school nor contracts with another school administrative unit and no school administrative unit enrolls the student voluntarily. For a student receiving special education services, the bill requires a resident school administrative unit to pay to the receiving school administrative unit tuition, special education tuition, other costs directly related to the student's special education and costs associated with due process proceedings for providing a free, appropriate public education.

The bill allows the commissioner to designate the school administrative unit that is responsible for oversight of the individualized education program of a child with a disability who is a state ward and is placed in an out-of-state residential treatment center by the Department of Health and Human Services.

The bill authorizes the commissioner to provide additional funds to a school administrative unit based on a budgetary hardship resulting from a special education placement.

The bill also makes the following changes to the laws relating to public charter schools.

1. It allows charter schools authorized by a local school board or a collaborative among local school boards to give

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enrollment preference to residents of the school administrative unit or units whose school board or school boards authorized the charter school.

2. It extends the submission deadline for a charter school authorizer's annual report to the commissioner from 60 to 90 days after the end of the school fiscal year and adds language to address the disposition of graduation records and records of other students not transitioning to another Maine public school if a charter school closes.

3. It adds language to reflect that charter schools are subject to educator effectiveness requirements.

4. It provides that the compulsory attendance laws apply to virtual charter schools.

5. For a charter school in a school administrative unit with an enrollment of 500 or fewer students, current law caps the number of students from the school administrative unit that the charter school may enroll during its first three years of operation at 5% of the school administrative unit's noncharter public school students per grade level. The bill provides that if 5% of the school administrative unit's noncharter public school students per grade level is less than one, the charter school may enroll one student from the school administrative unit per grade level in each of the charter school's first three years of operation.

### **Committee Amendment "A" (H-585)**

This amendment makes the following changes to the bill.

1. It provides that once the Commissioner of Education makes a designation to enroll a student who resides in a school administrative unit that neither maintains a school nor contracts with another school administrative unit, the student must be enrolled in the receiving school administrative unit designated by the commissioner. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the State Board of Education review the transfer; the state board may approve or disapprove the commissioner's designation.

2. It amends the enrollment preference provision in the public charter school eligibility statute to require, rather than allow, as in the bill, a public charter school authorized by a local school board or by a collaborative among local school boards to give enrollment preference to residents of the school administrative unit or units whose school board or school boards authorized the public charter school.

3. It provides that, when the Department of Health and Human Services places a state ward in an out-of-state residential treatment center, the Commissioner of Education may designate the Department of Education as having responsibility for the oversight of the child's individualized education program.

4. It strikes the proposal in the bill that authorizes the commissioner to provide additional funds to a school administrative unit based on a budgetary hardship resulting from a special education placement.

### **Enacted Law Summary**

Public Law 2015, chapter 448 makes a number of amendments to the education statutes. The law accomplishes the following changes to the education laws.

1. It provides that if a superintendent's decision regarding the transfer of a student receiving special education services to a school out of the student's school administrative unit is appealed to the Commissioner of Education or the State Board of Education and the commissioner or state board approves the transfer of the student, the state subsidy of special education costs for the transferred student may not be reduced as a result of the transfer.

2. It gives the commissioner the authority to designate a school administrative unit to enroll a student when the student's school administrative unit neither maintains a school nor contracts with another school administrative unit

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and no school administrative unit enrolls the student voluntarily. For a student receiving special education services, the law requires a resident school administrative unit to pay to the receiving school administrative unit tuition, special education tuition, other costs directly related to the student's special education and costs associated with due process proceedings for providing a free, appropriate public education.

3. It provides that once the commissioner makes a designation to enroll a student who resides in a school administrative unit that neither maintains a school nor contracts with another school administrative unit, the student must be enrolled in the receiving school administrative unit designated by the commissioner. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the State Board of Education review the transfer; the state board may approve or disapprove the commissioner's designation.

4. It provides that, when the Department of Health and Human Services places a state ward in an out-of-state residential treatment center, the Commissioner of Education may designate the Department of Education as having responsibility for the oversight of the child's individualized education program.

5. It makes the following changes to the education laws relating to public charter schools:

A. Charter schools authorized by a local school board or a collaborative among local school boards are required to give enrollment preference to residents of the school administrative unit or units whose school board or school boards authorized the charter school;

B. The submission deadline for a charter school authorizer's annual report to the commissioner is extended from 60 to 90 days after the end of the school fiscal year and statutory language is added to address the disposition of graduation records and records of other students not transitioning to another Maine public school if a charter school closes;

C. Language is added to reflect that charter schools are subject to educator effectiveness requirements;

D. Language is added to provide that the compulsory attendance laws also apply to virtual charter schools; and

E. For a charter school in a school administrative unit with an enrollment of 500 or fewer students, current law caps the number of students from the school administrative unit that the charter school may enroll during its first three years of operation at 5% of the school administrative unit's noncharter public school students per grade level. The law provides that if 5% of the school administrative unit's noncharter public school students per grade level is less than one, the charter school may enroll one student from the school administrative unit per grade level in each of the charter school's first three years of operation.

Public Law 2015, chapter 448 was enacted as an emergency measure effective April 10, 2016.

**LD 1594      An Act To Direct the Commissioner of Education To Develop a Model Policy Regarding Substance Abuse Education in Maine Schools**

**ONTP**

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

This bill requires the Commissioner of Education, in consultation with organizations that have expertise in substance abuse prevention education, to develop a model policy for substance abuse prevention education that is available to students in grades 6 to 12.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1604 An Act To Replace a Statue in the National Statuary Hall Collection**

**Died Between  
Houses**

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

This bill was reported by the committee pursuant to Resolve 2015, chapter 51, section 2 and then referred back to the committee for processing in the normal course. As required by the resolve, the Maine Arts Commission, the Maine Historic Preservation Commission and the Maine State Museum Commission submitted to the committee their study and recommendations regarding the replacement of statues provided by the State to the National Statuary Hall Collection in the United States Capitol. The bill reflects the recommendations of the study.

The bill provides that the Maine Arts Commission, the Maine Historic Preservation Commission and the Maine State Museum Commission are responsible for the placement and replacement of statues representing Maine in the National Statuary Hall Collection in the United States Capitol. A statue must meet all applicable federal requirements; replacement of a statue must be funded from private sources; and a replaced statue must be returned to Maine, where it must be displayed in public view. The bill requires a statue placed in the National Statuary Hall Collection to represent Maine as demonstrated by the results of a survey of public opinion. This bill also directs the Maine Arts Commission, the Maine Historic Preservation Commission and the Maine State Museum Commission to replace the statue of Hannibal Hamlin currently in the National Statuary Hall Collection with a statue of Margaret Chase Smith by March 15, 2020.

**Committee Amendment "A" (S-413)**

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment creates the Commission on Statuary in National Statuary Hall to replace the statue of Hannibal Hamlin in National Statuary Hall in the United States Capitol with a statue of Margaret Chase Smith by March 15, 2020 and to return the statue of Hannibal Hamlin to the Maine State House. The commission has nine members, including the directors of the Maine Arts Commission and the Maine State Museum and seven members of the public. The commission must regularly consult with the Maine Arts Commission and the Maine State Museum Commission and must fund the statue replacement project with available funds. Final authorization to place the statue of Hannibal Hamlin within the Maine State House or on the grounds of the Maine State House must be made by the Legislative Council. The commission must submit two progress reports and a final report of its work to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the Legislative Council. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1625 An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Requiring the University of Maine System To Provide Supportive Services to Student-veterans**

**INDEF PP**

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

This bill was reported by the joint standing committee on Legal and Veterans Affairs, pursuant to Resolve 2015, chapter 48 and then referred to the Education and Cultural Affairs Committee for processing in the normal course.

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This bill implements one of the recommendations made by the final report of the Commission To Strengthen and Align the Services Provided to Maine's Veterans pursuant to Resolve 2015, chapter 48.

The bill requires each campus of the University of Maine System with a significant number of student-veterans to include an office that provides assistance to those veterans with the intent of facilitating transition from military life and supporting successful completion of the veterans' postsecondary education. The bill requires that any office established pursuant to this bill use, to the greatest extent possible, the office at the University of Southern Maine as a model.

**Committee Amendment "A" (H-591)**

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve directing the University of Maine System and the Maine Community College System to identify the needs of student-veterans on their campuses, including needs related to admission, degree completion, transitioning to civilian life and meeting personal and financial obligations. The amendment further directs the University of Maine System and the Maine Community College System to identify existing services that meet the needs identified, assess the effectiveness of those services, determine what services are not being offered that, if offered, would meet those needs and propose services and solutions that fulfill those needs across campuses that are based upon best practices. The University of Maine System and the Maine Community College System are directed to report their findings to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and veterans and legal affairs.

This amendment was not adopted.

**LD 1627 An Act To Implement Certain Recommendations of the Maine Proficiency Education Council**

**PUBLIC 489**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-504

This bill is reported ought to pass by a majority of the committee pursuant to Joint Rule 353. The bill includes certain recommendations proposed in the report submitted by the Maine Proficiency Education Council established pursuant to Resolve 2015, chapter 41, section 3 for consideration by the joint standing committee. The joint standing committee has not taken a position on the substance of the report or this bill and by submitting this bill the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of the recommendations and the necessary changes to the Maine Revised Statutes, Title 20-A included in the report or this bill. The joint standing committee is submitting the bill for the sole purpose of turning certain proposals in the report into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course of business. The joint standing committee is taking this action to ensure clarity and transparency in the legislative review of the proposals included in the report submitted by the council.

**Committee Amendment "A" (S-504)**

This amendment is the minority report on the bill reported pursuant to Joint Rule 353. This amendment strikes and replaces the bill. The amendment proposes the following initiatives related to certain recommendations included in the report submitted by the Maine Proficiency Education Council.

1. Like the bill, it adds a provision to the laws governing accreditation standards that requires schools to demonstrate evidence of sufficient capacity through multiple pathways for students to reach proficiency in each of the content areas and the guiding principles of the system of learning results established under the Maine Revised Statutes, Title 20-A, section 6209.
2. It refines a school's requirements regarding a student's demonstration of proficiency in order to be awarded a

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proficiency-based diploma that indicates the student has graduated from a secondary school that is subject to the system of learning results.

3. It specifies a phase-in period for the implementation of the secondary school diploma requirements for students from the 2020-2021 school year to the 2024-2025 school year.
4. It strikes the proposal in the bill related to certifying a student's highest standard of proficiency in each content area of the system of learning results.
5. It strikes the proposal in the bill related to certifying a student's demonstration of measures of college and career readiness.
6. It amends the exception provision related to awarding a diploma to a secondary school student who is a child with a disability.
7. It amends the exception provision related to awarding a diploma to a secondary school student who is enrolled in a career and technical education program by specifying a phase-in period for implementation of the exception provision for students enrolled in career and technical education programs from the 2020-2021 school year to the 2023-2024 school year.
8. Like the bill, it extends the provision of annual transition grants from the Department of Education through the 2020-2021 school year to provide funding to school administrative units to implement the proficiency-based graduation requirements and it allows the Commissioner of Education to include annual transition grant funding for school administrative units to meet the proficiency-based reporting and credentials requirements pursuant to Title 20-A, section 6209, subsection 3-A.
9. It simplifies the language in the bill regarding certification of college and career readiness by removing the criteria of problem-solving, collaboration, critical thinking and communication.
10. It directs the commissioner to develop rules for proficiency-based diploma standards under Title 20-A, section 4722-A to:
  - A. Allow local flexibility and innovation in developing consistent graduation standards;
  - B. Allow the commissioner to identify the opportunities for learning in multiple pathways of career and technical education programs that satisfy certain components of the system of learning results; and
  - C. Address the placement of students in career and technical education programs while ensuring the students will be provided exposure to all of the content areas of the system of learning results through the 10th year of their studies;
11. Like the bill, it extends, from the 2015-2016 school year to the 2016-2017 school year, the collection and reporting of data by the department on the progress of schools' implementation of proficiency-based diplomas and transcripts, and it includes in the collection and reporting data on the number of students concluding their high school careers proficient in each content area of the system of learning results and the number of students certified as ready for college and careers.
12. Like the bill, it removes the requirement that the department establish graduation requirements for each of the content areas of the system of learning results.
13. Like the bill, it clarifies that schools subject to implementing the system of learning results must provide opportunities for students to study and achieve proficiency through multiple pathways.

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14. It requires the commissioner to recommend objective measures to substantiate school certifications of readiness for postsecondary education.

15. Like the bill, it requires the commissioner to provisionally adopt rules by January 2, 2017 to ensure compliance with the amendments to the standards-based education system but further requires that the rules allow for local flexibility and innovation in developing consistent graduation standards and criteria for providing educational opportunity for students.

16. It adds a three-year review cycle of the essential programs and services cost components related to the implementation of the proficiency-based reporting and graduation requirements beginning in fiscal year 2017-18.

17. It authorizes the commissioner to expend and disburse funds to schools to support their transition to proficiency-based diplomas. These funds may also support the proficiency-based reporting and credentials requirements pursuant to Title 20-A, section 6209, section 3-A.

18. It requires that the commissioner and the Governor transmit annual school funding level recommendations to the Legislature that include recommendations related to state funding for public education and property tax contributions to public education pursuant to Title 20-A, chapter 606-B, sections 15671 and 15671-A in the Essential Programs and Services Funding Act.

### **Enacted Law Summary**

Public Law 2015, chapter 489 enacts certain recommendations proposed in the report submitted by the Maine Proficiency Education Council established pursuant to Resolve 2015, chapter 41, section 3. The law accomplishes the following initiatives related to certain recommendations included in the report submitted by the council.

1. It adds a provision to the laws governing accreditation standards that requires schools to demonstrate evidence of sufficient capacity through multiple pathways for students to reach proficiency in each of the content areas and the guiding principles of the system of learning results established under the Maine Revised Statutes, Title 20-A, section 6209.

2. It refines a school's requirements regarding a student's demonstration of proficiency in order to be awarded a proficiency-based diploma that indicates the student has graduated from a secondary school that is subject to the system of learning results.

3. It specifies a phase-in period for the implementation of the secondary school diploma requirements for students from the 2020-2021 school year to the 2024-2025 school year.

4. It strikes the proposal in the bill related to certifying a student's highest standard of proficiency in each content area of the system of learning results.

5. It strikes the proposal in the bill related to certifying a student's demonstration of measures of college and career readiness.

6. It amends the exception provision related to awarding a diploma to a secondary school student who is a child with a disability.

7. It amends the exception provision related to awarding a diploma to a secondary school student who is enrolled in a career and technical education program by specifying a phase-in period for implementation of the exception provision for students enrolled in career and technical education programs from the 2020-2021 school year to the 2023-2024 school year.

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8. It extends the provision of annual transition grants from the Department of Education through the 2020-2021 school year to provide funding to school administrative units to implement the proficiency-based graduation requirements and it allows the Commissioner of Education to include annual transition grant funding for school administrative units to meet the proficiency-based reporting and credentials requirements pursuant to Title 20-A, section 6209, subsection 3-A.
9. It simplifies the language in the bill regarding certification of college and career readiness by removing the criteria of problem-solving, collaboration, critical thinking and communication.
10. It directs the commissioner to develop rules for proficiency-based diploma standards under Title 20-A, section 4722-A to:
  - A. Allow local flexibility and innovation in developing consistent graduation standards;
  - B. Allow the commissioner to identify the opportunities for learning in multiple pathways of career and technical education programs that satisfy certain components of the system of learning results; and
  - C. Address the placement of students in career and technical education programs while ensuring the students will be provided exposure to all of the content areas of the system of learning results through the 10th year of their studies;
11. It extends, from the 2015-2016 school year to the 2016-2017 school year, the collection and reporting of data by the department on the progress of schools' implementation of proficiency-based diplomas and transcripts, and it includes in the collection and reporting data on the number of students concluding their high school careers proficient in each content area of the system of learning results and the number of students certified as ready for college and careers.
12. It removes the requirement that the department establish graduation requirements for each of the content areas of the system of learning results.
13. It clarifies that schools subject to implementing the system of learning results must provide opportunities for students to study and achieve proficiency through multiple pathways.
14. It requires the commissioner to recommend objective measures to substantiate school certifications of readiness for postsecondary education.
15. It requires the commissioner to provisionally adopt rules by January 2, 2017 to ensure compliance with the amendments to the standards-based education system but further requires that the rules allow for local flexibility and innovation in developing consistent graduation standards and criteria for providing educational opportunity for students.
16. It adds a three-year review cycle of the essential programs and services cost components related to the implementation of the proficiency-based reporting and graduation requirements beginning in fiscal year 2017-18.
17. It authorizes the commissioner to expend and disburse funds to schools to support their transition to proficiency-based diplomas. These funds may also support the proficiency-based reporting and credentials requirements pursuant to Title 20-A, section 6209, section 3-A.
18. It requires that the commissioner and the Governor transmit annual school funding level recommendations to the Legislature that include recommendations related to state funding for public education and property tax contributions to public education pursuant to Title 20-A, chapter 606-B, sections 15671 and 15671-A in the Essential Programs and Services Funding Act.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1641 An Act To Establish a Commission To Reform Public Education Funding and Improve Student Performance in Maine and Make Supplemental Appropriations and Allocations for the Expenditures of the Department of Education and To Change Certain Provisions of the Law Necessary to the Proper Operations of Government for the Fiscal Year Ending June 30, 2017**

**PUBLIC 389  
EMERGENCY**

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

This bill was not referred to a committee.

The bill establishes a commission to reform public education funding and improve student performance in Maine. The bill provides supplemental appropriations and allocations from the unappropriated surplus to the General Purpose Aid for Local Schools program for the expenditures of the Department of Education during fiscal year 2016-17. The bill also makes changes to certain provisions of the education laws, including provisions in the Essential Programs and Services Funding Act under Title 20-A, Chapter 606-B, necessary for the operations of State Government beginning in fiscal year 2016-17.

Part A of the bill directs the Commissioner of Education or the commissioner's designee to convene, no later than May 1, 2016, a commission to reform public education funding and improve student performance in the State. The Commissioner of Education is directed to submit by January 10, 2017 and January 10, 2018 to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters a report of the commission that includes findings and recommendations for action to reform public education funding and improve student performance in Maine. Notwithstanding Joint Rule 353, the commissioner is authorized to submit to the Legislature a bill to implement the commission's recommendations.

Part B requires the State Controller to transfer \$15,000,000 in fiscal year 2016-17 from the General Fund unappropriated surplus to the General Purpose Aid for Local Schools program, General Fund account within the Department of Education.

Part C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2016-17, the state contribution and the annual target state share percentage. In addition, Part C accomplishes the following.

1. Under current law, the Commissioner of Education may report and pay to the Treasurer of State to be credited to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the Department of Education no more than \$335,000 in fiscal year 2014-15 from fees for the initial issuance of and renewal of teacher, education specialist and administrator certificates. This Part extends that limitation to each fiscal year beyond fiscal year 2014-15.
2. This Part changes from fiscal year 2016-17 to fiscal year 2017-18 when the State must begin increasing the state share percentage of the funding for the cost of essential programs and services by at least one percentage point per year over the percentage of the previous year until the state share percentage of the total cost of funding public education from kindergarten to grade 12 reaches 55%.
3. It adds, beginning in fiscal year 2016-17, charter schools to the list of essential programs and services components to be reviewed.
4. It changes the deadline for the commissioner to make annual recommendations regarding the funding levels for essential programs and services from prior to December 15th of each year to prior to January 20th of each fiscal

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year.

5. It strikes the provision of law that authorizes the commissioner, for school administrative units that annually demonstrate savings by purchasing supplies using an electronic bidding forum, to suspend all or a portion of the adjustment to the unit's state contribution.

### **Enacted Law Summary**

Public Law 2015, chapter 389 establishes a commission to reform public education funding and improve student performance in Maine. The law provides supplemental appropriations and allocations from the unappropriated surplus to the General Purpose Aid for Local Schools program for the expenditures of the Department of Education during fiscal year 2016-17. The law also makes changes to certain provisions of the education laws, including provisions in the Essential Programs and Services Funding Act under Title 20-A, Chapter 606-B, necessary for the operations of State Government beginning in fiscal year 2016-17. The law accomplishes the following.

Part A directs the Commissioner of Education or the commissioner's designee to convene, no later than May 1, 2016, a commission to reform public education funding and improve student performance in the State. The Commissioner of Education is also directed to submit by January 10, 2017 and January 10, 2018 to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters a report of the commission that includes findings and recommendations for action to reform public education funding and improve student performance in Maine. Notwithstanding Joint Rule 353, the commissioner is authorized to submit to the Legislature a bill to implement the commission's recommendations.

Part B requires the State Controller to transfer \$15,000,000 in fiscal year 2016-17 from the General Fund unappropriated surplus to the General Purpose Aid for Local Schools program, General Fund account within the Department of Education.

Part C establishes the total cost of education from kindergarten to grade 12 for fiscal year 2016-17, the state contribution and the annual target state share percentage. In addition, Part C accomplishes the following.

1. Under current law, the Commissioner of Education may report and pay to the Treasurer of State to be credited to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the Department of Education no more than \$335,000 in fiscal year 2014-15 from fees for the initial issuance of and renewal of teacher, education specialist and administrator certificates. This Part extends that limitation to each fiscal year beyond fiscal year 2014-15.
2. This Part changes from fiscal year 2016-17 to fiscal year 2017-18 when the State must begin increasing the state share percentage of the funding for the cost of essential programs and services by at least one percentage point per year over the percentage of the previous year until the state share percentage of the total cost of funding public education from kindergarten to grade 12 reaches 55%.
3. It adds, beginning in fiscal year 2016-17, charter schools to the list of essential programs and services components to be reviewed.
4. It changes the deadline for the commissioner to make annual recommendations regarding the funding levels for essential programs and services from prior to December 15th of each year to prior to January 20th of each fiscal year.
5. It strikes the provision of law that authorizes the commissioner, for school administrative units that annually demonstrate savings by purchasing supplies using an electronic bidding forum, to suspend all or a portion of the adjustment to the unit's state contribution.

Public Law 2015, chapter 389 was enacted as an emergency measure effective March 10, 2016.

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**LD 1655 An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in the State**

**PUBLIC 435**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND J	OTP-AM OTP-AM	S-446

The purpose of this bill is to increase the number of students pursuing graduate and undergraduate degrees in the fields of science, computer science, technology, engineering and mathematics. This bill creates the Maine Science, Technology, Engineering and Mathematics Loan Program administered by the Finance Authority of Maine. Under the bill, loans with varying interest rates will be provided to participating students depending on their future residency and employment: loans bearing an interest rate of 0% annually will be available to students who remain in or return to the State and work in the fields of science, computer science, technology, engineering and mathematics upon graduation; loans bearing an interest rate of 5% annually will be available to students who remain in or return to the State upon graduation but are not employed in the fields of science, computer science, technology, engineering and mathematics; and loans bearing an interest rate of 8% annually will be available for students who live and work outside the State upon graduation. The bill also authorizes the Commissioner of Education to grant funds to the program's Maine Science, Technology, Engineering and Mathematics Loan Fund if they become available.

**Committee Amendment "A" (S-446)**

This amendment is the majority report of the committee. The amendment adds high school seniors to the definition of "STEM student" under the Maine Science, Technology, Engineering and Mathematics Loan Program. The amendment changes the maximum loan term from four years to five years and strikes a reference to loans bearing an annual interest rate of 8% being available to students who, upon graduation, are not employed in the field of science, computer science, technology, engineering or mathematics. The amendment allows a person who is working as an educator in the field of science, computer science, technology, engineering or mathematics to qualify for a 0% interest rate. The amendment removes the authority for the Commissioner of Education to grant funds to the Maine Science, Technology, Engineering and Mathematics Loan Fund. The amendment adds a requirement that the Finance Authority of Maine submit a report regarding the effectiveness of the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15th of the fifth year after the loan program begins awarding loans.

**Committee Amendment "B" (S-447)**

This amendment is the minority report of the committee. The amendment, which is the minority report of the committee, adds high school seniors to the definition of "STEM student" under the Maine Science, Technology, Engineering and Mathematics Loan Program and requires that the institution of higher education be in this State. The amendment changes the maximum loan term from four years to five years and strikes a reference to loans bearing an annual interest rate of 8% being available to students who, upon graduation, are not employed in the field of science, computer science, technology, engineering or mathematics. The amendment allows a person who is working as an educator in the field of science, computer science, technology, engineering or mathematics to qualify for a 0% interest rate. The amendment removes the authority for the Commissioner of Education to grant funds to the Maine Science, Technology, Engineering and Mathematics Loan Fund. The amendment adds a requirement that the Finance Authority of Maine submit a report regarding the effectiveness of the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15th of the fifth year after the loan program begins awarding loans.

This amendment was not adopted.

**Enacted Law Summary**

***Joint Standing Committee on Education and Cultural Affairs***

Public Law 2016, chapter 435 creates the Maine Science, Technology, Engineering and Mathematics Loan Program administered by the Finance Authority of Maine. Under the law, loans with varying interest rates will be provided to participating students depending on their future residency and employment: loans bearing an interest rate of 0% annually will be available to students who remain in or return to the State and work in the fields of science, computer science, technology, engineering and mathematics upon graduation; loans bearing an interest rate of 5% annually will be available to students who remain in or return to the State upon graduation but are not employed in the fields of science, computer science, technology, engineering and mathematics; and loans bearing an interest rate of 8% annually will be available for students who live and work outside the State upon graduation. The law also allows a person who is working in the State as an educator in the fields of science, computer science, technology, engineering or mathematics to qualify for a 0% interest rate. The loans are available to high school seniors committed to the study of science, computer science, technology, engineering or mathematics at an accredited institution of higher education and may be provided by the Finance Authority of Maine for a maximum of five years to selected STEM students. Public Law 2016, chapter 435 requires the Finance Authority of Maine to submit a report regarding the effectiveness of the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15th of the fifth year after the loan program begins awarding loans.

**LD 1660      An Act To Establish the Fund To Advance Public Kindergarten to Grade 12 Education      INDEF PP**

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

This initiated bill was not referred to a committee.

The initiated bill establishes the Fund to Advance Public Kindergarten to Grade 12 Education for the purpose of improving the ability of the State to reach the annual target of 55%, as specified in statute, for the state share of the total cost of funding public education from kindergarten to grade 12, and for increasing direct support for student learning rather than administrative costs. Revenue for the fund is generated by a 3% surcharge on Maine income tax over \$200,000, beginning with tax years beginning on or after January 1, 2017.

**LD 1675      Resolve, To Create the Task Force on Public-private Partnerships To Support Public Education      RESOLVE 89 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-628 S-541 MASON G

This resolve was reported by the committee pursuant to Resolve 2015, chapter 52 and then referred back to the committee for processing in the normal course.

The resolve establishes the Task Force on Public-private Partnerships To Support Public Education. The task force has 17 members, including legislative members, the Commissioner of Education, school principals and members representing philanthropic, business and financing interests who have experience in performance-based contracting in the social sector or social impact bonds. The task force must research the various aspects of the issues related to using performance-based contracting and social impact bonding to support public education and develop a pilot project for the implementation of performance-based contracting and social impact bonding to support public education. The task force must report its findings to the First Regular Session of the 128th Legislature. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill based on the task force's report.

*Joint Standing Committee on Education and Cultural Affairs*

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

This amendment reduces the membership of the Task Force on Public-private Partnerships To Support Public Education from 17 members to 12 members. The amendment removes the requirement that the task force develop a pilot project for the implementation of performance-based contracting and social impact bonding with private and governmental entities to support public education and instead requires the task force to make recommendations regarding the viability of implementing performance-based contracting and social impact partnerships with private and governmental entities to support public education. The amendment permits the task force to seek private funds to fund its costs. The amendment changes the date the task force must submit its report to the Legislature from November 2, 2016 to January 15, 2017.

**Senate Amendment "A" To Committee Amendment "A" (S-541)**

This amendment specifies that the Task Force on Public-private Partnerships To Support Public Education is required to seek funding contributions to fully fund the costs of the task force and that the task force may not meet if sufficient outside funding is not received.

**Enacted Law Summary**

Resolve 2016, chapter 89 establishes the Task Force on Public-private Partnerships To Support Public Education. The task force has 12 members, including legislative members, the Commissioner of Education and members representing philanthropic, business and financing interests who have experience in performance-based contracting in the social sector or social impact partnerships. The task force must research the various aspects of the issues related to using performance-based contracting and social impact partnerships to support public education and make recommendations regarding the viability of implementing performance-based contracting and social impact partnerships with private and governmental entities to support public education. The task force must seek funding contributions to fully fund the costs of the task force and may not meet if sufficient outside funding is not received. The task force must report its findings to the First Regular Session of the 128th Legislature no later than January 15, 2017. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the First Regular Session of the 128th Legislature based on the task force's report.

Resolve 2016, chapter 89 was finally passed as an emergency measure effective April 29, 2016.

**LD 1684    An Act To Implement Certain Recommendations of the Task Force on School Leadership    Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-450    LANGLEY B

This bill was reported ought to pass by the committee pursuant to Resolve 2015, chapter 46, section 7. The bill includes certain recommendations proposed in the report submitted by the Task Force on School Leadership established by that resolve.

The bill allows school administrative units to enter into collaborative agreements to establish regional school leadership academies that combine state and local programs and resources, including the preparation, licensure, certification, professional development and training for educational leadership, into a coherent system that can significantly improve the recruitment and preparation of prospective candidates for school principalship and other school leadership positions, as well as the induction, mentoring and retention of principals and school leaders during the first two years of employment in their school leadership positions. The bill includes an appropriations and allocations section.

**Senate Amendment "A" (S-450)**

*Joint Standing Committee on Education and Cultural Affairs*

The bill requires the Department of Education and the State Board of Education to provide certain services and resources to assist school administrative units that form a regional school leadership academy. This amendment allows the department and the board to provide these services. The amendment removes the appropriations and allocations section from the bill.

**LD 1699 An Act To Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity**

**PUBLIC 487**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R MCCABE J		H-670 MCCABE J H-673 GOODE A

This bill was not referred to a committee.

The bill changes the determination for property fiscal capacity as used to determine the amount of state aid a school administrative unit receives under the school funding formula if a municipality has experienced a decline in state valuation of at least 4.5% attributable to one taxpayer. Under this bill, the State Tax Assessor is required to certify to the Commissioner of Education when a municipality's state valuation has declined by at least 4.5% from the previous year's certified state valuation and the decline is due to the loss in value attributable to a single taxpayer. When those conditions have been met, the property fiscal capacity for that municipality is the average of the most recently certified state valuation and the certified state valuations for the three years prior to the most recently certified year.

The bill requires the commissioner to identify savings from unused debt service in order to maintain the mill rate expectation of 8.30 for fiscal year 2016-17.

**House Amendment "A" (H-670)**

This amendment removes the emergency preamble and emergency clause from the bill.

**House Amendment "B" (H-673)**

This amendment limits to fiscal year 2016-17 the change in the determination for property fiscal capacity as used to determine the amount of state aid a school administrative unit receives under the school funding formula if a municipality has experienced a decline in state valuation of at least 4.5% attributable to one taxpayer.

**Enacted Law Summary**

Public Law 2015, chapter 487 changes the determination for property fiscal capacity as used to determine the amount of state aid a school administrative unit receives in fiscal year 2016-17 under the school funding formula if a municipality has experienced a decline in state valuation of at least 4.5% attributable to one taxpayer. Under this bill, the State Tax Assessor is required to certify to the Commissioner of Education when a municipality's state valuation has declined by at least 4.5% from the previous year's certified state valuation and the decline is due to the loss in value attributable to a single taxpayer. When those conditions have been met, the property fiscal capacity for that municipality is the average of the most recently certified state valuation and the certified state valuations for the three years prior to the most recently certified year. The law also requires the Commissioner of Education to identify savings from unused debt service in order to maintain the mill rate expectation of 8.30 for fiscal year 2016-17.

# *Joint Standing Committee on Education and Cultural Affairs*

## **SUBJECT INDEX**

### **Administration, Department of Education, State Board, and School Governance**

#### **Enacted**

LD 1253	An Act To Improve the Evaluation of Elementary and Secondary Schools	PUBLIC 500
LD 1576	An Act To Amend Certain Education Laws	PUBLIC 448 EMERGENCY

#### **Not Enacted**

LD 419	An Act To Establish the Summer Success Program Fund	Veto Sustained
LD 1033	Resolve, To Assist the University of Maine System and the Maine Community College System To Reduce the Need for Remedial Education	ONTP

### **Cultural Affairs**

#### **Enacted**

LD 1490	An Act Regarding the Maine Arts Commission	PUBLIC 379
LD 1493	An Act To Provide a Private Support Organization for the Maine Arts Commission	PUBLIC 380

#### **Not Enacted**

LD 1604	An Act To Replace a Statue in the National Statuary Hall Collection	Died Between Houses
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### **Curriculum, Instruction, Textbooks and Testing**

#### **Enacted**

LD 1459	An Act To Clarify the Use of Student Data from the Statewide Assessment Test	PUBLIC 405
LD 1627	An Act To Implement Certain Recommendations of the Maine Proficiency Education Council	PUBLIC 489

#### **Not Enacted**

LD 1492	An Act To Establish a Protocol for Review of State Education Content Standards of the System of Learning Results	Veto Sustained
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### **Education - Other**

#### **Enacted**

LD 1469	An Act To Promote Private Fund-raising for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf	PUBLIC 383
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LD 1517	An Act To Enable an Alternative Organizational Structure To Purchase Group Health Insurance for Its Employees	PUBLIC 420 EMERGENCY
LD 1675	Resolve, To Create the Task Force on Public-private Partnerships To Support Public Education	RESOLVE 89 EMERGENCY

**Not Enacted**

LD 1625	An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Requiring the University of Maine System To Provide Supportive Services to Student-veterans	INDEF PP
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**Health, Nutrition and Safety**

**Enacted**

LD 1556	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	RESOLVE 65 EMERGENCY
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**Not Enacted**

LD 1491	An Act To Allow Trained, Nonmedical Employees in Schools To Administer Emergency Medications	ONTP
LD 1594	An Act To Direct the Commissioner of Education To Develop a Model Policy Regarding Substance Abuse Education in Maine Schools	ONTP

**Postsecondary Education Finance and Student Aid**

**Enacted**

LD 1655	An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in the State	PUBLIC 435
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**Postsecondary Education Governance and Coordination**

**Enacted**

LD 215	An Act To Improve Student Retention in Maine's Postsecondary Institutions	PUBLIC 466
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**Not Enacted**

LD 305	An Act To Authorize Circus Conservatory of America To Grant Baccalaureate Degrees	Leave to Withdraw Pursuant to Joint Rule 310
LD 356	An Act To Permit the New England School of Dental Technology To Grant the Degree of Bachelor of Science	ONTP
LD 981	An Act To Establish a Veterinary School	ONTP

### *School Budgets*

#### Enacted

LD 1475	An Act To Facilitate the Use of State Education Subsidies	PUBLIC 463 EMERGENCY
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### *School Finance*

#### Enacted

LD 1641	An Act To Establish a Commission To Reform Public Education Funding and Improve Student Performance in Maine and Make Supplemental Appropriations and Allocations for the Expenditures of the Department of Education and To Change Certain Provisions of the Law Necessary to the Proper Operations of Government for the Fiscal Year Ending June 30, 2017	PUBLIC 389 EMERGENCY
LD 1699	An Act To Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity	PUBLIC 487

#### Not Enacted

LD 1394	An Act To Implement the Recommendations of the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula	Veto Sustained
LD 1489	An Act To Clarify Expenditures Regarding Androscoggin County	Veto Sustained
LD 1660	An Act To Establish the Fund To Advance Public Kindergarten to Grade 12 Education	INDEF PP

### *Special Education Programs and Finance*

#### Enacted

LD 1555	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education	RESOLVE 60 EMERGENCY
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### *Teachers and Administrators*

LD 1464	An Act To Revise the Educational Personnel Certification Statutes and To Direct the Department of Education To Review Department Rules Regarding Educational Personnel Certification	PUBLIC 395
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#### Not Enacted

LD 1370	An Act To Improve the Quality of Teachers	Died Between Houses
LD 1544	An Act To Improve Teaching Assignments in Maine's Public Schools	Died Between Houses
LD 1684	An Act to Implement Certain Recommendations of the Task Force on School Leadership	Veto Sustained

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



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

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND  
NATURAL RESOURCES**

May 2016

**MEMBERS:**

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SEN. ERIC L. BRAKEY  
SEN. CATHERINE BREEN

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*Joint Standing Committee on Environment and Natural Resources*

**LD 313 An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State**

**PUBLIC 461**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R SAVIELLO T	OTP-AM	H-616 H-640 WELSH J

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to implement recommendations from the Department of Environmental Protection relating to solid waste handling, management and disposal issues identified in a letter dated March 24, 2014 to the Department of Environmental Protection from the Joint Standing Committee on Environment and Natural Resources. Specifically, this bill would enact measures designed to:

1. Provide incentives for and encourage the increased use of methods of source reduction, reuse, recycling and composting as a means of achieving the state-mandated recycling goal of 50% under the Maine Revised Statutes, Title 38, section 2132, together with a method for accurately measuring future achievements toward that goal;
2. Achieve economic stabilization of the three existing waste-to-energy facilities in the State by January 1, 2016, with options for funding that stabilization;
3. Develop a plan to minimize the need for future expansion of landfill capacity in Maine, including state-owned landfills;
4. Identify additional strategies to increase the beneficial use of waste materials, particularly where there are potential economic benefits to be derived from these materials; and
5. Develop other components of an overall comprehensive implementation plan necessary and appropriate to better advance the goals of the State's solid waste management hierarchy under Title 38, section 2101.

**Committee Amendment "A" (H-616)**

This amendment strikes and replaces the bill and amends the State's solid waste management laws as follows.

1. It establishes a food recovery hierarchy to be used in conjunction with the State's solid waste management hierarchy as a guiding principle in making decisions related to solid waste and organic materials management.
2. It updates the State's recycling goal. Current statute sets a goal of recycling or composting 50% of the municipal solid waste tonnage generated each year within the State by January 1, 2014. This amendment extends that goal deadline to January 1, 2021.
3. It repeals the state waste reduction goal, which focused on the reduction of municipal solid waste generated in the State, and establishes a state waste disposal reduction goal focused instead on the statewide per capita reduction of waste disposed of in the State.
4. It provides that revenues collected through the assessment of statutory solid waste fees may be expended by the Department of Environmental Protection to provide grant funding in accordance with the Maine Solid Waste Diversion Grant Program, which is established by this amendment. The department is directed to

## ***Joint Standing Committee on Environment and Natural Resources***

annually review current revenues in the Maine Solid Waste Management Fund established in the Maine Revised Statutes, Title 38, section 2201, as well as revenue projections for upcoming years, to determine whether additional revenues are available in the upcoming year to provide grant funding under the grant program and, if funds are available, to designate them for use in accordance with the program.

5. It establishes the Maine Solid Waste Diversion Grant Program to provide grants to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives and activities designed to increase the diversion of solid waste from disposal in the State. Under the program, priority in the awarding of grants is given to municipal and regional association applicants and to applicants seeking to establish programs, projects, initiatives or activities likely to increase the removal and recycling of organic materials from municipal waste streams.

6. It provides authority for, but does not require, the Department of Environmental Protection to adopt rules imposing fees on the disposal or processing of municipal solid waste and on the disposal of certain types of wastes. Rules adopted pursuant to this authority are major substantive rules and must be consistent with the State's solid waste management hierarchy and food recovery hierarchy. Current waste disposal fees under Title 38, sections 2203-A and 2204 remain unchanged and will continue to be assessed until the department finally adopts rules imposing different waste disposal fees. The amendment also makes some technical edits to section 2203-A to remove outdated statutory language.

7. It directs the Department of Environmental Protection to develop, implement and administer a food scraps composting pilot program and provides funds to the Department of Administrative and Financial Services to establish such a pilot program. The Department of Environmental Protection is required to collect data from participating entities and by January 15, 2019 submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food scraps composting programs or requirements at the state, regional, municipal or local level or to otherwise increase the diversion rate for organic materials in the State. After receiving the report, the committee may report out a bill relating to the report to the First Regular Session of the 129th Legislature.

### **House Amendment "A" To Committee Amendment "A" (H-640)**

This amendment amends Committee Amendment "A" to direct the Department of Environmental Protection to invite the Department of Administrative and Financial Services, Bureau of General Services to participate in the proposed food scraps composting pilot program, as resources allow, with respect to the State House and the Burton M. Cross State Office Building facilities. Under the committee amendment, this participation is mandatory and an appropriation of funds is provided for that purpose. This amendment also removes that appropriation of funds relating to the mandatory participation of the Department of Administrative and Financial Services, Bureau of General Services in the pilot program.

### **Enacted Law Summary**

Public Law 2015, chapter 461 amends the State's solid waste management laws as follows.

1. It establishes a food recovery hierarchy to be used in conjunction with the State's solid waste management hierarchy as a guiding principle in making decisions related to solid waste and organic materials management
2. It updates the State's recycling goal. Current statute sets a goal of recycling or composting 50% of the municipal solid waste tonnage generated each year within the State by January 1, 2014. This law extends that goal deadline to January 1, 2021.
3. It repeals the state waste reduction goal, which focused on the reduction of municipal solid waste generated in

*Joint Standing Committee on Environment and Natural Resources*

the State, and establishes a state waste disposal reduction goal focused instead on the statewide per capita reduction of waste disposed of in the State.

4. It provides that revenues collected through the assessment of statutory solid waste fees may be expended by the Department of Environmental Protection to provide grant funding in accordance with the Maine Solid Waste Diversion Grant Program, which is established by this law. The department is directed to annually review current revenues in the Maine Solid Waste Management Fund established in the Maine Revised Statutes, Title 38, section 2201, as well as revenue projections for upcoming years, to determine whether additional revenues are available in the upcoming year to provide grant funding under the grant program and, if funds are available, to designate them for use in accordance with the program.

5. It establishes the Maine Solid Waste Diversion Grant Program to provide grants to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives and activities designed to increase the diversion of solid waste from disposal in the State. Under the program, priority in the awarding of grants is given to municipal and regional association applicants and to applicants seeking to establish programs, projects, initiatives or activities likely to increase the removal and recycling of organic materials from municipal waste streams.

6. It provides authority for, but does not require, the Department of Environmental Protection to adopt rules imposing fees on the disposal or processing of municipal solid waste and on the disposal of certain types of wastes. Rules adopted pursuant to this authority are major substantive rules and must be consistent with the State's solid waste management hierarchy and food recovery hierarchy. Current waste disposal fees under Title 38, sections 2203-A and 2204 remain unchanged and will continue to be assessed until the department finally adopts rules imposing different waste disposal fees. The law also makes some technical edits to section 2203-A to remove outdated statutory language.

7. It directs the Department of Environmental Protection to develop, implement and administer a food scraps composting pilot program. The department is required to collect data from participating entities and by January 15, 2019 submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food scraps composting programs or requirements at the state, regional, municipal or local level or to otherwise increase the diversion rate for organic materials in the State. After receiving the report, the committee may report out a bill relating to the report to the First Regular Session of the 129th Legislature.

**LD 394      Resolve, To Lower the Department of Environmental Protection's  
5-point Odor Intensity Referencing Scale for Odor Control at Solid  
Waste Processing Facilities**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K CUSHING A	ONTP	

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Environmental Protection to amend its Chapter 409 rules in effect on July 27, 2014 relating to the operation of solid waste processing facilities to decrease by 50% the existing concentration levels in water of n-butanol corresponding to each level within the modified five-point odor intensity referencing scale for use in odor control for facilities that process wastewater treatment sludge from publicly owned treatment works and facilities that process septage.

*Joint Standing Committee on Environment and Natural Resources*

**LD 713      Resolve, To Further Protect Lake Water Quality**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G SAVIELLO T	ONTP	

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Environmental Protection to, as soon as practicable, amend its Rule Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances in effect on the effective date of the resolve to reflect a number of changes, including changes to setbacks for new principal and accessory structures, phosphorus mitigation requirements in conjunction with the expansion of the footprint of a structure within the setback area and requirements for the location of wells within the setback area. The resolve also directs the Commissioner of Environmental Protection to convene a stakeholder group to conduct a study regarding the effectiveness of the department's shoreland zoning rules since January 1, 2005 and to report its findings and any recommendations for legislation to the Joint Standing Committee on Environment and Natural Resources by January 1, 2016. The committee may report out a bill relating to those recommendations to the Second Regular Session of the 127th Legislature.

**LD 795      An Act To Encourage Prudent Development along the Coast or in a  
Flood Zone by Considering Predictions for Sea Level Rise**

**ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to enact measures that would require sea level model predictions to be taken into account in the design phase of any development project on the coast or in a flood zone if more than 10% of the total funding for the project is state funding. "Development project" includes, but is not limited to, the development of buildings, land, walkways, bridges, roads, culverts and piers. The bill also proposes to enact measures to require coordination among state and federal agencies, universities and stakeholders concerning development projects on the coast or in a flood zone that may be affected by sea level rise.

**LD 1254      Resolve, To Further Study the Implementation and Funding of an  
Integrated Beach Management Program**

**RESOLVE 66  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R COLLINS R	OTP-AM	H-532

This bill was initially referred to the Joint Standing Committee on Taxation and carried over from the First Regular Session of the 127th Legislature.

During the Second Regular Session of the 127th Legislature, the Joint Standing Committee on Taxation re-referred this bill to the Joint Standing Committee on Environment and Natural Resources, along with recommendations regarding removal of the funding mechanism proposed in the bill.

## ***Joint Standing Committee on Environment and Natural Resources***

This bill implements and provides a funding mechanism for an integrated coastal beach management program. It imposes a \$1 per day fee, effective October 1, 2015, on the rental, between May 1st and October 31st, of living quarters in any hotel, rooming house or tourist or trailer camp, to be deposited into the Beach Management Fund established by the bill. This bill also establishes the Beach Advisory Group, chaired by the Commissioner of Environmental Protection and composed of eight additional members from state agencies and the public, which meets at least twice per year and advises the Department of Environmental Protection on matters related to the management, preservation and restoration of beaches in the State. The advisory group must also deliver an annual report to the joint standing committee of the Legislature having jurisdiction over natural resources matters, and the committee may report out a bill related to the report. This bill directs and provides criteria for the department to develop and maintain a priority list ranking all beaches within the State based on suitability for beach nourishment, dune restoration, land acquisition or other enhancement techniques. This bill stipulates that resources in the Beach Management Fund may be used to develop coordinated programs for technical assistance to municipalities and homeowners; to provide assistance in the development and implementation of local beach management, preservation and restoration projects; and to reimburse the department for administrative costs. Disbursements from the fund must be consistent with the priority list developed by the department.

This bill directs the Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources, Maine Coastal Program to submit to the Department of Environmental Protection, by January 15, 2016, a report containing a draft priority ranking for specific beach management projects in the State, highlighting one or more focal beach areas with willing sellers for potential acquisition by the State. This bill directs the Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey to submit to the Department of Environmental Protection, by January 15, 2016, a report recommending priority rankings for each Maine beach based upon its geologic characteristics and suitability for beach nourishment, dune restoration or other physical management techniques, and identifying four to six beaches in need of management and most suitable for these techniques. This bill directs the Department of Inland Fisheries and Wildlife to submit to the Department of Environmental Protection, by January 15, 2016, a report recommending priority rankings for each Maine beach based upon its habitat value.

### **Committee Amendment "A" (H-532)**

This amendment replaces the bill with a resolve directing the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry to convene a working group to review the report titled "Protecting Maine's Beaches for the Future: A Proposal to Create an Integrated Beach Management Program," dated February 2006, prepared by the Beach Stakeholder's Group and submitted to the Joint Standing Committee on Natural Resources during the Second Regular Session of the 122nd Legislature, update the data and findings contained in that report and develop recommendations regarding the implementation and funding of an integrated beach management program. The Commissioner of Environmental Protection is directed, by January 31, 2017, to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters detailing the findings and recommendations of the working group, and the committee is authorized to report out a bill relating to the report to the First Regular Session of the 128th Legislature. The amendment also adds an emergency preamble and emergency clause.

### **Enacted Law Summary**

Resolve 2015, chapter 66 directs the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry to convene a working group to review the report titled "Protecting Maine's Beaches for the Future: A Proposal to Create an Integrated Beach Management Program," dated February 2006, prepared by the Beach Stakeholder's Group and submitted to the Joint Standing Committee on Natural Resources during the Second Regular Session of the 122nd Legislature, update the data and findings contained in that report and develop recommendations regarding the implementation and funding of an integrated beach management program. The Commissioner of Environmental Protection is directed, by January 31, 2017, to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters detailing the findings and recommendations of the working group, and the committee is authorized to report out a bill relating to the report to the First Regular Session of the 128th Legislature.

*Joint Standing Committee on Environment and Natural Resources*

Resolve 2015, chapter 66 was finally passed as an emergency measure effective March 27, 2016.

**LD 1478     An Act To Reestablish Recreational Use of a Historic Trolley Line in the Town of Gray** **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C AUSTIN S	ONTP OTP	

This bill allows the Town of Gray to exempt certain strips of land from shoreland zoning setback requirements and vegetation clearing standards for the purpose of operating the Maine Narrow Gauge Railroad Company and Museum. The bill also exempts those strips of land from the requirement to obtain a Natural Resources Protection Act permit for the clearing of vegetation associated with the operation of the Maine Narrow Gauge Railroad Company and Museum.

**LD 1494     An Act To Revise Oil Spill Reporting Standards** **Died In Concurrence**

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

Current law provides that if a person discharges oil into or upon certain water bodies, lands adjacent to certain water bodies, public or private water supplies or sewers that person is not subject to fines or civil penalties if that person, in addition to taking other actions, reports the discharge. This bill exempts discharges of less than 10 gallons from the reporting requirement.

**Committee Amendment "A" (H-543)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1535     An Act To Protect Firefighters by Prohibiting the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals** **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER L LAJOIE M		

This bill was not referred to a committee.

This bill prohibits a person from selling or offering for sale or distributing for promotional purposes new upholstered furniture containing more than 0.1% of a flame-retardant chemical or containing more than 0.1% of a mixture that includes flame-retardant chemicals.

*Joint Standing Committee on Environment and Natural Resources*

**LD 1566 An Act Concerning the Establishment of Water Levels**

**ONTP**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

This bill was reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to Public Law 2015, chapter 264, section 5 and then referred back to the committee for processing in the normal course.

This bill amends the laws governing the establishment of water levels to require the parties named in a petition or request to establish a water level regime and, if applicable, minimum flow requirements to engage in mediation prior to the Department of Environmental Protection initiating an adjudicatory hearing to resolve the dispute. The bill also provides that if the department holds an adjudicatory hearing to resolve the dispute, it may charge the parties named in the petition or request an appropriate licensing fee, not to exceed \$20,000, to cover the department's costs in conducting the hearing. The department is directed to apportion such licensing fees equitably among the parties named in a petition or request.

**LD 1568 Resolve, Regarding Legislative Review of Portions of Chapter 373: Financial and Technical Capacity Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 62  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 373: Financial and Technical Capacity Standards of the Site Location of Development Act, a major substantive rule of the Department of Environmental Protection.

**Enacted Law Summary**

Resolve 2015, chapter 62 authorizes final adoption of portions of Chapter 373: Financial and Technical Capacity Standards of the Site Location of Development Act, a major substantive rule of the Department of Environmental Protection.

Resolve 2015, chapter 62 was finally passed as an emergency measure effective March 16, 2016.

**LD 1569 Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 63  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a major substantive rule of the Department of Environmental Protection.

*Joint Standing Committee on Environment and Natural Resources*

**Enacted Law Summary**

Resolve 2015, chapter 63 authorizes final adoption of portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a major substantive rule of the Department of Environmental Protection.  
Resolve 2015, chapter 63 was finally passed as an emergency measure effective March 16, 2016.

**LD 1570      Resolve, Regarding Legislative Review of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection      RESOLVE 64 EMERGENCY**

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

This resolve provides for legislative review of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a major substantive rule of the Department of Environmental Protection.

**Enacted Law Summary**

Resolve 2015, chapter 64 authorizes final adoption of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a major substantive rule of the Department of Environmental Protection.  
Resolve 2015, chapter 64 was finally passed as an emergency measure effective March 16, 2016.

**LD 1578      An Act To Update Maine's Solid Waste Management Laws      Died On Adjournment**

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

This bill amends the State's solid waste management laws as follows.

1. It establishes a product stewardship program for small batteries.
2. It updates the State's recycling goal. Current statute sets a goal of recycling or composting 50% of the municipal solid waste tonnage generated each year within the State by January 1, 2014. This bill extends that goal deadline to January 1, 2021.
3. It implements a commercial food waste composting requirement under which a large quantity commercial food waste generator that is located within 20 miles of a composting facility with available capacity to accept the food waste produced by the generator is required to deliver all food waste produced to a composting facility for processing. A large quantity commercial food waste generator is a commercial entity that generates one ton or more of food waste per week. This bill authorizes the Department of Environmental Protection to provide a large quantity commercial food waste generator a waiver from the composting requirement if compliance would result in substantial financial hardship for the generator.
4. It eliminates the current statutory waste handling fee of \$1 per ton on the disposal at a commercial, municipal, state-owned or regional association landfill of municipal solid waste ash and front end process residue.

## *Joint Standing Committee on Environment and Natural Resources*

5. It expands the assessment of a statutory municipal solid waste surcharge. Current statute requires the assessment of a \$2 per ton surcharge on the disposal of municipal solid waste at a commercial, municipal or regional association landfill. This bill reduces that surcharge to \$1 per ton but assesses the surcharge on municipal solid waste disposed of or received for processing, composting or other treatment at a commercial, municipal, regional association or state-owned solid waste disposal facility, solid waste processing facility, incineration facility or solid waste landfill.

6. It directs revenues collected through the assessment of the municipal solid waste surcharge to the Maine Composting and Recycling Grant and Low-interest Loan Program, which is established by this bill. This program provides grants and low-interest loans to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives and activities designed to increase composting and recycling rates within the State. Under the program, priority in the awarding of grants or loans is given to municipal applicants and to applicants seeking to establish programs, projects, initiatives or activities likely to increase composting rates.

7. It directs the Department of Environmental Protection to amend existing rules or adopt new rules regarding the returnable beverage container law to require a deposit and refund value on beverage containers containing Maine-produced apple cider and Maine-produced blueberry juice. Under the existing statutory and regulatory framework, both of these products are exempt from the returnable beverage container law.

8. It directs the Department of Environmental Protection to amend existing rules regarding the beneficial use of solid wastes to amend fuel quality standards for construction and demolition debris wood fuel to increase allowances for chromated copper arsenate treated wood and for material known as "#4 minus fines."

9. It directs the Department of Environmental Protection to develop, implement and administer a food waste composting pilot program. The department is required to collect data from participating entities and by January 15, 2018 submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food waste composting programs or requirements at the state, regional, municipal or local level or to otherwise increase recycling rates for organic materials in the State. After receiving the report, the committee may report out a bill relating to the report to the Second Regular Session of the 128th Legislature.

### **Committee Amendment "A" (S-448)**

This amendment strikes and replaces the bill and amends the State's solid waste management laws as follows.

1. It establishes a product stewardship program for batteries.
2. It establishes a food recovery hierarchy to be used in conjunction with the State's solid waste management hierarchy as a guiding principle in making decisions related to solid waste and organic materials management
3. It updates the State's recycling goal. Current statute sets a goal of recycling or composting 50% of the municipal solid waste tonnage generated each year within the State by January 1, 2014. This amendment extends that goal deadline to January 1, 2021.
4. It repeals the state waste reduction goal, which focused on the reduction of municipal solid waste generated in the State, and establishes a state waste disposal reduction goal focused instead on the statewide per capita reduction of waste disposed of in the State.
5. It provides that revenues collected through the assessment of statutory solid waste fees may be expended by the Department of Environmental Protection to provide grant funding in accordance with the Maine Solid Waste Diversion Grant Program, which is established by this amendment. The department is directed to annually review

## ***Joint Standing Committee on Environment and Natural Resources***

current revenues in the Maine Solid Waste Management Fund established in the Maine Revised Statutes, Title 38, section 2201, as well as revenue projections for upcoming years, to determine whether additional revenues are available in the upcoming year to provide grant funding under the grant program and, if funds are available, to designate them for use in accordance with the program.

6. It establishes the Maine Solid Waste Diversion Grant Program to provide grants to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives and activities designed to increase the diversion of solid waste from disposal in the State. Under the program, priority in the awarding of grants is given to municipal and regional association applicants and to applicants seeking to establish programs, projects, initiatives or activities likely to increase the removal and recycling of organic materials from municipal waste streams.

7. It provides authority for, but does not require, the Department of Environmental Protection to adopt rules imposing fees on the disposal or processing of municipal solid waste and on the disposal of certain types of wastes. Rules adopted pursuant to this authority are major substantive rules and must be consistent with the State's solid waste management hierarchy and food recovery hierarchy. Current waste disposal fees under the Maine Revised Statutes, Title 38, sections 2203-A and 2204 remain unchanged and will continue to be assessed until the department finally adopts rules imposing different waste disposal fees. The amendment also makes some technical edits to section 2203-A to remove outdated statutory language.

8. It directs the Department of Environmental Protection to develop, implement and administer a food scraps composting pilot program and provides funds to the Department of Administrative and Financial Services to establish such a pilot program. The Department of Environmental Protection is required to collect data from participating entities and by January 15, 2019 submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food scraps composting programs or requirements at the state, regional, municipal or local level or to otherwise increase the diversion rate for organic materials in the State. After receiving the report, the committee may report out a bill relating to the report to the First Regular Session of the 129th Legislature.

9. It adds an appropriations and allocations section.

# *Joint Standing Committee on Environment and Natural Resources*

## **SUBJECT INDEX**

### **Coastal Areas**

#### **Enacted**

LD 1254	Resolve, To Further Study the Implementation and Funding of an Integrated Beach Management Program	RESOLVE 66 EMERGENCY
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#### **Not Enacted**

LD 795	An Act To Encourage Prudent Development along the Coast or in a Flood Zone by Considering Predictions for Sea Level Rise	ONTP
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### **Flame Retardants**

#### **Not Enacted**

LD 1535	An Act To Protect Firefighters by Prohibiting the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals	Died On Adjournment
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### **Natural Resources Protection Act**

#### **Not Enacted**

LD 1478	An Act To Reestablish Recreational Use of a Historic Trolley Line in the Town of Gray	Majority (ONTP) Report
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### **Oil/Fuel**

#### **Not Enacted**

LD 1494	An Act To Revise Oil Spill Reporting Standards	Died In Concurrence
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### **Shoreland Zoning**

#### **Not Enacted**

LD 713	Resolve, To Further Protect Lake Water Quality	ONTP
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### **Site Location of Development**

#### **Enacted**

LD 1568	Resolve, Regarding Legislative Review of Portions of Chapter 373: Financial and Technical Capacity Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 62 EMERGENCY
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LD 1569	Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 63 EMERGENCY
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LD 1570	Resolve, Regarding Legislative Review of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 64 EMERGENCY
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**Solid Waste**

**Enacted**

LD 313	An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State	PUBLIC 461
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**Not Enacted**

LD 394	Resolve, To Lower the Department of Environmental Protection's 5-point Odor Intensity Referencing Scale for Odor Control at Solid Waste Processing Facilities	ONTP
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LD 1578	An Act To Update Maine's Solid Waste Management Laws	Died On Adjournment
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**Waterbodies - Dams**

**Not Enacted**

LD 1566	An Act Concerning the Establishment of Water Levels	ONTP
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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES  
AND TECHNOLOGY**

May 2016

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*Joint Standing Committee on Energy, Utilities and Technology*

**LD 273      An Act To Encourage and Enhance the Future of Waste-to-energy  
Facilities by Establishing a Portfolio Requirement for Electricity from  
Waste Energy Resources**

**INDEF PP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill does the following.

1. It amends the definition of renewable capacity resource to include waste energy resources.
2. It defines "waste energy resource" as a source of electrical generation that is fueled by municipal solid waste in conjunction with recycling and whose total power capacity does not exceed 35 megawatts. In addition, the waste energy resource would have to meet Maine's air emissions standards for resource recovery facilities and licensing standards for solid waste facilities and ensure that residuals from the waste energy resource are disposed of at a landfill meeting Maine's licensing standards.
3. It requires 3.5% of a competitive energy providers' portfolio to come from waste energy resources.
4. It allows competitive energy providers to satisfy the portfolio requirements for waste energy resources through an alternative compliance payment mechanism, the rate of which is to be established by rule yearly by the Public Utilities Commission. Payment made by providers is to fund the Efficiency Maine Trust and Renewable Resource Fund.

**Committee Amendment "A" (H-519)**

This amendment is the minority report of the committee and it replaces the bill and changes the title. This amendment differs from the bill in the following ways.

1. It changes the term "waste energy resources" to "waste-to-energy resources" to be consistent with other statutory provisions.
2. It removes the section that would have added waste energy resources to the definition of "renewable capacity resource" in order to clarify that waste-to-energy resources would create a separate class of renewable energy credits.
3. It amends the definition of "renewable energy credit" to include electricity generated from waste-to-energy resources.
4. It includes in the definition of "waste-to-energy resource" a provision that disqualifies any generator that is a party to a power purchase agreement under the federal Public Utility Regulatory Policies Act of 1978.
5. It lowers the proposed portfolio requirement for waste-to-energy resources from 3.5% to 1% from January 1, 2017 to February 14, 2018 and to 2.5% beginning February 15, 2018 to more accurately reflect the level of generation from the eligible waste-to-energy facilities in Maine and to lessen the impact on ratepayers.
6. It adds language to clarify that renewable energy credits from waste-to-energy resources used to satisfy the new portfolio requirement may not be used to satisfy eligible resources and new renewable capacity resources portfolio requirements.

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7. It sets the initial alternative compliance payment base rate at \$10 per megawatt-hour, to be adjusted for inflation on an annual basis and published annually by the Public Utilities Commission.

This amendment was not adopted.

**Senate Amendment "A" To Committee Amendment "A" (S-376)**

This amendment repeals on June 30, 2020 the changes to the law effectuated by Committee Amendment "A."

This amendment was not adopted.

**LD 466 An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market**

**PUBLIC 462**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L WHITTEMORE R	OTP-AM OTP-AM	H-655

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to determine public policy for provider of last resort telecommunications service in the State.

**Committee Amendment "A" (H-655)**

This amendment is the majority report of the committee. It replaces the bill, which is a concept draft.

The amendment does the following.

1. It defines the term "price cap incumbent local exchange carrier" or "price cap ILEC."
2. It provides that, 30 days after the applicable provision becomes effective, the price cap ILEC's provider of last resort service obligation will cease in Portland, Lewiston, Bangor, South Portland, Auburn, Biddeford and Sanford.
3. It provides that, every six months from the date the applicable provision becomes effective, the obligation of a price cap ILEC to provide provider of last resort service will be removed by issuance of a certificate by the Public Utilities Commission, in five of the additional 15 municipalities listed in the amendment, in order, as long as the price cap ILEC has met service quality requirements in the preceding two consecutive quarters.
4. It requires the price cap ILEC to continue to offer to each provider of last resort service customer to whom it was providing the service on the date the obligation to provide the service was removed, a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service, for one year from the date the obligation was removed.
5. It requires the commission to host a public meeting in each municipality affected by a proposed change in provider of last resort service to allow customers of a price cap ILEC to obtain information about the upcoming changes to service.
6. It requires that affected provider of last resort service customers be given advance notice of a change in provider of last resort service in the price cap ILEC's monthly billing statement, along with the date, time and location of a public meeting to be hosted by the commission.

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7. It allows, after a price cap ILEC has been relieved of its obligation to provide provider of last resort service in all the municipalities listed in the amendment, the price cap ILEC to petition the commission to be relieved of its obligation in one or more additional municipalities upon a finding that, in addition to the incumbent local exchange carrier, there is at least one wireline-facilities-based voice network service provider that offers service to at least 95% of the households in the municipality and one or more mobile telecommunications services providers that on a combined basis offer mobile telecommunications services to at least 97% of the households in the municipality, and that the price cap ILEC has met service quality requirements in the preceding two consecutive quarters.
8. It requires the commission to establish by rule the sources of information it will use, as well as the methodology it will employ, to make determinations on petitions.
9. It prohibits the commission from requiring wireline-facilities-based voice network service providers and mobile telecommunications services providers to provide competitive information.
10. It requires a price cap ILEC to provide 90 days' advance notice of its intent to file a petition; the notice must be provided to the Public Utilities Commission, the Office of the Public Advocate and each customer in the municipality in which the price cap ILEC will be seeking relief from the provider of last resort service obligation.
11. It requires the commission to hold a public hearing in each affected municipality to allow customers and residents to testify, and requires that notice of the hearing be published by the price cap ILEC in a newspaper of general circulation.
12. It requires the commission to make a determination on a petition within 180 days, except that the commission may at its discretion extend this period for up to an additional 30 days.
13. It prohibits a price cap ILEC from discontinuing, reducing or impairing the service that it provides in a municipality, or part of a municipality, where it has previously served as the provider of provider of last resort service, unless the commission approves the discontinuance, reduction or impairment.
14. It allows the commission, if it approves a discontinuance, reduction or impairment of service, to impose terms, conditions or requirements to protect the public interest.
15. It requires the commission to adopt major substantive rules to implement the provisions related to the removal of provider of last resort service obligations and the abandonment process.
16. It specifies the rate a price cap ILEC may charge a provider of last resort service customer is not to exceed \$20 for a residential customer, except that, after one year after the applicable provision becomes effective, the price cap ILEC may raise the rate by no more than 5% annually.
17. It requires that low-income customers, which are those who qualify for assistance under the Federal Communications Commission's Lifeline program, receive a monthly \$3.50 discount.
18. It establishes service quality requirements that must be met by a price cap ILEC providing provider of last resort service.
19. It requires a price cap ILEC to report quarterly to the commission on service quality metrics based on rolling one-year averages. The reports are confidential unless the price cap ILEC fails to meet service quality requirements for two consecutive quarters.
20. It requires the commission to issue an order directing that service quality be addressed if the service quality requirements are not met for any two consecutive quarters and the failure was within the price cap ILEC's control.

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21. It requires the commission to impose a penalty if a price cap ILEC fails to comply with an order directing that service quality be addressed.
22. It requires the commission to review its rules regarding service quality for providers of provider of last resort service and make any changes needed as a result of the enactment of the Maine Revised Statutes, Title 35-A, section 7225-A. The rule amendments are routine technical rules; such rules if adopted pursuant to statute would be major substantive rules.
23. It requires the commission to submit to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters a report in 2018 and again in 2020 that includes a list of the municipalities in which the provider of last resort service obligation has been removed, as well as the effects of the removal on former provider of last resort service customers, the price cap ILEC's workforce, the maintenance and status of the copper line network, public safety and the cost, features and availability of telephone service, including service to the hearing impaired, and broadband service. Each report may include recommended legislation, and the committee may report out a bill for each report to the Legislature.
24. It prohibits the commission from accepting a petition to remove a provider of last resort service obligation, until 90 days after the adjournment of the legislative session in which a provider of last resort service report due in 2018 or 2020 was submitted, if in its report it makes any recommendations to modify or remove the petition process.
25. It requires the commission to examine all laws and rules of the State relating to provider of last resort service as they apply to a price cap ILEC and determine whether any changes may be needed to address the changes created by this amendment. It requires the commission to submit a report of its findings on this process, together with any necessary draft legislation to implement its recommendations, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by December 15, 2016. The committee may report out a bill related to provider of last resort service to the First Regular Session of the 128th Legislature.
26. It requires that as part of its annual report the commission include information related to the changes in provider of last resort service.

### **Committee Amendment "B" (H-656)**

This amendment is the minority report of the committee. It is the same as the majority report except for the following differences.

1. It does not require that the price cap ILEC meet service quality requirements in the preceding two consecutive quarters in order for the price cap ILEC to be relieved of the obligation to provide provider of last resort service in certain municipalities.
2. It requires the price cap ILEC to continue to offer to each provider of last resort service customer to whom it was providing the service on the date the obligation to provide the service was removed, a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service, for five years from the date the obligation was removed, instead of one year as in the majority report.
3. It does not prohibit the Public Utilities Commission from requiring wireline-facilities-based network providers and mobile telecommunications service providers to provide competitive information.
4. It maintains the current service quality requirements that were adopted through commission rulemaking, unlike the majority report, which includes specific service quality requirements in statute.
5. It changes reporting dates for commission review of the effect of the relief from provider of last resort obligation

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to 2020 and 2022, instead of 2018 and 2020 as in the majority report.

6. It requires the commission to include information on the removal of the provider of last resort obligation in its annual report until 2024 instead of 2022 as in the majority report.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2015, chapter 462 does the following.

1. It defines the term "price cap incumbent local exchange carrier," or "price cap ILEC."
2. It provides that, 30 days after the applicable provision becomes effective, the price cap ILEC's provider of last resort service obligation will cease in Portland, Lewiston, Bangor, South Portland, Auburn, Biddeford and Sanford.
3. It provides that, every six months from the date the applicable provision becomes effective, the obligation of a price cap ILEC to provide provider of last resort service will be removed by issuance of a certificate by the Public Utilities Commission, in 5 of the additional 15 municipalities listed in the amendment, in order, as long as the price cap ILEC has met service quality requirements in the preceding two consecutive quarters.
4. It requires the price cap ILEC to continue to offer to each provider of last resort service customer to whom it was providing the service on the date the obligation to provide the service was removed, a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service, for one year from the date the obligation was removed.
5. It requires the commission to host a public meeting in each municipality affected by a proposed change in provider of last resort service to allow customers of a price cap ILEC to obtain information about the upcoming changes to service.
6. It requires that affected provider of last resort service customers be given advance notice of a change in provider of last resort service in the price cap ILEC's monthly billing statement, along with the date, time and location of a public meeting to be hosted by the commission.
7. It allows, after a price cap ILEC has been relieved of its obligation to provide provider of last resort service in all the municipalities listed in the amendment, the price cap ILEC to petition the commission to be relieved of its obligation in one or more additional municipalities upon a finding that, in addition to the incumbent local exchange carrier, there is at least one wireline-facilities-based voice network service provider that offers service to at least 95% of the households in the municipality and one or more mobile telecommunications services providers that on a combined basis offer mobile telecommunications services to at least 97% of the households in the municipality, and that the price cap ILEC has met service quality requirements in the preceding two consecutive quarters.
8. It requires the commission to establish by rule the sources of information it will use, as well as the methodology it will employ, to make determinations on petitions.
9. It prohibits the commission from requiring wireline-facilities-based voice network service providers and mobile telecommunications services providers to provide competitive information.
10. It requires a price cap ILEC to provide 90 days' advance notice of its intent to file a petition; the notice must be provided to the Public Utilities Commission, the Office of the Public Advocate and each customer in the municipality in which the price cap ILEC will be seeking relief from the provider of last resort service obligation.
11. It requires the commission to hold a public hearing in each affected municipality to allow customers and residents to testify and requires that notice of the hearing be published by the price cap ILEC in a newspaper of

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general circulation.

12. It requires the commission to make a determination on a petition within 180 days, except that the commission may at its discretion extend this period for up to an additional 30 days.

13. It prohibits a price cap ILEC from discontinuing, reducing or impairing the service that it provides in a municipality, or part of a municipality, where it has previously served as the provider of provider of last resort service, unless the commission approves the discontinuance, reduction or impairment.

14. It allows the Public Utilities Commission, if it approves a discontinuance, reduction or impairment of service, to impose terms, conditions or requirements to protect the public interest.

15. It requires the commission to adopt major substantive rules to implement the provisions related to the removal of provider of last resort service obligations and the abandonment process.

16. It specifies the rate a price cap ILEC may charge a provider of last resort service customer is not to exceed \$20 for a residential customer, except that, after one year after the applicable provision becomes effective, the price cap ILEC may raise the rate by no more than 5% annually.

17. It requires that low-income customers, which are those who qualify for assistance under the Federal Communications Commission's Lifeline program, receive a monthly \$3.50 discount.

18. It establishes service quality requirements that must be met by a price cap ILEC providing provider of last resort service.

19. It requires a price cap ILEC to report quarterly to the commission on service quality metrics based on rolling one-year averages. The reports are confidential unless the price cap ILEC fails to meet service quality requirements for two consecutive quarters.

20. It requires the commission to issue an order directing that service quality be addressed if the service quality requirements are not met for any two consecutive quarters and the failure was within the price cap ILEC's control.

21. It requires the commission to impose a penalty if a price cap ILEC fails to comply with an order directing that service quality be addressed.

22. It requires the commission to review its rules regarding service quality for providers of provider of last resort service and make any changes needed as a result of the enactment of the Maine Revised Statutes, Title 35-A, section 7225-A. The rule amendments are routine technical rules; such rules if adopted pursuant to statute would be major substantive rules.

23. It requires the commission to submit to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters a report in 2018 and again in 2020 that includes a list of the municipalities in which the provider of last resort service obligation has been removed, as well as the effects of the removal on former provider of last resort service customers, the price cap ILEC's workforce, the maintenance and status of the copper line network, public safety and the cost, features and availability of telephone service, including service to the hearing impaired, and broadband service. Each report may include recommended legislation, and the committee may report out a bill for each report to the Legislature.

24. It prohibits the commission from accepting a petition to remove a provider of last resort service obligation, until 90 days after the adjournment of the legislative session in which a provider of last resort service report due in 2018 or 2020 was submitted, if in its report it makes any recommendations to modify or remove the petition process.

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25. It requires the commission to examine all laws and rules of the State relating to provider of last resort service as they apply to a price cap ILEC and determine whether any changes may be needed to address the changes created by this amendment. It requires the commission to submit a report of its findings on this process, together with any necessary draft legislation to implement its recommendations, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by December 15, 2016. The committee may report out a bill related to provider of last resort service to the First Regular Session of the 128th Legislature.

26. It requires that as part of its annual report the commission include information related to the changes in provider of last resort service.

**LD 826      An Act To Promote Maine's Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAUCIER R EDGEComb P	OTP-AM ONTP	H-523 H-542    DION M

This bill was carried over from the First Regular Session of the 127th Legislature.

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 and to multiply the return to the State by directing the ConnectME Authority to use the increased funding to increase the rate of strategic broadband investment and leverage additional federal funding to provide middle-mile and last-mile infrastructure in the unserved areas and to correct broadband deficiencies identified in the ConnectME Authority's baseline update of 2013.

**Committee Amendment "A" (H-523)**

This amendment is the majority report of the committee and replaces the bill, which is a concept draft. The amendment provides an ongoing appropriation of \$1,000,000 annually from the General Fund to the ConnectMe Authority to be used for planning grants and to increase the deployment of broadband service.

**House Amendment "B" To Committee Amendment "A" (H-542)**

This amendment specifies that the funding must be used to increase the deployment of broadband service in unserved areas of the State.

**LD 879      An Act To Ensure High-quality Telecommunications Services for Maine Consumers and Businesses      ONTP**

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

The bill was carried over from the First Regular Session of the 127th Legislature.

This bill makes several changes in the regulation of telecommunications utilities.

1. It permits the Public Utilities Commission to eliminate alternative forms of regulation if the commission

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determines that service deficiencies are occurring.

2. It requires the commission to adopt rules that provide for automatic penalties if service quality standards are not met.
3. It repeals a provision regarding the reporting of unscheduled outages to the Public Utilities Commission.
4. It reduces the number of exemptions a telephone utility has from customer service and regulatory requirements.
5. It removes the exemption from regulation for telecommunications services provided using interconnected voice over Internet protocol technology.

**LD 881      An Act To Allow the Public Utilities Commission To Contract for  
Liquefied Natural Gas Storage and Distribution**

**PUBLIC 445**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBSINS B	OTP-AM	H-600

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows the Public Utilities Commission to contract for the storage and distribution of liquefied natural gas to provide a source of natural gas during peak winter months. This bill defines a "liquefied natural gas contract" and provides that, prior to entering into a contract, the commission must ensure that a liquefied natural gas facility will be located in a rural, low-income community within the State, a study has been conducted by an independent third party showing the construction of the facility will result in a minimum of 200 direct and indirect jobs, exclusive of jobs directly linked to the actual construction of the facility and, if feasible, the facility will be constructed by a qualified construction firm based in the State.

This bill also requires that before the commission executes or directs the execution of a liquefied natural gas contract, the Governor must approve in writing the contract.

**Committee Amendment "A" (H-600)**

This amendment replaces the bill. It amends the Maine Energy Cost Reduction Act by giving the Public Utilities Commission the authority to execute an additional contract under the Act called a physical energy storage contract, which is a contract for physical storage capacity of liquefied natural gas. As in the Act, for energy cost reduction contracts, the commission may only execute a contract in consultation with the Governor's Energy Office and the Public Advocate. A contract or contracts for physical energy storage under this amendment may not exceed in total \$25,000,000 annually and the total of all contracts entered into under the Maine Energy Cost Reduction Act may not exceed \$75,000,000 annually. This amendment makes the process for the determination and execution of a contract for physical energy storage consistent with the requirements for an energy cost reduction contract. The amendment specifies that prior to September 1, 2016, the commission may not initiate a proceeding for a physical energy storage contract unless the commission has issued an order in the adjudicatory proceeding initiated under the Maine Revised Statutes, Title 35-A, chapter 19, pending as of February 1, 2016, for consideration of approval for one or more energy cost reduction contracts that includes a determination of the contract amounts to be purchased. The amendment further specifies that the enactment of this amendment is not to be construed to reflect legislative findings on Public Law 2013, chapter 369, Part B, section 1, nor to have any substantive or procedural effect on the commission proceeding for consideration of approval for one or more energy cost reduction contracts pending as of February 1, 2016.

**Enacted Law Summary**

Public Law 2015, chapter 445 amends the Maine Energy Cost Reduction Act by giving the Public Utilities

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Commission the authority to execute an additional contract under the Act called a physical energy storage contract, which is a contract for physical storage capacity of liquefied natural gas. As in the Act, for energy cost reduction contracts, the commission may only execute a contract in consultation with the Governor's Energy Office and the Public Advocate. A contract or contracts for physical energy storage under this law may not exceed in total \$25,000,000 annually, and the total of all contracts entered into under the Maine Energy Cost Reduction Act may not exceed \$75,000,000 annually. This law makes the process for the determination and execution of a contract for physical energy storage consistent with the requirements for an energy cost reduction contract. This law specifies that prior to September 1, 2016, the commission may not initiate a proceeding for a physical energy storage contract unless the commission has issued an order in the adjudicatory proceeding initiated under the Maine Revised Statutes, Title 35-A, chapter 19, pending as of February 1, 2016, for consideration of approval for one or more energy cost reduction contracts that includes a determination of the contract amounts to be purchased. This law further specifies that the enactment of this law is not to be construed to reflect legislative findings on Public Law 2013, chapter 369, Part B, section 1, nor to have any substantive or procedural effect on the commission proceeding for consideration of approval for one or more energy cost reduction contracts pending as of February 1, 2016.

**LD 1073      An Act To Lower Energy Costs and Increase Access to Solar Energy for Agricultural Businesses      Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes the Solar Energy Agricultural Rebate Fund to be used by the Efficiency Maine Trust to provide rebates until December 31, 2017 for solar photovoltaic and solar thermal technologies to agricultural businesses. It provides that an agricultural business that is a customer of an investor-owned transmission and distribution utility must be compensated for accumulated unused kilowatt-hour credits every 12 months. It also authorizes customers of transmission and distribution utilities to elect to be billed using net energy billing.

**LD 1075      An Act To Amend the Charter of the Canton Water District      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK J PETERSON M	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill amends the Canton Water District charter. It adds language allowing the district to contract out work, changes provisions governing the scheduling of the annual meeting of the board of trustees in order to increase flexibility and changes the provisions regarding compensation of trustees to have the trustees recommend and the municipal officers of the Town of Canton approve compensation amounts. It removes language allowing the trustees to include their annual report in the town report. It changes a quorum at annual and special meetings of the board of trustees from five percent to a majority of those present and narrows voting at those meetings from residents of the district to customers residing in the district. It also establishes readiness-to-serve charges, allows the district to invest in mutual funds and establishes liens for unpaid rates.

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**LD 1302 An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market**

**ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill makes the following changes in the laws governing provider of last resort service:

1. Removes the requirement that a provider of provider of last resort service have the capacity to maintain uninterrupted voice service during a power failure, either through the incorporation into the network or network interface devices of suitable battery backup or through electric current;
2. Provides that after December 31, 2015 and until December 31, 2021:
  - A. No voice network service provider may be required to provide provider of last resort service without its express consent;
  - B. Provider of last resort service will not be provided in any United States census tract area in which there are, in addition to the incumbent local exchange carrier, at least one voice network service provider that provides telephone exchange service to at least 94% of the households in the census tract area and at least one mobile telecommunications services provider that provides mobile telecommunications services to at least 94% of the households in the census tract area;
  - C. For all other areas of the State, referred to as potential provider of last resort service, or POLR, areas, the Public Utilities Commission is required to develop rules establishing a process for designating willing providers of provider of last resort service. An incumbent local exchange carrier that voluntarily agrees to continue providing provider of last resort service in a potential POLR area remains the provider of provider of last resort service in that area until no longer willing to provide the service or until replaced by another provider or until December 31, 2021, whichever occurs first; and
  - D. In order to encourage voice network service providers to provide provider of last resort service in potential POLR areas, the commission is allowed to make available and provide state universal service fund money to providers of provider of last resort service.
3. Provides that after December 31, 2021:
  - A. Provider of last resort service is not available and the commission may not designate any voice network service provider to provide provider of last resort service in any area of the State; and
  - B. The commission is prohibited from requiring contributions to the state universal service fund and may not disburse or authorize disbursement of any money from the fund to any voice network service provider for the purpose of ensuring reasonably comparable consumer rates.
4. Directs the commission to examine all laws and rules relating to provider of last resort service and determine any changes that may be needed to conform those rules and laws to the provisions of this bill. The commission is directed to submit a report, together with any necessary draft legislation to implement its recommendations, to the Joint Standing Committee on Energy, Utilities and Technology by December 15, 2015. The committee is authorized to report out a bill relating to provider of last resort service to the Second Regular Session of the 127th Legislature.

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**LD 1315 An Act To Amend Maine's Restructuring Laws**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY L MASON G	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows an investor-owned transmission and distribution utility to own generation assets if the Public Utilities Commission determines that ownership is beneficial to the utility's ratepayers.

**LD 1339 An Act To Provide Relief to Maine Ratepayers**

**Died Between Houses**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill direct the Public Utilities Commission to reject all bids to provide standard offer service, suspend the renewable portfolio standard, and issue a new request for proposals, if the commission does not receive a bid below ten cents per kilowatt hour for a class of customers in a transmission and distribution utility's service territory. If, following the new request for proposals, a bid is accepted by the commission for less than ten cents per kilowatt hour, the suspension of the renewable portfolio standards remains in effect for the duration of that standard offer period.

**Committee Amendment "A" (S-424)**

This amendment, which is the minority report, strikes the bill and instead allows the Public Utilities Commission, when it determines that electricity supply prices are at historically high levels, to set the alternative compliance payment rate for new renewable capacity resources at a level that reduces higher revenue for generators of new renewable capacity resources. The amendment also specifies that if the annualized average standard offer electricity supply pricing for residential customers is 10 cents per kilowatt hour or higher, the commission must reduce the alternative compliance payment rate by 100 percent, which has the effect of suspending the renewable portfolio requirement.

This amendment was not adopted.

**LD 1382 An Act To Assist Low-income Electricity Consumers**

**Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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This bill amends the statutes regarding electric industry restructuring and Public Law 2013, chapter 369 to allocate Maine Yankee settlement funds to assist low-income electricity ratepayers in accordance with the Maine Revised Statutes, Title 35-A, section 3214, subsection 2 by directing that transmission and distribution utilities are to pay to the Public Utilities Commission all funds received and that certain remaining funds be used for investments in measures that reduce residential heating costs for low-income electricity customers.

**Committee Amendment "A" (S-364)**

This is the minority report of the committee and replaces the bill. This amendment amends Public Law 2013, chapter 369 to require the Public Utilities Commission to distribute 50 percent of funds received by transmission and distribution utilities pursuant to litigation with the United States Department of Energy concerning decommissioning costs related to Maine Yankee Atomic Power Company to the Efficiency Maine Trust from fiscal year 2016-17 to fiscal year 2019-20. The amendment requires that settlement funds received by the trust be used for measures, investments, loans, arrangements and technical assistance to assist low-income residential electric utility customers with energy efficiency improvements to residential buildings and upgrades to efficient heating systems that will reduce energy consumption and greenhouse gas emissions. The amendment also specifies that the other 50 percent of the settlement funds must be used to reduce a transmission and distribution utility's rates in a manner that provides maximum benefit to the economy of the State. Lastly, the amendment specifies that after fiscal year 2019-20 the commission shall require the remaining funds to be used to reduce a transmission and distribution utility's rates in a manner that provides maximum benefit to the economy of the State.

This amendment was not adopted.

**LD 1398 An Act To Reduce Electric Rates for Maine Businesses**

**PUBLIC 498**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G DUNPHY L	OTP-AM OTP-AM	S-422 S-471 WOODSOME D

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill does the following.

1. It decreases the amount of Regional Greenhouse Gas Initiative Trust revenue from a minimum of 50% to a minimum of 10% to be allocated to the reduction of electricity consumption or the reduction of greenhouse gas emissions and the lowering of energy costs at commercial or industrial facilities.
2. It adds loans and technical assistance to the required uses of the allocated funds.
3. It specifies the fiscal years of 2016-17, 2017-18 and 2018-19 for funds to be allocated.
4. It increases the amount of Regional Greenhouse Gas Initiative Trust revenue to be disbursed to ratepayers from 15% to 55% and specifies that the disbursement is to "business" ratepayers instead of just ratepayers as it is in the existing law and it limits that disbursement to business ratepayers to fiscal year 2015-16.

**Committee Amendment "A" (S-422)**

This amendment is the majority report of the committee and it strikes and replaces the bill. This amendment provides that \$3,000,000 of the Regional Greenhouse Gas Initiative Trust Fund revenue is to be returned to certain affected customers in the form of an annual disbursement during fiscal years 2016-17, 2017-18 and 2018-19. The amendment requires that the Public Utilities Commission determine the allocation of disbursements based on an affected customer's proportion of the customer's retail purchase of electricity as measured in kilowatt-hours for the

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prior calendar year. This amendment defines "affected customer." Affected customers that elect to use the disbursement toward an efficiency measure approved by the Efficiency Maine Trust would receive \$1 of assistance from the trust for every \$3 that is applied toward the measure by the affected customer as long as the total of assistance from the trust and the disbursement allocated by the commission does not exceed 65% of the total cost of the measure. This amendment also specifies that, other than the \$1 for every \$3 invested assistance, during the fiscal years in which the disbursements are allotted an affected customer is not eligible to receive financial or other assistance from the trust fund, except in relation to program opportunities noticed prior to July 1, 2016. This amendment requires that the commission include in the commission's annual report a description of its activities in relation to the disbursement process, a list of affected customers receiving disbursements and those affected customers who elect to use the disbursement toward efficiency measures and the results of the program.

This amendment requires that any revenue remaining after providing disbursements and accounting for other costs authorized be allocated in a proportional share to residential programs and commercial and industrial programs. This amendment adds that the remaining money be allocated to measures that also increase energy efficiency and that measures to reduce the cost of residential heating are available to low-income households. It also allows the trust to consider measures at commercial and industrial facilities that lower peak capacity demand when promoting electricity savings.

### **Committee Amendment "B" (S-423)**

This amendment is the minority report of the committee and it strikes and replaces the bill. This amendment provides that \$2,000,000 of the Regional Greenhouse Gas Initiative Trust Fund revenue is to be returned to certain affected customers in the form of an annual disbursement during fiscal years 2016-17, 2017-18 and 2018-19. The amendment requires that the Public Utilities Commission determine the allocation of disbursements based on an affected customer's proportion of the customer's retail purchase of electricity as measured in kilowatt-hours for the prior calendar year. This amendment defines "affected customer." Affected customers that elect to use the disbursement toward an efficiency measure approved by the Efficiency Maine Trust would receive \$1 of assistance from the trust for every \$3 that is applied toward the measure by the affected customer as long as the total of assistance from the trust and the disbursement allocated by the commission does not exceed 65% of the total cost of the measure. This amendment also specifies that, other than the \$1 for every \$3 invested assistance, during the fiscal years in which the disbursements are allotted an affected customer is not eligible to receive financial or other assistance from the trust fund, except in relation to program opportunities noticed prior to July 1, 2016. This amendment requires that the commission include in the commission's annual report a description of its activities in relation to the disbursement process, a list of affected customers receiving disbursements and those affected customers who elect to use the disbursement toward efficiency measures and the results of the program.

This amendment requires that any revenue remaining after providing disbursements and accounting for other costs authorized be allocated in a proportional share to residential programs and commercial and industrial programs. This amendment adds that the remaining money be allocated to measures that also increase energy efficiency and that measures to reduce the cost of residential heating are available to low-income households. It also allows the trust to consider measures at commercial and industrial facilities that lower peak capacity demand when promoting electricity savings.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-471)**

This amendment allocates funds to the Public Utilities Commission to allow the commission to make disbursements to affected customers.

### **Enacted Law Summary**

Public Law 2015, chapter 498 provides that \$3,000,000 of the Regional Greenhouse Gas Initiative Trust Fund revenue is to be returned to certain affected customers in the form of an annual disbursement during fiscal years 2016-17, 2017-18 and 2018-19. This law requires that the Public Utilities Commission determine the allocation of

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disbursements based on an affected customer's proportion of the customer's retail purchase of electricity as measured in kilowatt-hours for the prior calendar year. This law defines "affected customer." Affected customers that elect to use the disbursement toward an efficiency measure approved by the Efficiency Maine Trust would receive \$1 of assistance from the trust for every \$3 that is applied toward the measure by the affected customer as long as the total of assistance from the trust and the disbursement allocated by the commission does not exceed 65% of the total cost of the measure. This law also specifies that other than the \$1 for every \$3 invested assistance, during the fiscal years in which the disbursements are allotted an affected customer is not eligible to receive financial or other assistance from the trust fund, except in relation to program opportunities noticed prior to July 1, 2016. This law requires that the commission include in the commission's annual report a description of its activities in relation to the disbursement process, a list of affected customers receiving disbursements and those affected customers who elect to use the disbursement toward efficiency measures and the results of the program.

This law requires that any revenue remaining after providing disbursements and accounting for other costs authorized be allocated in a proportional share to residential programs and commercial and industrial programs. This law adds that the remaining money be allocated to measures that also increase energy efficiency and that measures to reduce the cost of residential heating are available to low-income households. It also allows the trust to consider measures at commercial and industrial facilities that lower peak capacity demand when promoting electricity savings.

**LD 1482 An Act To Revise the Charter of the Rumford Water District**

**P & S 14**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK J	OTP-AM	S-347 S-349 WOODSOME D

This bill revises the charter of the Rumford Water District.

**Committee Amendment "A" (S-347)**

This amendment clarifies that property rights, powers or authorities the Rumford Water District acquired through the acquisition of Union Construction Company, Virginia Spring Water Company, Rumford Falls Light and Water Company and the Mexico Water Company are not affected by the revised charter of the Rumford Water District unless those rights, powers or authorities are inconsistent with the revised charter of the Rumford Water District.

**Senate Amendment "A" (S-349)**

This amendment updates the language regarding the board of trustees for the Rumford Water District by removing language that is no longer applicable because the district is already in existence and has an established board of trustees. It makes clear that trustees are to be residents of the district and are to serve staggered terms. It also changes the expiration of a trustee's term from the first Monday in April to the first Monday in August.

**Enacted Law Summary**

Private and Special Law 2015, chapter 14 revises the charter of the Rumford Water District to make it more consistent with the Standard Water District Enabling Act and to update provisions to be consistent with current district practices.

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**LD 1495      An Act To Allow the Kennebec Sanitary Treatment District To Establish      P & S 12**  
**and Maintain a Capital Reserve Fund**

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

This bill allows the Kennebec Sanitary Treatment District to establish a capital reserve fund to help in paying for the maintaining, rehabilitating, upgrading and replacing of its aging infrastructure.

**Enacted Law Summary**

Private and Special Law 2015, chapter 12 allows the Kennebec Sanitary Treatment District to establish a capital reserve fund to help in paying for the maintaining, rehabilitating, upgrading and replacing of its aging infrastructure.

**LD 1513      An Act To Clarify Laws Relating to Affiliate Ownership of Electric      ONTP**  
**Generation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M WOODSOME D	ONTP	

This bill clarifies language regarding ownership interest, financial interest or control of generation or generation-related assets by an investor-owned transmission and distribution utility.

This bill also allows the Public Utilities Commission to adopt rules to allow an investor-owned transmission and distribution utility to have an interest in a generation affiliate as long as that interest is not a financial interest sufficient to produce incentives for favoritism that would undermine the purposes of the Maine Revised Statutes, Title 35-A, chapter 32. This bill allows the commission to adopt major substantive rules that establish minimum standards necessary to protect ratepayers and standards of conduct that govern the relationship between an investor-owned transmission and distribution utility and a generation affiliate. This bill requires that standards of conduct adopted by commission rule ensure at a minimum that a generation affiliate is not given preference over nonaffiliated competitive generators; employees of an investor-owned transmission and distribution utility are physically separated from and not shared with those of a generation affiliate; the books of accounts and records of an investor-owned transmission and distribution utility and a generation affiliate are separate and are subject to review by the commission; and an investor-owned transmission and distribution utility does not subsidize the business of a generation affiliate at the expense of the ratepayer.

This bill defines "generation affiliate" as an affiliate of an investor-owned transmission and distribution utility that owns or controls generation or generation-related assets.

**LD 1558      An Act To Enable Low-income and Other Customers Greater Access To      PUBLIC 446**  
**Efficient Electric Heat Pumps through Unique Financing and**  
**Third-party Installation and Maintenance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M WOODSOME D	OTP-AM ONTP	H-586

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This bill allows a transmission and distribution utility to implement a program to assist low-income and other customers who need assistance with obtaining and installing efficient heat pumps. The utility is allowed to advertise the availability of the program to its customers under this bill. This bill requires that any program needs to be approved by the Public Utilities Commission. Under the bill all activities of the transmission and distribution utility under an approved program are considered regulated activities of the utility and are therefore subject to review and regulation by the commission. The bill specifies that the commission may establish rates for participating customers to cover program costs, and that the recovery of all reasonable and prudent costs associated with the programs can only occur through customers participating in the program and cannot be passed through to non-participating customers.

The bill also includes the following program elements:

1. Program participants get to select a third-party installer;
2. The utility may own the heat pump;
3. The utility may charge the customer for the costs associated with providing the heat pump;
4. The participating customer must be provided with the option to later buy the heat pump based on reasonable terms established by the commission;
5. The utility may undertake reasonable debt collection activities that are approved by the commission and that are consistent with applicable law for delinquent payments, but may not disconnect a customer's electric service due to a customer's delinquency under the program;
6. A customer's overall energy costs must decrease as a result of program participation, which is to be measured by the overall energy costs to customers over the lifespan of the heat pumps, regardless of the source of the energy, and the costs associated with participation in the program; and
7. A utility may offer incentives to participating customers to acquire efficient heat pumps to be used to reduce the total installation cost of the heat pump.

The bill also requires the transmission and distribution utility to provide upon the request of the commission sufficient information to demonstrate that the program is meeting the requirements of the law.

Lastly, this bill repeals provisions in law that allowed transmission and distribution utilities to develop and implement pilot programs to provide efficient electric heating systems.

### **Committee Amendment "A" (H-586)**

This amendment is the majority report of the committee. Like the bill, the amendment allows a transmission and distribution utility to implement a program to provide efficient electric heat pumps to its customers. Unlike the bill, the amendment clarifies that all activities of a transmission and distribution utility under an approved program are considered an unregulated business venture of the utility, rather than regulated activities of the utility subject to regulation by the Public Utilities Commission as a utility service.

The amendment also does the following.

1. It specifies that while all customers of a utility may participate in a program, the program is to target specific customers, such as low-income customers, senior citizens, customers who are unable to finance the purchase of a heat pump, customers who reside in rental dwellings and small businesses.
2. It makes clear that the sale, installation and maintenance of a heat pump are to occur through third party sellers

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and installers chosen by the customer.

3. It prohibits a transmission and distribution utility from disconnecting for delinquent payments electric service to a heat pump serving as the only heating source for the customer during the winter.
4. It specifies that, at any time, a participating customer may elect to have that customer's heat pump removed at no cost or penalty.
5. It requires that a transmission and distribution utility must provide participating customers a plain language notice that they have the option to buy the heat pump.
6. It requires a plain language notice be provided before a customer elects to participate in the program that compares the costs of the program with the costs of directly purchasing a heat pump, including any applicable rebates or incentives available for purchasing such equipment.
7. It clarifies that an efficient electric heat pump is one that is consistent with the Efficiency Maine Trust eligibility criteria or criteria established by the commission by rule if the Efficiency Maine Trust does not establish such criteria and that a qualified heat pump installer is any installer that is listed as a registered vendor by the Efficiency Maine Trust for purposes of heat pump installations or as determined by the commission by rule if the Efficiency Maine Trust does not maintain a registry of vendors.
8. It clarifies that the determination that the overall energy costs to customers under a program decrease as a result of participation in the program is based on the best available information at the outset of the program.
9. It requires the utility to provide a triennial report to the commission outlining the degree to which the program is meeting the needs of customers, including the needs of customers targeted under this legislation.

The amendment retains the provision of the bill that repeals the provision of Public Law 2011, chapter 637 that allows transmission and distribution utilities to develop and implement similar pilot programs.

### **Enacted Law Summary**

Public Law 2015, chapter 446 allows a transmission and distribution utility to develop, advertise, and implement, with the approval of the Public Utilities Commission, a program within its service territory to enable customers to access efficient electric heat pumps. This law allows a program to serve all customers, but the program must target low-income customers, senior citizens, customers unable to finance the purchase of a heat pump, customers who reside in rental dwellings and small businesses.

This law specifies that all activities of a transmission and distribution utility under an approved program must be considered an unregulated business venture of the utility in accordance with Title 35-A, section 713. This law allows the prudent costs associated with the program to be recoverable only from customers participating in a program through just and reasonable rates and charges approved by the commission.

This law specifies that an efficient electric heat pump is one that is consistent with the Efficiency Maine Trust eligibility criteria or criteria established by the commission by rule if the Efficiency Maine Trust does not establish such criteria.

This bill requires that based on the best available information at the outset of the program, a customer's overall energy costs is expected to decrease as a result of program participation, which is to be measured by the overall energy costs to customers over the lifespan of the heat pumps, regardless of the source of the energy, and the costs associated with participation in the program.

This law allows a transmission and distribution utility to offer incentives to customers participating in the program

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to acquire efficient electric heat pumps from third party sellers or installer to be used to reduce the total installation cost of such heats. It requires that the sale, installation and maintenance of a heat pump are to occur through third party sellers and installers chosen by the customer. This law specifies that a qualified heat pump installer is any installer that is listed as a registered vendor by the Efficiency Maine Trust for purposes of heat pump installations or as determined by the commission by rule if the Efficiency Maine Trust does not maintain a registry of vendors.

This law prohibits a transmission and distribution utility from disconnecting for delinquent payments electric service to a heat pump serving as the only heating source for the customer during the winter. This law allows a participating customer to elect to have that customer's heat pump removed at any time at no cost or penalty. It requires that a transmission and distribution utility must provide participating customers a plain language notice that they have the option to buy the heat pump at reasonable terms approved by the commission. This law requires that a plain language notice be provided before a customer elects to participate in the program that compares the costs of the program with the costs of directly purchasing a heat pump, including any applicable rebates or incentives available for purchasing such equipment.

This law requires that upon request from the commission, a transmission and distribution utility that implements a program under this law must provide sufficient information to demonstrate that the program is meeting requirements. It also requires the utility to provide a triennial report to the commission outlining the degree to which the program is meeting the needs of customers, including the needs of customers targeted under this legislation.

This law repeals the provision of Public Law 2011, chapter 637 that allows transmission and distribution utilities to develop and implement similar pilot programs.

**LD 1585      An Act To Improve Services for Persons Who Are Deaf or Hard of Hearing by Updating the Laws Governing Qualifications for Certain Members of the Telecommunications Relay Services Advisory Council      PUBLIC 398**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS R MASON G	OTP	

This bill changes the qualifications of four members of the Telecommunications Relay Services Advisory Council to reflect changes in the State regarding advocates for persons with disabilities, telecommunications relay services and the Internet and wireless and cable telecommunications.

**Enacted Law Summary**

Public Law 2015, chapter 398 changes the qualifications of four members of the Telecommunications Relay Services Advisory Council to reflect changes in the State regarding advocates for persons with disabilities, telecommunications relay services and the Internet and wireless and cable telecommunications.

**LD 1649      An Act To Modernize Maine's Solar Power Policy and Encourage Economic Development      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-666
	OTP-AM	S-522    WOODSOME D
	OTP-AM	

This bill was reported by the committee pursuant to Resolve 2015, chapter 37, section 2. The resolve directed the Public Utilities Commission to convene a stakeholder group to develop an alternative to net energy billing. This bill

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reflects the consensus developed in that process and subsequent negotiations between stakeholders and establishes a comprehensive framework to support distributed generation in Maine.

The bill directs the Public Utilities Commission to enter into long-term contracts with a duration of 20 years for the procurement of 248 megawatts of solar energy over a five year period beginning in 2017. The bill specifies that 24% or 60 megawatts are to be allotted to grid-scale solar distributed generation resources; 19% or 45 megawatts to large-scale community solar distributed generation resources; 10% or 25 megawatts to commercial and industrial distributed generation resources; and 47% or 118 megawatts to residential and small business distributed generation resources.

The bill creates a standard buyer, which the bill specifies is the investor-owned transmission and distribution utility in its service territory. The bill allows the commission to designate another entity as the standard buyer if it determines it is in the best interest of ratepayers to do so. The purpose of the standard buyer is to purchase the output of each category of distributed generation resource, aggregate the portfolio of distributed generation resources procured and sell it into the relevant New England markets.

The bill directs the commission to conduct competitive solicitations for 20% of the five year target procurement for long-term contracts for the output of grid-scale, large-scale community, and commercial and industrial solar distributed generation. The frequency of solicitation varies with the particular category of distributed generation resource. The bill directs the commission and standard buyer to develop a contract prior to a solicitation that will ensure that projects proceed to commercial operation on a reasonable timeline and commits all parties to commercially reasonable behavior. The bill gives the commission authority to establish requirements for bidder eligibility and standards to ensure competition in the bidding process. The bill also specifies that if the solicitation is deemed competitive the commission must select one or more winning bids and direct the standard buyer to negotiate and enter into a contract with the winning bidder or bidders. The bill requires the commission to select bids that maximize the benefits or minimize the costs to all ratepayers.

The bill provides that residential and small business customers receive 20-year contracts at a set price for new distributed generation resources that are 250 kilowatts or less. The bill specifies that those customers would have the option of selling their entire output or using their generation to offset their electric consumption with the ability to sell any excess electricity at prices established under the contracts. The bill provides that the commission would set the contract price and the price new customers receive would decrease over time as the installations increase. Contract prices set by the commission must be high enough to meet the specified targets but be below a cap on the overall cost of this portion of the program. The bill also allows the commission to establish a rate adjustment mechanism to increase rates for new customers to increase the number of installations and to meet targets.

The bill specifies that existing net metering customers may continue to net meter under commission rules for 12 years after the effective date of major substantive rules adopted as required by the bill to implement the residential and small business program. The bill allows existing net metering customers to enter into a long-term contract under the new program but does not allow new customers to participate in net metering.

The bill requires the commission to initiate a proceeding 18 months after the effective date of major substantive rules adopted to implement the residential and small business solar program or when 21 megawatts of such solar capacity has been installed, whichever is sooner, to determine if installation targets are likely to be met by 2022, and the total cost to all customers is likely to be less using long-term contracts rather than net metering. The bill specifies that if the commission does not find that installation targets are going to be met and long-term contracts are not going to be more cost-effective than net metering, the commission may modify the rules, with legislative approval, to meet the goals and reduce costs. If the rules cannot be modified and the commission does not propose an alternative to the Second Regular Session of the 129th Legislature, or if the Legislature fails to act, then net metering will be available to new customers.

The bill also allows for a solar power offer, in addition to the existing green power offer under the Maine Revised

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Statutes, Title 35-A, section 3212-A, that is available to all residential and small commercial electricity customers. Like the green power offer, the solar power offer sunsets on April 1, 2021.

### **Committee Amendment "A" (H-666)**

This amendment is the majority report of the committee. This amendment does the following.

1. It corrects cross-references in the bill to other sections within the bill and corrects terminology for consistency.
2. It clarifies language regarding rates and the rate adjustment mechanism as they relate to the residential and small business segment.
3. It clarifies that existing net energy customers may enter into contracts even if they exceed the facility size limitations in the bill for a residential and small business distributed generation resource.
4. It changes the time frame for program review of the residential and small business segment to one year or when 14 megawatts of capacity have been installed, whichever is earlier, instead of 18 months or 21 megawatts as in the bill.
5. It changes the reporting date on the program review from the Second Regular Session of the 129th Legislature to the First Regular Session of the 129th Legislature.
6. It requires the Department of Agriculture, Conservation and Forestry to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters and the joint standing committee of the Legislature having jurisdiction over agricultural matters that evaluates what actions can be taken to ensure that any new solar distributed generation resource procured pursuant to the Maine Revised Statutes, Title 35-A, sections 3477 to 3479 on "prime farmland" or "farmland of statewide importance" is designed, built and decommissioned in a manner that retains topsoil and enables the farmland to be returned to agricultural use. Each committee is authorized to report out a bill to the First Regular Session of the 128th Legislature based on the report.
7. It prohibits the Public Utilities Commission from contracting for new solar distributed generation resources to be sited on farmland designated as "prime farmland" or "farmland of statewide importance" until 90 days after the First Regular Session of the 128th Legislature.

### **Committee Amendment "B" (H-667)**

This amendment is a minority report of the committee and it strikes and replaces the bill, including the title. This amendment replaces the provisions of law governing net energy billing with the following.

1. It allows investor-owned transmission and distribution utility customers to participate in net metering.
2. It requires that the Public Utilities Commission allow by rule net energy billing for municipal and community distributed energy resource projects.
3. If after finding that an investor-owned transmission and distribution utility's cumulative capacity of generating facilities subject to commission rules reaches 1% or more of the utility's peak demand, and the Public Utilities Commission reviews its net energy billing rules to determine whether net energy billing should continue or be modified, the amendment requires the commission to retain an independent consultant experienced in net energy billing systems to assist in its review.
4. It requires that the commission amend its net energy billing rules by February 1, 2017 to be consistent with the Maine Revised Statutes, Title 35-A, section 3209-A, subsection 2.

This amendment was not adopted.

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### **Committee Amendment "C" (H-668)**

This amendment is a minority report of the committee. This amendment does the following.

1. It corrects cross-references in the bill to other sections within the bill and corrects terminology for consistency.
2. It removes the grid-scale segment and adds a municipal solar distributed generation resource segment and an agricultural business solar distributed generation resource segment.
3. It changes the procurement targets for all segments and sets decreasing rate caps.
4. It reduces the term for a contract to 15 years, except in the residential and small business segment, which is no longer than 15 years.
5. It removes provisions related to rates that are no longer applicable due to the rate caps.
6. It clarifies that existing net energy customers may enter into contracts even if they exceed the facility size limitations in the bill for a residential and small business distributed generation resource.
7. It changes the time frame for program review of the residential and small business segment to one year or when 14 megawatts of capacity have been installed, whichever is earlier, instead of 18 months or 21 megawatts as in the bill.
8. It changes the reporting date on the program review from the Second Regular Session of the 129th Legislature to the First Regular Session of the 129th Legislature.
9. It requires the Department of Agriculture, Conservation and Forestry to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters and the joint standing committee of the Legislature having jurisdiction over agricultural matters that evaluates what actions can be taken to ensure that any new solar distributed generation resource procured pursuant to the Maine Revised Statutes, Title 35-A, sections 3477 to 3479 on "prime farmland" or "farmland of statewide importance" is designed, built and decommissioned in a manner that retains topsoil and enables the farmland to be returned to agricultural use. Each committee is authorized to report out a bill to the First Regular Session of the 128th Legislature based on the report.
10. It prohibits the Public Utilities Commission from contracting for new solar distributed generation resources to be sited on farmland designated as "prime farmland" or "farmland of statewide importance" until 90 days after the First Regular Session of the 128th Legislature.
11. It adds two reporting requirements, one in 2019 and one in 2021 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the status of solar distributed generation resource procurement. It requires the commission to report on the status of procurement for each distributed generation resource segment. If procurement targets are not likely to be met, the commission is directed to include recommendations to achieve those targets. The committee may report out a bill to the First Regular Session of the 129th Legislature and may report out a bill to the First Regular Session of the 130th Legislature.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-522)**

This amendment:

1. Shortens the time allowed for attaining the procurement targets from five years to four years, through 2021, with a corresponding reduction in size of each market segment, with the exception of the commercial, industrial and

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municipal market segment;

2. Specifies that the commercial and industrial market segment also includes municipalities and increases that market segment to 40 megawatts from 25 megawatts;
3. Reserves eight megawatts for agricultural businesses and adds a definition of "agricultural business;"
4. Caps the prices to be paid for each market segment by requiring the Public Utilities Commission to reject bids that exceed specified percentages of the residential price as follows:
  - A. Grid scale, 75% of the residential price;
  - B. Community, 90% of the residential price; and
  - C. Commercial, industrial and municipal, 90% of the residential price.
5. Reduces from \$10,500,000 to \$6,600,000 the total price for residential contracts to reflect the smaller procurement target size;
6. Requires that the commission impose a cap on the rate adjustment mechanism to ensure that costs do not exceed the cost impact to ratepayers of net metering and to specify this cap by rule;
7. Specifies that the commission may require 15-year contracts if it concludes that shorter contracts would benefit ratepayers; and
8. Establishes an additional reporting requirement in 2020 regarding the impact of the cost to all ratepayers of the procurement targets.

**LD 1651      An Act To Exempt Certain Natural Gas Consumers from an Assessment  
and To Extend a Moratorium on Assessments for Other Large-volume  
Consumers of Natural Gas**

**PUBLIC 425**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported ought to pass by the committee pursuant to Resolve 2015, chapter 39, section 2.

This bill prohibits the Public Utilities Commission from allowing a gas utility to collect an assessment under the Maine Revised Statutes, Title 35-A, section 10111 through its rates from a wholesale electricity-generating facility that has a nameplate capacity of three megawatts or more and prohibits such a facility from participating in any natural gas conservation program. The bill also establishes a moratorium on assessments for large-volume consumers by gas utilities until 90 days after the adjournment of the First Regular Session of the 128th Legislature. This bill specifies that the Public Utilities Commission may not allow a natural gas utility to collect an assessment under Title 35-A, section 10111 through its rates from large-volume consumers and may not make a final decision regarding the appropriateness of or size of such collections from large-volume consumers. The bill specifies that the Public Utilities Commission may not order or authorize a natural gas utility to exempt from collection of an assessment through its rates any consumers other than large-volume consumers. The bill specifies that, during this same time period, large-volume consumers are not eligible to participate in any Efficiency Maine Trust natural gas conservation programs. This bill also ensures that any assessment by the commission under Title 35-A, section 10111 must be in an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable only for consumers who are not exempt under Title 35-A, section 10111, subsection 2-A, or who are not

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large-volume consumers, until 90 days after adjournment of the First Regular Session of the 128th Legislature.

This bill defines "large-volume consumer" as a consumer using 1,000,000 centum cubic feet or more of natural gas per year.

**Enacted Law Summary**

Public Law 2015, chapter 425 prohibits the Public Utilities Commission from allowing a gas utility to collect an assessment under the Maine Revised Statutes, Title 35-A, section 10111 through its rates from a wholesale electricity-generating facility that has a nameplate capacity of three megawatts or more and prohibits such a facility from participating in any natural gas conservation program. The law also establishes a moratorium on assessments for large-volume consumers by gas utilities until 90 days after the adjournment of the First Regular Session of the 128th Legislature. This law specifies that the Public Utilities Commission may not allow a natural gas utility to collect an assessment under Title 35-A, section 10111 through its rates from large-volume consumers and may not make a final decision regarding the appropriateness of or size of such collections from large-volume consumers. The law specifies that the Public Utilities Commission may not order or authorize a natural gas utility to exempt from collection of an assessment through its rates any consumers other than large-volume consumers. The law specifies that, during this same time period, large-volume consumers are not eligible to participate in any Efficiency Maine Trust natural gas conservation programs. This law also ensures that any assessment by the commission under Title 35-A, section 10111 must be in an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable only for consumers who are not exempt under Title 35-A, section 10111, subsection 2-A, or who are not large-volume consumers, until 90 days after adjournment of the First Regular Session of the 128th Legislature.

This law defines "large-volume consumer" as a consumer using 1,000,000 centum cubic feet or more of natural gas per year.

**LD 1676 An Act To Establish a Process for the Procurement of Biomass Resources**

**PUBLIC 483  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM ONTP	S-517 S-539 WOODSOME D

This bill is reported by the committee pursuant to joint order, S.P. 668.

This bill directs the Public Utilities Commission to conduct competitive solicitations and negotiate the procurement of new or existing renewable resources. The commission is directed to procure by September 1, 2016, through an expedited proceeding, 80 megawatts of new or existing renewable resources for contracts of five years and, by September 1, 2017, 60 megawatts of new or existing renewable resources for contracts of no longer than ten years. This bill provides that any facility that generates new or existing renewable resources that are procured by the commission is deemed to produce zero greenhouse gas emissions.

**Committee Amendment "A" (S-517)**

This amendment is the majority report of the committee and it strikes and replaces the bill. The amendment does the following.

1. It directs the Public Utilities Commission to initiate a competitive solicitation as soon as practicable to procure up to 80 megawatts of biomass resources, contingent upon available funds for above-market costs.
2. It allows the contract to be a contract for energy or a contract for differences.

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3. It provides the contract may include the purchase of capacity or attributes, but the commission may not condition any solicitation or contract on an offer or sale of capacity or renewable energy attributes.
4. It requires that in order for a facility to receive a contract it must be operating at 50% capacity six months prior to the initiation of a competitive solicitation and continue to operate at that capacity except for planned and forced outages.
5. It requires the commission to seek to ensure, to the maximum extent possible, that a contract entered into provides benefits to ratepayers; provides in-state benefits, such as capital investments to improve long-term viability of the facility, permanent direct jobs, payments to municipalities, payments for fuel harvested in the State, payment for in-state resource access, in-state purchases of goods and services and construction-related jobs and purchases; reduces greenhouse gas emissions; promotes fuel diversity; and supports or improves grid reliability.
6. It requires that the commission determine the total in-state economic benefits of the contract in an expected annual dollar per megawatt-hour average and the cost to fund the above-market costs of a contract in an expected annual dollar per megawatt-hour average.
7. It specifies that if the commission finds the in-state benefits are not being achieved, the commission may reduce the contract payment by the percentage difference between actual in-state benefits achieved and the projected in-state benefits.
8. It creates a non-lapsing fund within the commission, called the cost recovery fund, to pay the above-market costs of the contract, which is funded through transfers from the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532.
9. It limits the commission's authority to enter into a contract based on the availability of funds in the cost recovery fund.
10. It specifies that, if insufficient funds are available in the fund to pay above-market costs under a contract, the contract is suspended.
11. It requires the State Controller to transfer \$6,700,000 on or before September 1, 2016 and on or before September 1, 2017 to the cost recovery fund.
12. It requires all costs that are not above-market costs and direct financial benefits associated with a contract for biomass resources to be allocated to ratepayers in accordance with Title 35-A, section 3210-F.
13. It directs the commission to initiate a competitive solicitation in a manner consistent with Title 35-A, section 3210-C by July 1, 2017 to procure up to 40 megawatts of electric energy generated by a combined heat and power facility or facilities for a period of 10 years.
14. It specifies that the commission may direct an investor-owned transmission and distribution utility to enter into a contract only if the commission finds that the likely benefit to ratepayers resulting from any contract entered into as a result of the solicitation process will exceed the likely costs.
15. It requires that in order for a facility to qualify for a contract it must have a designed operating efficiency ratio of useful electric and thermal output to the fuel input of at least 60% and be a new facility or a facility that has been refurbished through significant capital investment.

### **Committee Amendment "B" (S-518)**

This amendment is a minority report of the committee and it strikes and replaces the bill. The amendment does the

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following.

1. It directs the Public Utilities Commission to initiate a competitive solicitation as soon as practicable to procure up to 80 megawatts of biomass resources, contingent upon available funds for above-market costs.
2. It allows the contract to be a contract for energy or a contract for differences.
3. It provides the contract may include the purchase of capacity or attributes, but the commission may not condition any solicitation or contract on an offer or sale of capacity or renewable energy attributes.
4. It requires that in order for a facility to receive a contract it must be operating at 50% capacity six months prior to the initiation of a competitive solicitation and continue to operate at that capacity except for planned and forced outages.
5. It requires the commission to seek to ensure, to the maximum extent possible, that a contract entered into provides benefits to ratepayers; provides in-state benefits, such as capital investments to improve long-term viability of the facility, permanent direct jobs, payments to municipalities, payments for fuel harvested in the State, payment for in-state resource access, in-state purchases of goods and services and construction-related jobs and purchases; reduces greenhouse gas emissions; promotes fuel diversity; and supports or improves grid reliability.
6. It requires that the commission determine the total in-state economic benefits of the contract in an expected annual dollar per megawatt-hour average and the cost to fund the above-market costs of a contract in an expected annual dollar per megawatt-hour average.
7. It specifies that if the commission finds the in-state benefits are not being achieved, the commission may reduce the contract payment by the percentage difference between actual in-state benefits achieved and the projected in-state benefits.
8. It creates a non-lapsing fund within the commission, called the cost recovery fund, to pay the above-market costs of the contract, which is funded through transfers from the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532.
9. It limits the commission's authority to enter into a contract based on the availability of funds in the cost recovery fund.
10. It specifies that, if insufficient funds are available in the fund to pay above-market costs under a contract, the contract is suspended.
11. It requires the State Controller to transfer \$6,700,000 on or before September 1, 2016 and on or before September 1, 2017 to the cost recovery fund.
12. It requires all costs that are not above-market costs and direct financial benefits associated with a contract for biomass resources to be allocated to ratepayers in accordance with Title 35-A, section 3210-F.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-538)**

This amendment:

1. Adds an emergency preamble and clause;
2. Removes language that limits the Public Utilities Commission's authority to enter into a contract based on the

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availability of funds in the cost recovery fund;

3. Requires that a biomass resource facility is operating at least at a 50% capacity for 60 days rather than 6 months prior to initiation of the competitive solicitation;
4. Provides that if the Public Utilities Commission concludes that the solicitation is not competitive, no bidders may be selected;
5. Removes language that requires the Public Utilities Commission to conduct a competitive solicitation for a combined heat and power solicitation; and
6. Eliminates cost recovery through the Maine Budget Stabilization Fund and instead directs the State Controller at the close of fiscal year 2015-16 to transfer from the unappropriated surplus of the General Fund up to \$13,400,000 to the cost recovery fund established for this purpose. At the close of fiscal year 2016-17, amounts remaining in the cost recovery fund that the commission has determined are not needed to pay above-market costs must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532. If funds in the cost recovery fund are insufficient, the commission is directed to recover the funds through amounts charged to ratepayers.

This amendment was not adopted.

### **Senate Amendment "B" To Committee Amendment "A" (S-539)**

This amendment:

1. Adds an emergency preamble and clause;
2. Requires that a biomass resource facility is operating at least at a 50% capacity for 60 days rather than 6 months prior to initiation of the competitive solicitation;
3. Provides that if the Public Utilities Commission concludes that the solicitation is not competitive, no bidders may be selected;
4. Removes language that requires the Public Utilities Commission to conduct a competitive solicitation for a combined heat and power solicitation; and
5. Eliminates cost recovery through the Maine Budget Stabilization Fund and instead directs the State Controller at the close of fiscal year 2015-16 to transfer from the unappropriated surplus of the General Fund up to \$13,400,000 to the cost recovery fund established for this purpose. At the close of fiscal year 2016-17, amounts remaining in the cost recovery fund that the commission has determined are not needed to pay above-market costs must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532.

### **Enacted Law Summary**

Public Law 2015, chapter 483 directs the Public Utilities Commission to initiate a competitive solicitation as soon as practicable to procure up to 80 megawatts of biomass resources, contingent upon available funds for above-market costs. It allows the commission to direct investor-owned transmission and distribution utilities to enter into one or more two year contracts for these biomass resources. This law allows the contract to be a contract for energy or a contract for differences. This law provides that the contract may include the purchase of capacity or attributes, but the commission may not condition any solicitation or contract on an offer or sale of capacity or renewable energy attributes. This law requires that in order for a facility to receive a contract it must be operating at 50% capacity 60 days prior to the initiation of a competitive solicitation and continue to operate at that capacity except for planned and forced outages. This law requires the commission to seek to ensure, to the maximum extent

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possible, that a contract entered into provides benefits to ratepayers; provides in-state benefits, such as capital investments to improve long-term viability of the facility, permanent direct jobs, payments to municipalities, payments for fuel harvested in the State, payment for in-state resource access, in-state purchases of goods and services and construction-related jobs and purchases; reduces greenhouse gas emissions; promotes fuel diversity; and supports or improves grid reliability. It provides that if the commission concludes that the solicitation is not competitive, no bidders may be selected and the commission is not obligated to enter into a contract.

It requires that the commission determine the total in-state economic benefits of the contract in an expected annual dollar per megawatt-hour average and the cost to fund the above-market costs of a contract in an expected annual dollar per megawatt-hour average. This law specifies that if the commission finds the in-state benefits are not being achieved, the commission may reduce the contract payment by the percentage difference between actual in-state benefits achieved and the projected in-state benefits.

This law creates a non-lapsing fund within the commission, called the cost recovery fund, to pay the above-market costs of the contract, which is funded through transfers at the close of fiscal year 2015-16 from the unappropriated surplus of the General Fund of up to \$13,400,000. It prohibits facilities serving the area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine from being awarded more than 50% of the funds.

This law requires that at the close of fiscal year 2016-17, amounts remaining in the cost recovery fund that the commission has determined are not needed to pay above-market costs must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532. It requires all costs that are not above-market costs and direct financial benefits associated with a contract for biomass resources to be allocated to ratepayers in accordance with Title 35-A, section 3210-F. It requires the commission by rule or order to establish how above-market costs are determined and how payments from the fund are to be made. It allows the commission to adopt routine technical rules to implement this law.

Public Law 2015, chapter 483 was enacted as an emergency measure effective April 16, 2016.

**LD 1693      *Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry***

**RESOLVE 85**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S BURNS D	OTP-AM	H-662

This resolve establishes the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry. Membership of the commission consists of, among others, Legislators, a wood harvester and representatives of the biomass energy generation industry, a sawmill, the pulp and paper industry and users of biomass energy. The commission is required to examine and evaluate the economic, environmental and energy benefits of Maine's biomass resources, as well as public policy and economic proposals to create and maintain a sustainable future for the Maine biomass industry, and determine whether the environmental, economic and energy benefits of biomass support updating the State's energy policy to strengthen and increase the role that biomass and the forest products industry play throughout the State. The commission is required to report the results of its study and any recommendations by December 6, 2016 to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Agriculture, Conservation and Forestry.

**Committee Amendment "A" (H-662)**

This amendment removes from membership on the commission established in the resolve the Director of the Efficiency Maine Trust, or the director's designee, and the chair of the Public Utilities Commission, or the chair's designee. It removes language that limits who may provide public input. It removes the requirement that the commission hire a third party to help with data collection, research and best practices and to develop policy

***Joint Standing Committee on Energy, Utilities and Technology***

recommendations. Lastly, it removes language that requires the commission to be funded by federal funds provided by the United States Department of Energy.

**Enacted Law Summary**

Resolve 2015, chapter 85 establishes the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry. Membership of the commission consists of Legislators, a wood harvester and representatives of the biomass energy generation industry, a sawmill, the pulp and paper industry and users of biomass energy. The commission is required to examine and evaluate the economic, environmental and energy benefits of Maine's biomass resources, as well as public policy and economic proposals to create and maintain a sustainable future for the Maine biomass industry, and determine whether the environmental, economic and energy benefits of biomass support updating the State's energy policy to strengthen and increase the role that biomass and the forest products industry play throughout the State. The commission is required to report the results of its study and any recommendations by December 6, 2016 to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Agriculture, Conservation and Forestry.

**LD 1703     An Act To Make a Technical Correction to Public Law 2015, Chapter 483**

**PUBLIC 513  
EMERGENCY**

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

This bill was not referred to committee.

This bill makes a technical correction to Public Law 2015, chapter 483. This bill removes an unnecessary reference to an inapplicable section of law, and clarifies that the transfer of funds to a cost recovery fund occurs after the transfer to the Reserve for General Fund Operating Capital pursuant to the Maine Revised Statutes, Title 5, section 1536. The bill also includes a retroactivity clause making the technical correction applicable retroactively to April 16, 2016.

**Enacted Law Summary**

Public Law 2015, chapter 513 makes a technical correction to Public Law 2015, chapter 483. This law removes an unnecessary reference to an inapplicable section of law, and clarifies that the transfer of funds to a cost recovery fund occurs after the transfer to the Reserve for General Fund Operating Capital pursuant to the Maine Revised Statutes, Title 5, section 1536. This law also includes a retroactivity clause making the technical correction applicable retroactively to April 16, 2016.

Public Law 2015, chapter 513 was enacted as an emergency measure effective May 3, 2016.

# *Joint Standing Committee on Energy, Utilities and Technology*

## **SUBJECT INDEX**

### **Electricity**

#### **Not Enacted**

LD 1315	An Act To Amend Maine's Restructuring Laws	ONTP
LD 1339	An Act To Provide Relief to Maine Ratepayers	Died Between Houses
LD 1513	An Act To Clarify Laws Relating to Affiliate Ownership of Electric Generation	ONTP

### **Energy**

#### **Enacted**

LD 1676	An Act To Establish a Process for the Procurement of Biomass Resources	PUBLIC 483 EMERGENCY
LD 1693	Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry	RESOLVE 85
LD 1703	An Act To Make a Technical Correction to Public Law 2015, Chapter 483	PUBLIC 513 EMERGENCY

#### **Not Enacted**

LD 273	An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources	INDEF PP
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### **Energy Efficiency**

#### **Enacted**

LD 1398	An Act To Reduce Electric Rates for Maine Businesses	PUBLIC 498
LD 1558	An Act To Enable Low-income and Other Customers Greater Access To Efficient Electric Heat Pumps through Unique Financing and Third-party Installation and Maintenance	PUBLIC 446

### **Miscellaneous - Utilities and Energy**

#### **Not Enacted**

LD 1382	An Act To Assist Low-income Electricity Consumers	Majority (ONTP) Report
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### **Natural Gas**

#### **Enacted**

LD 881	An Act To Allow the Public Utilities Commission To Contract for Liquefied Natural Gas Storage and Distribution	PUBLIC 445
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LD 1651	An Act To Exempt Certain Natural Gas Consumers from an Assessment and To Extend a Moratorium on Assessments for Other Large-volume Consumers of Natural Gas	PUBLIC 425
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**Solar Energy**

**Not Enacted**

LD 1073	An Act To Lower Energy Costs and Increase Access to Solar Energy for Agricultural Businesses	Majority (ONTP) Report
LD 1649	An Act To Modernize Maine's Solar Power Policy and Encourage Economic Development	Veto Sustained

**Telecommunications**

**Enacted**

LD 466	An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market	PUBLIC 462
LD 1585	An Act To Improve Services for Persons Who Are Deaf or Hard of Hearing by Updating the Laws Governing Qualifications for Certain Members of the Telecommunications Relay Services Advisory Council	PUBLIC 398

**Not Enacted**

LD 879	An Act To Ensure High-quality Telecommunications Services for Maine Consumers and Businesses	ONTP
LD 1302	An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market	ONTP

**Telecommunications - Broadband**

**Not Enacted**

LD 826	An Act To Promote Maine's Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet	Died On Adjournment
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**Water/Sewer - Charters**

**Enacted**

LD 1482	An Act To Revise the Charter of the Rumford Water District	P & S 14
LD 1495	An Act To Allow the Kennebec Sanitary Treatment District To Establish and Maintain a Capital Reserve Fund	P & S 12

**Not Enacted**

LD 1075	An Act To Amend the Charter of the Canton Water District	ONTP
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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON HEALTH AND  
HUMAN SERVICES**

May 2016

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REP. KAREN VACHON

*Joint Standing Committee on Health and Human Services*

**LD 90      Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUCKEY P BURNS D	ONTP OTP-AM	H-65

This resolve was reported out of committee in the First Regular Session of the 127th Legislature and carried over on the Special Appropriations Table.

This resolve directs the Department of Health and Human Services to amend its 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-65)**

This amendment, which is the minority report of the committee, strikes out the emergency preamble and emergency clause. It changes the date the Department of Health and Human Services must adopt rules implementing the increased personal needs allowance from October 1, 2015 to January 1, 2016. It also adds an appropriations and allocations section to the bill.

**LD 180      An Act To Allow Terminally Ill Patients To Choose To Use Experimental Treatments      PUBLIC 418**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF T BRAKEY E	OTP-AM ONTP	H-577

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill authorizes manufacturers of drugs, biological products and devices that have completed Phase I of a United States Food and Drug Administration-approved clinical trial but have not yet been approved for general use and remain under clinical investigation to make them available to eligible terminally ill patients. The bill does not require health insurers to provide coverage for the cost of such a drug, biological product or device but authorizes insurers to provide such coverage. The bill prohibits licensing boards from revoking, refusing to renew or suspending the license of or taking any other action against a health care practitioner based solely on the practitioner's recommendation to an eligible patient regarding access to or treatment with such a drug, biological product or device. It prohibits any official, employee or agent of the State from blocking or attempting to block access by an eligible patient to such a drug, biological product or device.

**Committee Amendment "A" (H-577)**

This amendment, which is the majority report of the committee, does the following.

1. It amends the definition of "eligible patient" in the bill by eliminating the condition that requires a patient to have been unable to participate in a clinical trial for treatment of the terminal illness within 100 miles of that person's home address.
2. It amends the definition of "terminal illness" in the bill to provide that the condition need not reasonably be expected to result in death within six months but instead will soon result in death or in a state of permanent unconsciousness from which recovery is unlikely.

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3. It amends the definition of "written, informed consent" in the bill to remove certain requirements involving insurance implications, home health care services and hospice care and patient liability for certain expenses.
4. It amends the provision that provides for the costs that are allowed to be charged by the manufacturer to ensure that the patient is being charged only for the costs of manufacturing the dosage of an investigational drug, a biological product or a device dispensed to that patient.
5. It strikes the section of the bill related to insurance implications.
6. It provides protection to health care providers who choose to provide care to an eligible patient using an investigational drug, biological product or device.
7. It eliminates the penalty for blocking an eligible patient from access to an investigational drug, biological product or device.
8. It makes it clear that the provision of services related to an investigational drug, biological product or device by health care practitioners and providers is optional.

### **Enacted Law Summary**

Public Law 2015, chapter 418 authorizes manufacturers of drugs, biological products and devices that have completed Phase I of a United States Food and Drug Administration-approved clinical trial but have not yet been approved for general use and remain under clinical investigation to make them available to eligible terminally ill patients.

**LD 213      An Act To Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HAMANN S	OTP-AM	S-362

This bill was carried over from the First Regular Session of the 127th Legislature.

Current law regarding the physical examination and psychological assessment of children entering state custody requires the physical examination of a child within 10 working days after the child enters into the custody of the Department of Health and Human Services and a psychological assessment within 30 days of the examination if an assessment is determined appropriate by the doctor or nurse practitioner performing the physical examination. This bill shortens the time requirement for the physical examination to three working days and replaces the language regarding the psychological examination with language requiring a comprehensive medical, dental, behavioral and educational assessment meeting the standards of a national academy of pediatrics within 30 days after the department's custody of the child commences.

### **Committee Amendment "A" (S-362)**

This amendment strikes and replaces the bill. Like the bill, it shortens the time requirement for the physical examination of a child ordered into the custody of the Department of Health and Human Services from 10 days after the department's custody of the child commences to three days. The bill strikes the provision requiring under certain conditions a psychological assessment within 30 days of the required physical examination. This amendment restores that requirement. It also requires the department to adopt routine technical rules that allow for reimbursement under MaineCare for a comprehensive medical, dental, educational and behavioral assessment, which includes obtaining relevant records, when a child enters the custody of the department.

*Joint Standing Committee on Health and Human Services*

**LD 475      Resolve, To Increase MaineCare Services for Adults with Intellectual Disabilities or Autistic Disorder**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUCKEY P	OTP-AM OTP-AM	H-608

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve requires the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 29: Support Services for Adults with Intellectual Disabilities or Autistic Disorder, by April 1, 2015, to increase the combined annual limit for service reimbursement to \$47,550 from the current limit of \$23,771.

**Committee Amendment "A" (H-608)**

This amendment, which is the majority report of the committee, adds appropriations and allocations of \$16,000,000 in all funds to reduce the number of people on the waiting list for community-based services provided under Chapter 101: MaineCare Benefits Manual, Section 21: Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder, in addition to the increase in the combined annual limit for Section 29 services.

**House Amendment "C" To Committee Amendment "A" (H-669)**

This amendment strikes the emergency preamble and emergency clause, changes the date by which the Department of Health and Human Services is required to amend its rules accordingly and removes appropriations and allocations for fiscal year 2015-16 for MaineCare Section 29 services, and removes appropriations and allocations for fiscal year 2015-16 and fiscal year 2016-17 for MaineCare Section 21 services. This amendment also reduces the General Fund appropriation by \$3,004,750 in fiscal year 2016-17 as a result of the ability to use increased funding available in the Federal Medical Assistance Percentage in fiscal year 2016-17.

This amendment was not adopted.

**LD 552      An Act To Provide Funding for Home Visiting Services**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J MILLETT R	OTP-AM	H-161

This bill was reported out of committee in the First Regular Session of the 127th Legislature and carried over on the Special Appropriations Table.

This bill appropriates funds to the Department of Health and Human Services for home visiting services to provide essential child development education and skill development for new parents, which have been shown to reduce child abuse and neglect and to identify and address domestic violence.

**Committee Amendment "A" (H-161)**

This amendment removes the appropriation for the 2015-16 fiscal year from the bill.

*Joint Standing Committee on Health and Human Services*

**LD 622      An Act To Require Training of Mandated Reporters under the Child Abuse Laws**

**PUBLIC 407**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND G	OTP-AM	S-378

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill requires that a person in the professional categories required to report suspected child abuse or neglect must have completed mandated reporter training within the previous year before a professional license or certification for that person may be issued or renewed.

**Committee Amendment "A" (S-378)**

This amendment replaces the bill. It requires all mandated reporters of suspected child abuse or neglect to complete training approved by the Department of Health and Human Services at least once every four years. Unlike the bill, the training requirement in the amendment does not affect the issuing or renewal of professional licenses.

**Enacted Law Summary**

Public Law 2015, chapter 407 requires all mandated reporters of suspected child abuse or neglect to complete training approved by the Department of Health and Human Services at least once every four years.

**LD 633      An Act To Improve the Health of Maine Citizens and the Economy of Maine by Providing Affordable Market-based Coverage Options to Low-income Uninsured Citizens**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM ONTP	S-487

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill, which is concept draft, proposes to establish an affordable market-based program to provide health insurance coverage to low-income uninsured Maine citizens who earn less than 133% of the federal poverty level. The program would be modeled after the Insure Tennessee program and the SHARE Plan program in Wyoming.

**Committee Amendment "A" (S-487)**

This amendment is the majority report of the committee and replaces the bill. It does the following.

1. It authorizes the State to accept federal funds to provide health insurance coverage to adults with incomes equal to or below 133% plus 5% of the nonfarm income official federal poverty line. Individuals with incomes equal to or below 100% of the nonfarm income official poverty line receive coverage through the MaineCare program. Individuals with income levels over 100% of the federal poverty line and up to 138% of the federal poverty line would receive coverage through private health insurance plans, through premium assistance at the same level that would be provided through advanced premium tax credits. Individuals within this group defined as "medically frail" in accordance with 42 Code of Federal Regulations, Section 440.315(f) are exempt from mandatory enrollment in a private individual or group qualified health plan.
2. It requires MaineCare members with incomes over 100% and equal to or below 138% of the federal poverty line who are receiving private health coverage through a private individual or group qualified health plan to pay

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premiums and cost sharing up to a maximum of 5% of the household's income. The amendment provides for termination of coverage for nonpayment of premium without good cause. Good cause must be defined by rules adopted by the Department of Health and Human Services.

3. It authorizes the Department of Health and Human Services to contract with health insurance plans to provide coverage in order to maximize savings and to ensure access to and quality of services.

4. It repeals the expanded coverage if the enhanced federal medical assistance percentage is reduced below that specified in the federal law or if expanded coverage is not reauthorized by the Legislature by June 30, 2019.

5. It requires the Department of Health and Human Services to prepare and submit to the Federal Government any state plan amendments and federal waivers by January 1, 2017 necessary to implement the program.

6. It authorizes the Department of Health and Human Services to apply for and accept private foundation grants to be used to cover the cost of preparing and submitting any waivers and state plan amendments to the Federal Government required as a result of expanding coverage. It requires the department to develop mechanisms to create a seamless system for determining eligibility for the MaineCare program and for premium assistance for those who are already enrolled in a group or individual qualified health plan, using the federally facilitated marketplace to determine eligibility for the MaineCare program and for individuals in a private individual or group qualified health plan if it is determined to be more efficient. The amendment also requires the department, after consultation with a stakeholder group, to file a waiver to test a full continuum of substance use disorder treatment that will, among other things, authorize Medicaid coverage for services provided in inpatient and short-term residential facilities.

7. It requires monthly reporting to the committees of jurisdiction on the status of waiver submission until the disposition of such a waiver is determined, and on the status of implementation of the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraph H no later than June 1, 2017 and by April 30, 2017, April 30, 2018 and April 30, 2019 on savings generated for state-funded programs as a result of implementation. It requires the Department of Administrative and Financial Services, Maine Revenue Services to report by April 30, 2017 and April 30, 2018 on revenues generated as a result of expanded coverage. It requires that savings and revenues be verified by the Office of Fiscal and Program Review by May 15, 2017 and May 15, 2018. It transfers any savings to the MaineCare Stabilization Fund prior to the next fiscal year. It requires the Office of Fiscal and Program Review to report its findings to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the joint standing committee of the Legislature having jurisdiction over government oversight matters and authorizes the latter committee to request further review and reporting by the Office of Program Evaluation and Government Accountability on the effectiveness of providing coverage through expanded MaineCare coverage.

**LD 661      An Act To Fund HIV, Sexually Transmitted Diseases and Viral Hepatitis  
Screening, Prevention, Diagnostic and Treatment Services**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURSTEIN C GRATWICK G	OTP-AM ONTP	H-174

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Committee Table.

This bill provides ongoing General Fund appropriations of \$391,800 per year beginning in fiscal year 2014-15 to provide screening and prevention services and diagnostic and treatment services for individuals throughout the State who are uninsured and without covered access to such services and who are at risk in accordance with criteria established by the program.

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**Committee Amendment "A" (H-174)**

This amendment strikes the fiscal year 2014-15 appropriation from the bill and adds an appropriation of \$391,800 in fiscal year 2016-17.

**Senate Amendment "A" To Committee Amendment "A" (S-495)**

This amendment strikes from Committee Amendment "A" the fiscal year 2015-16 appropriation and reduces the fiscal year 2016-17 appropriation from \$391,800 to \$195,900.

This amendment was not adopted.

**LD 726 An Act To Increase Patient Safety in Maine's Medical Marijuana Program**

**PUBLIC 475**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-451

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill amends the Maine Medical Use of Marijuana Act in the following ways.

1. It increases the amount of excess prepared marijuana a registered primary caregiver may transfer for reasonable compensation in a calendar year from two pounds to five pounds.
2. It specifies that, like registered dispensaries, a primary caregiver's cultivation facility is subject to reasonable inspection by the Department of Health and Human Services at any time, without prior notice.
3. It requires the Department of Health and Human Services to adopt routine technical rules governing the manner in which the department considers an application for and a renewal of a registry identification card for a primary caregiver.
4. It clarifies that the information provided by the Department of Health and Human Services to the Department of Administrative and Financial Services, Bureau of Revenue Services may be used by the bureau to determine whether an applicant for a license or renewal of a license as a registered dispensary has complied with the tax laws.
5. It specifies that the Medical Use of Marijuana Fund may be used by the Department of Health and Human Services for enforcement purposes that are primarily for the protection of public health and safety and for investigations.

**Committee Amendment "A" (S-451)**

This amendment strikes and replaces the bill. It allows for the operation of marijuana testing facilities. These facilities may possess marijuana regulated under the Maine Medical Use of Marijuana Act.

In addition, this amendment:

1. Creates an immunity provision within the Maine Medical Use of Marijuana Act for marijuana testing facilities;
2. Directs the Department of Health and Human Services to issue registry identification cards to certain individuals at marijuana testing facilities;

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3. Provides that, if a label for medical marijuana refers to information about contaminants, potency or cannabinoid profile, the label must be verified by a marijuana testing facility;
4. Amends the definition of "incidental amount of marijuana" to mirror the definition contained in rule;
5. Requires a medical provider, prior to referring a patient to an entity that provides goods and services related to the medical use of marijuana, to provide written disclosure to the patient of any financial interest the provider has or may have in the referral; and
6. Provides legal protection to hospitals and principal officers, board members, agents and employees of hospitals when the use of smokeless forms of medical marijuana occurs in the hospital by admitted patients who are certified to do so in accordance with the Maine Medical Use of Marijuana Act.

### **Enacted Law Summary**

Public Law 2015, chapter 475 allows for the operation of marijuana testing facilities. These facilities may possess marijuana regulated under the Maine Medical Use of Marijuana Act.

In addition, Public law 2015, chapter 475:

1. Creates an immunity provision within the Maine Medical Use of Marijuana Act for marijuana testing facilities;
2. Directs the Department of Health and Human Services to issue registry identification cards to certain individuals at marijuana testing facilities;
3. Provides that, if a label for medical marijuana refers to information about contaminants, potency or cannabinoid profile, the label must be verified by a marijuana testing facility;
4. Amends the definition of "incidental amount of marijuana" to mirror the definition contained in rule;
5. Requires a medical provider, prior to referring a patient to an entity that provides goods and services related to the medical use of marijuana, to provide written disclosure to the patient of any financial interest the provider has or may have in the referral; and
6. Provides legal protection to hospitals and principal officers, board members, agents and employees of hospitals when the use of smokeless forms of medical marijuana occurs in the hospital by admitted patients who are certified to do so in accordance with the Maine Medical Use of Marijuana Act.

**LD 842      An Act To Establish Peer Center Reimbursement**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUCKEY P LIBBY N	OTP-AM	H-649

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill directs the Department of Health and Human Services to establish reimbursement rates for peer centers.

### **Committee Amendment "A" (H-649)**

This amendment replaces the bill. Like the bill, the amendment requires the Department of Health and Human Services to establish reimbursement rates for peer centers, but the amendment removes the requirement for an

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annual inflation adjustment. It clarifies the definition for "peer center." It also adds additional funding of \$75,000 in fiscal year 2016-17.

**LD 860      Resolve, To Adjust Reimbursement Rates for Dental Services and Improve Access to Dental Care under the MaineCare Program      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK E	OTP-AM OTP-AM	S-235

This resolve was reported out of committee in the First Regular Session of the 127th Legislature and carried over on the Special Appropriations Table.

This resolve directs the Department of Health and Human Services to incrementally adjust the MaineCare reimbursement rates for certain dental services annually over the next five years until the rates reach the 10th percentile of the fees for the New England region in the most recent "Survey of Dental Fees" published by the American Dental Association. The resolve provides that the rates must then be adjusted annually for inflation.

**Committee Amendment "A" (S-235)**

This amendment is the majority report of the committee. It clarifies that increases to reimbursement rates of the dental codes in the resolve are to be made in five equal increases. The amendment requires the Department of Health and Human Services to amend the rules under Chapter 101: MaineCare Benefits Manual, Chapter II, Section 25 to cover diagnostic and preventive services to pregnant women and postpartum women and dental services necessary to avoid more costly medical or dental care as identified by a stakeholder group. It requires the Department of Health and Human Services to provide information concerning adult dental benefits to adult MaineCare members and providers. It requires the department to adopt rules by January 1, 2016 relating to dental coverage for pregnant women and postpartum women and for services provided to avoid more costly medical or dental care. The amendment also adds an appropriations and allocations section. The amendment also changes the title and adds a fiscal note.

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

This amendment, which is the minority report of the committee, replaces the resolve. It requires the Department of Health and Human Services to conduct a review of the reimbursement rates under the MaineCare program for the dental codes in the resolve to determine if the current reimbursement levels are appropriate for recruiting and retaining sufficient numbers and geographic coverage of dentists providing services to MaineCare members. The department shall report its findings no later than January 1, 2016 to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out legislation related to the report to the Second Regular Session of the 127th Legislature.

This amendment was not adopted.

**LD 885      An Act To Promote Enhanced Eligibility Verification in Maine's Welfare System      ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

*Joint Standing Committee on Health and Human Services*

This bill requires the Department of Health and Human Services to determine the eligibility for benefits of recipients of State assistance on an annual basis.

**LD 886      Resolve, Directing the Department of Health and Human Services To  
Increase Reimbursement Rates for Home-based and Community-based  
Services**

**RESOLVE 83**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E LIBBY N	OTP-AM	H-645 S-520    HAMPER J

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Health and Human Services to increase the reimbursement rates for home-based and community-based services by January 15, 2016.

**Committee Amendment "A" (H-645)**

This amendment replaces the resolve. The amendment directs the Department of Health and Human Services to amend its rules to increase the reimbursement rates for personal care and related services to reflect the final rates modeled in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models." The amendment also directs the Department of Health and Human Services to amend its rules to increase the reimbursement rates by 33% for home health services provided under the provisions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40. The amendment requires the Department of Health and Human Services to estimate the number of hours, and cost of those hours, of unmet need. The estimate must include individuals eligible for services but who are on waiting lists and individuals who are unable to find staffing in order to receive those services. The amendment also adds appropriations and allocations sections.

**Senate Amendment "A" To Committee Amendment "A" (S-520)**

This amendment strikes language from Committee Amendment "A" regarding the reimbursement for home health services and requires rulemaking for reimbursement rates that reflect 50% of the increase, instead of 100% of the increase as in the committee amendment, in rates in the report prepared by Burns & Associates, Inc. This amendment also requires the Department of Health and Human Services to conduct a rate study of services in rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40, Home Health Services. The department is required to provide a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with findings and recommendations for changes to the rates no later than January 1, 2017.

**Enacted Law Summary**

Resolve 2015, chapter 83 directs the Department of Health and Human Services to amend its rules to increase the reimbursement rates for personal care and related services to reflect 50% of the final rates modeled in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models" prepared by Burns & Associates, Inc. The department shall estimate the number of hours, and cost of those hours, of unmet need. Unmet need includes individuals eligible for services but who are on waiting lists and individuals who are unable to find staffing in order to receive those services.

Resolve 2015, chapter 83 also requires the Department of Health and Human Services to conduct a rate study of services in rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40, Home Health Services. The department is required to provide a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with findings and recommendations for changes to the Section 40 rates no later than January 1, 2017.

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**LD 949      An Act To Enact the Recommendations of the Commission on  
Independent Living and Disability**

**PUBLIC 452**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCELLELLAN M	OTP-AM	H-578

This bill was carried over from the First Regular Session of the 127th Legislature.

It includes the final recommendations of the Commission on Independent Living and Disability and does the following.

1. Part A replaces the requirement in current law for biennial plans for regional transit with a requirement for quinquennial plans, which is consistent with federal requirements. It eliminates the Interagency Transportation Coordinating Committee and replaces it with a new public transit advisory council. It also specifies the role of the council and requires reporting every two years. It requires the Department of Health and Human Services to convene a work group to develop a statewide transportation voucher program for persons with disabilities.
2. Part B adds new transition planning requirements for students with disabilities to include team meetings that must begin at 14 years of age with community partners, community service providers, the students and their families, the division of vocational rehabilitation within the Department of Labor, Bureau of Rehabilitation Services and the agency that is designated by the Governor to serve as the protection and advocacy agency for persons with disabilities. It requires that the transition planning include independent living assessments for the students. For students who receive services from the Department of Health and Human Services, Office of Child and Family Services, it requires the school administrative unit to work in consultation with the division of vocational rehabilitation within the Department of Labor, Bureau of Rehabilitation Services to include postsecondary preparation strategies for the students during transition planning.
3. Part C requires the Statewide Independent Living Council to provide an annual report to the Legislature on the State's strategic planning efforts to increase opportunities for persons with disabilities to live independently within the community. It also requires the Commissioner of Labor to provide an annual report to the Legislature on the State's efforts to improve vocational rehabilitation outcomes and reduce the length of time it takes the department to enter into an individualized plan of employment with individuals eligible to receive rehabilitation services.
4. Part D amends the Maine Human Rights Act to require an on-site inspection by a representative of the Office of the State Fire Marshal to ensure that new public buildings and certain buildings to which the public has access are constructed in compliance with the Maine Human Rights Act. It also requires the Technical Building Codes and Standards Board to adopt the most recent federal Americans with Disabilities Act of 1990 accessibility guidelines as published by the International Code Council. It also authorizes the agency that is designated by the Governor to serve as the protection and advocacy agency for persons with disabilities in Maine to bring a civil action in Superior Court for violations of the Maine Human Rights Act regarding public accommodations and allows the agency to receive reasonable attorney's fees and costs.
5. Part E requires a housing authority to post all rental housing vacancies that are readily accessible to and usable by persons with disabilities on the Maine State Housing Authority's publicly accessible rental housing listing service website.
6. Part F requires the Department of Health and Human Services to amend the federally approved Medicaid state plan to include and broaden coverage for assistive technology without the restrictions currently applied to telehealth; cover assistive technology within all Department of Health and Human Services waivers; include telemedicine; broaden telehealth use; and broaden telehealth home-based care.

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**Committee Amendment "A" (H-578)**

This amendment replaces the bill and does the following.

1. It authorizes the agency that is designated by the Governor to serve as the protection and advocacy agency for persons with disabilities in Maine to bring a civil action in Superior Court for violations of the Maine Human Rights Act regarding public accommodations and allows the agency to receive reasonable attorney's fees and costs.
2. It requires the Statewide Independent Living Council to provide an annual report to the Legislature on the State's strategic planning efforts to increase opportunities for persons with disabilities to live independently within the community in a number of areas, including transition planning for students, vocational rehabilitation services, available housing and accessibility of public accommodations.
3. It requires the Statewide Independent Living Council to convene a working group to develop a statewide transportation voucher program for persons with disabilities.

**Enacted Law Summary**

Public Law 2015, chapter 452 enacts the following recommendations from the Commission on Independent Living and Disability.

1. It authorizes the agency that is designated by the Governor to serve as the protection and advocacy agency for persons with disabilities in Maine to bring a civil action in Superior Court for violations of the Maine Human Rights Act regarding public accommodations and allows the agency to receive reasonable attorney's fees and costs.
2. It requires the Statewide Independent Living Council to provide an annual report to the Legislature on the State's strategic planning efforts to increase opportunities for persons with disabilities to live independently within the community in a number of areas, including transition planning for students, vocational rehabilitation services, available housing and accessibility of public accommodations.
3. It requires the Statewide Independent Living Council to convene a working group to develop a statewide transportation voucher program for persons with disabilities.

**LD 966      An Act To Assist Patients in Need of Psychiatric Services**

**ONTP**

Sponsor(s)  
MALABY R

Committee Report  
ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill, which is a concept draft, proposes to take steps to help provide acute psychiatric care in an inpatient setting by increasing the availability of inpatient beds. The bill will seek to do the following:

1. Create and fund additional psychiatric beds for geriatric patients;
2. Review and make changes to the bed hold regulations for nursing homes and group homes to create incentives to take difficult mental health patients back after a hospital stay;
3. Review and make changes to the bed hold regulations for nursing homes and group homes to create penalties for facilities that refuse to take difficult mental health patients back after a hospital stay;

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- 4. Provide psychiatric urgent care centers with accompanying medically supervised crisis beds;
- 5. Create and fund additional psychiatric observation units;
- 6. Create an effective and professional mental health placement rapid response team or ombudsman in the Department of Health and Human Services; and
- 7. Provide additional MaineCare reimbursement for long-stay mental health emergency department patients and patients awaiting placement in psychiatric units.

**LD 1030      An Act To Better Coordinate the Work of Mental Health Crisis Agencies      ONTP**  
**with Law Enforcement Agencies**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M GERZOFSKY S	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill requires the Department of Health and Human Services to provide assistance to crisis intervention teams and agencies that provide mental health crisis services and to law enforcement agencies to enable them to coordinate mental health crisis services. The bill sets July 1, 2016 as the date by which a crisis intervention team or agency must enter into and sign a memorandum of understanding with each law enforcement agency that provides law enforcement services in the area of the State served by the crisis intervention team or agency. The bill requires the memorandum of understanding to be effective for three years and to be renewed for a three-year period upon expiration. The memorandum of understanding must include descriptions of the following: the internal processes that the law enforcement agency uses to identify a person in need of mental health crisis services; the protocol that the law enforcement agency uses to share a contact report with a crisis intervention team or agency; the process the crisis intervention team or agency uses to receive the report; the protocol that the crisis intervention team or agency uses to communicate with a person in need of mental health services or the guardian or family members of that person; and the procedures to be used to convene on a quarterly basis multidisciplinary team meetings to review experiences and discuss opportunities for improvement.

**LD 1097      An Act To Improve the Integrity of Maine's Welfare Programs      PUBLIC 484**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM OTP-AM	S-481 S-542    BAKER L

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill restricts the use of benefits for recipients of Temporary Assistance for Needy Families under the electronic benefits transfer system by prohibiting use of the electronic benefits transfer system outside of the State, except for in New Hampshire, withdrawals of cash per month in an amount over 25% of a recipient's monthly benefits and expenditures on items such as tobacco products, liquor and lottery tickets and several other similar items. This bill also directs the Department of Health and Human Services to hire five additional fraud investigators.

**Committee Amendment "A" (S-481)**

This amendment is the majority report of the committee. Like the bill, the amendment prohibits the expenditure of benefits received by recipients under the Temporary Assistance for Needy Families program, using the electronic

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benefits transfer system, for products or services such as tobacco products, liquor and lottery tickets. The amendment requires the Department of Health and Human Services to develop a system to prevent the use of the electronic benefits transfer system for such purchases by blocking the purchases at the point of sale. It establishes penalties for violations. It requires the Commissioner of Health and Human Services to create an implementation committee to determine the most effective system to prevent prohibited expenditures at the point of sale. It directs the implementation committee to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2016. The implementation committee report may include any legislation necessary to implement the system.

### **Committee Amendment "B" (S-482)**

This amendment, which is the minority report of the committee, removes from the bill the restriction on the withdrawal of cash from the electronic benefits transfer system account of a recipient of Temporary Assistance for Needy Families program benefits. It also requires the Office of the Attorney General to hire an additional assistant attorney general to prosecute fraud, replacing the provision in the bill that provides for the hiring of fraud investigators in the Department of Health and Human Services.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-542)**

This amendment makes the following changes to Committee Amendment "A."

1. It removes the requirement that the Department of Health and Human Services establish a system to electronically block the purchase of certain products and services at the point of sale using the electronic benefits transfer system, or "EBT system."
2. It requires the Department of Health and Human Services to find by clear and convincing documentary evidence that the individual knowingly purchased prohibited items using the EBT system and limits recovery by the department to the amount allowed under current law regarding recovery of TANF benefits.
3. It changes the penalty imposed for using the EBT system to purchase prohibited items by imposing a three-month disqualification from receiving benefits for a first offense and increases the penalty for a second offense to a 12-month disqualification and to a 24-month disqualification for a third and subsequent offense.
4. It requires the Department of Health and Human Services to initiate an administrative hearing if the department finds that a recipient of benefits has used the EBT system to purchase prohibited items and requires the notice and hearing to be conducted consistent with the department rules governing notice and hearing for an intentional program violation.
5. It changes the name of the implementation committee, which is responsible for determining options for preventing the use of the EBT system for prohibited purchases, to the feasibility working group and removes the authority of that group to provide advice to the Commissioner of Health and Human Services with respect to the development of rules regarding the EBT system.
6. It removes the appropriations and allocations provided to the Department of Health and Human Services related to the restriction of certain purchases using the EBT system.

### **Enacted Law Summary**

Public Law 2015, chapter 484 prohibits the expenditure of benefits received by recipients under the Temporary Assistance for Needy Families program, using the electronic benefits transfer system, on tobacco products, liquor, gambling activities, lottery tickets, bail, firearms, vacation or travel services, publications or services that contain or promote obscene matters and tattoos. Individuals who knowingly purchase a prohibited item may receive penalties imposed by the Department of Health and Human Services of a three-month disqualification from receiving benefits

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for the first offense, a 12-month disqualification for the second offense and a 24-month disqualification for third and subsequent offenses. The department must initiate an administrative hearing if the department finds that a recipient of benefits has used the EBT system to purchase prohibited items and requires the notice and hearing to be conducted consistent with the department rules governing notice and hearing for an intentional program violation.

Public Law 2015, chapter 484 establishes a feasibility working group to determine options for preventing the use of the EBT system for prohibited purchases by researching, evaluating and recommending the most effective means of ensuring that EBT cards block purchases at the point of sale. The working group shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2016.

**LD 1149      Resolve, Directing the Maine Center for Disease Control and Prevention      ONTP  
To Report on Progress toward Meeting Healthy Maine 2020 Goals  
Pertaining to Reproductive Health**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURSTEIN C GRATWICK G	ONTP	

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report by October 1, 2015 to the Joint Standing Committee on Health and Human Services on state-led efforts to achieve goals identified in its document "Healthy Maine 2020" pertaining to reproductive health. The report must include an explanation of failed or failing efforts to meet a goal and evidence-based strategies or recommendations on how state programs can meet the goal and a description of the State's efforts to improve the health and welfare of its citizens, including efforts to increase high school graduation rates.

**LD 1209      An Act To Increase the Effectiveness of Peer Supports in the State      ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes a peer support services program in the Office of Substance Abuse and Mental Health Services within the Department of Health and Human Services. The bill requires each assertive community treatment team to include at least one full-time intentional peer support specialist certified by the department. "Intentional peer support specialist" is defined. The bill requires the department to appoint and convene the Intentional Peer Support Advisory Committee. It requires the department to adopt necessary rules and designates the rules as routine technical rules. It also requires the costs of intentional peer support services and the advisory committee to be met through the transfer of funding from the Mental Health - Community account and the Mental Health - Community Medicaid account and through the discontinuance of two full-time positions within the Office of Substance Abuse and Mental Health Services.

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**LD 1267     An Act To Assist Working Families with Young Children**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE A MILLETT R	OTP-AM ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill provides funding to the Department of Health and Human Services to leverage all available federal child care development funds.

**Committee Amendment "A" (H-635)**

This amendment, which is the majority report of the committee, replaces the bill. The amendment repeals unallocated language in Public Law 2011, chapter 380, Part UU that set the child care subsidy reimbursement rates at the 50th percentile of local market rates. This amendment increases the reimbursement rates to the 60th percentile of local market rates beginning on August 1, 2016, the implementation date for the new child care and development fund plan for Maine.

This amendment was not adopted.

**LD 1268     An Act To Reform Welfare by Establishing Bridges to Sustainable  
Employment**

**Died Between  
Houses**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill makes the following changes to the laws governing public assistance, which are intended to provide bridges to employment.

1. Child care assistance begins on the date of application if the applicant is eligible.
2. The Department of Health and Human Services is directed to establish rules to provide uninterrupted access to subsidized child care for eligible persons with irregular hours of employment.
3. It provides Temporary Assistance for Needy Families, or TANF, benefits and alternative aid benefits to two-parent families based on the same eligibility requirements as single-parent families have.
4. It changes the income amounts for TANF recipients who have employment earnings that are disregarded in calculating TANF benefits.
5. It directs the Department of Health and Human Services to set up specialized navigator services related to employment in the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program so that families receiving TANF benefits understand how earned income affects benefit levels and work supports.

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6. It requires the Department of Health and Human Services, Department of Labor, Maine employers, the Maine Community College System and the University of Maine System to establish structured pathways leading to education, training and employment opportunities for persons eligible for TANF.

7. It requires the Commissioner of Health and Human Services to convene a working group to review and make recommendations to establish a program to provide access to reliable transportation for families that qualify for assistance under TANF. The commissioner must report the findings of the working group to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services by January 1, 2016. The Department of Health and Human Services must amend its TANF rules to incorporate the findings of the working group.

### **Committee Amendment "A" (H-650)**

This amendment, which is the majority report of the committee, replaces the bill. It makes the following changes to the Temporary Assistance for Needy Families, TANF, program.

1. It requires the Department of Health and Human Services to establish a service delivery model with different tracks that are based on the levels of education, work experience, family physical and mental health and other conditions that affect a person's ability to work. The family profile developed during the comprehensive screening and assessment program in the Maine Revised Statutes, Title 22, section 3788, subsection 3-A is used to determine which track a family should be on. Tracks are based on crisis resolution, employment, education and work incentive disregards.

2. It changes eligibility for the Parents as Scholars Program so that families that do not qualify for TANF but earn no more than 150% of the federal poverty level qualify for the program.

3. It allows educational institutions and programs in the State to refer eligible applicants to the Parents as Scholars Program.

4. It establishes the Transitional Jobs Program in the Department of Health and Human Services for families unable to find employment through conventional means. Employers receive subsidies and must meet certain requirements to participate in the program. Performance data on the program must be collected by the department.

5. It develops a voucher program through the Maine State Housing Authority for families with shelter expenses that exceed 50% of their monthly income.

6. It requires the Department of Health and Human Services to collect data related to performance measures of the TANF program, including reducing child poverty and food insecurity and improving educational attainment, employment and income levels. It also requires the department to set benchmarks to measure improvement and success of the TANF program.

7. It establishes the Independent Citizens Oversight Committee to monitor the Department of Health and Human Services' progress with respect to meeting benchmarks for success of the TANF program.

8. It requires any administrative, technological or other costs associated with the changes to the TANF program outlined in the amendment to be funded by using the federal block grant funding allocated to the Department of Health and Human Services within the State Family Assistance Grant of the TANF program.

This amendment was not adopted.

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**LD 1412 An Act To Fund a Training Partnership between Riverview Psychiatric Center and the University of Maine at Augusta**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES M KATZ R	OTP-AM	H-332

This bill was reported out of committee in the First Regular Session of the 127th Legislature and then carried over on the Special Appropriations Table.

This bill provides a one-time General Fund appropriation of \$500,000 in fiscal years 2015-16 and 2016-17 for Riverview Psychiatric Center to contract with the University of Maine at Augusta to provide training and educational opportunities for its staff.

**Committee Amendment "A" (H-332)**

This amendment changes the appropriation in the bill for Riverview Psychiatric Center in both fiscal years from \$500,000 to \$250,000.

**LD 1465 Resolve, To Require the Department of Health and Human Services To Conduct a Study of Ambulance Services**

**RESOLVE 87**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE M BAKER L	OTP-AM	H-547 S-496 HAMPER J

This bill changes the law to ensure that MaineCare reimbursement for ambulance services is not less than the average Medicare allowable rate.

**Committee Amendment "A" (H-547)**

This amendment replaces the bill and increases the reimbursement rate for ambulance services under MaineCare from the current no less than 65% of the average allowable reimbursement rate under Medicare for such services to no less than 70%, rather than to the Medicare rate as in the bill. This amendment also requires the Department of Health and Human Services to contract with a third-party consultant to conduct a rate study on ambulance services. The rate study must include the feasibility of developing community paramedicine reimbursement rates. The Department of Health and Human Services is required to submit a report on developing a reimbursement rate for community paramedicine programs to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2017. The amendment also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-496)**

This amendment amends Committee Amendment "A," changes the title and makes the bill a resolve. The amendment removes the requirement that the Department of Health and Human Services increase the reimbursement rate for ambulance services under MaineCare to no less than 70% and removes the funding related to that increase.

**Enacted Law Summary**

Resolve 2015, chapter 87 requires the Department of Health and Human Services to contract with a third-party consultant to conduct a rate study on Medicaid rates for ambulance services. The rate study must include the

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feasibility of developing community paramedicine reimbursement rates. The Department of Health and Human Services is required to submit a report on progress on developing a reimbursement rate for community paramedicine programs to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2017.

**LD 1470 An Act To Amend Maine's Death Certificate Disclosure Law**

**PUBLIC 393**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MAREAN D	OTP-AM	S-358

This bill allows the sole living parent of a minor to obtain a certified or noncertified copy of the death certificate of the minor's deceased parent.

**Committee Amendment "A" (S-358)**

This committee amendment establishes that certified or noncertified copies of the death certificate of a minor's parent may not be made available to that minor's living parent if that parent's parental rights with respect to that minor have been terminated. It also specifies that "parent" with respect to this provision has the same meaning as in the Maine Parentage Act.

**Enacted Law Summary**

Public Law 2015, chapter 393 allows the living parent of a minor to obtain a certified or noncertified copy of the death certificate of the minor's deceased parent, but establishes that these documents may not be made available to that minor's living parent if that parent's parental rights with respect to that minor have been terminated.

**LD 1472 Resolve, To Enhance the Administration of the Child and Adult Care Food Program by Creating Clear Guidelines for Organizations and Streamlining the Application Process**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND J GATTINE A	OTP-AM ONTP	S-411 S-445 ALFOND J

This resolve requires the Department of Health and Human Services to review the application and reapplication procedures and forms required for an organization to apply to participate in the federal Child and Adult Care Food Program, and it directs the department to streamline the application and reapplication forms; provide access to the forms through the department's publicly accessible website; and enable online completion and submission of all forms required for an organization to participate in the program, including but not limited to the application and reapplication forms.

**Committee Amendment "A" (S-411)**

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

**Senate Amendment "A" (S-445)**

This amendment requires that the forms for an organization to apply to participate in the federal Child and Adult Care Food Program be made available on the Department of Health and Human Services' publicly accessible website no later than August 1, 2017.

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**LD 1473      Resolve, To Increase Access to Opiate Addiction Treatment in Maine**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D DION M	OTP-AM	S-392

This resolve directs the Department of Health and Human Services to amend its MaineCare rules regarding the reimbursement rate paid to outpatient opioid treatment providers to increase the rate from \$60 to \$80 a week.

**Committee Amendment "A" (S-392)**

This amendment requires the Department of Health and Human Services to amend its rules to increase the reimbursement rate paid to outpatient opioid treatment providers to \$72 a week until December 31, 2017. On January 1, 2018, the reimbursement rate returns to \$60 a week although the department may choose to amend its rules to increase the reimbursement rates above the specified amounts at any time. The amendment also requires the Department of Health and Human Services to contract with a third-party consultant to conduct a rate study of outpatient opioid treatment services that must be reported to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 30, 2016. The committee may report out a bill related to the report to the First Regular Session of the 128th Legislature. If the Legislature does not amend the reimbursement rate in response to the rate study or the department does not change the rate in rules, the reimbursement rate will return to \$60 per week on January 1, 2018. The amendment also adds an appropriations and allocations section.

**LD 1496      An Act To Support Maine People in Recovery**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J LANGLEY B	OTP-AM	H-546

This bill provides funding for three new peer centers in different parts of the State to coordinate and run peer support programs to help persons in recovery from drug addiction. In order to serve populations in rural parts of the State, two of these peer centers must be located in currently underserved areas that are outside of Maine's largest cities. Funding for each peer center must be used to support the hiring of a coordinator who must support recovery group facilitation, peer mentoring and peer recovery resource connections. The peer centers may be coordinated and housed within existing health care settings, such as a rural health care center.

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

This amendment clarifies that peer centers established in the bill must be situated in different areas of the State as well as in underserved areas outside of Maine's largest cities. The new peer centers must be in different areas than the peer support recovery centers established pursuant to Public Law 2015, chapter 378, Part D.

The substance of this bill and amendment was incorporated in Public Law 2015, chapter 481, Part F (LD 1606).

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**LD 1497    An Act To Align the Child and Family Services and Child Protection Act with the Federal Preventing Sex Trafficking and Strengthening Families Act**

**PUBLIC 381  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D VOLK A	OTP	

This bill amends the Child and Family Services and Child Protection Act to comply with the federal Preventing Sex Trafficking and Strengthening Families Act. The bill requires the Department of Health and Human Services to disclose certain information on missing or abducted children or youth to the National Crime Information Center database of the Federal Bureau of Investigation and to a national information clearinghouse for missing and exploited children and to provide notification of the removal of a child from the custody of a parent or custodian to all parents of a sibling of the child who have legal custody of the sibling. The bill also requires that permanency plans for children who are 14 years of age and older must determine the services needed to assist the children to make the transition from foster care to independent living.

**Enacted Law Summary**

Public Law 2015, chapter 381 amends the Child and Family Services and Child Protection Act to comply with the federal Preventing Sex Trafficking and Strengthening Families Act. It requires the Department of Health and Human Services to disclose certain information on missing or abducted children or youth to the National Crime Information Center database of the Federal Bureau of Investigation and to a national information clearinghouse for missing and exploited children and to provide notification of the removal of a child from the custody of a parent or custodian to all parents of a sibling of the child who have legal custody of the sibling. It also requires that permanency plans for children who are 14 years of age and older must determine the services needed to assist the children to make the transition from foster care to independent living.

Public Law 2015, chapter 381 was enacted as an emergency measure effective March 1, 2016.

**LD 1498    An Act To Clarify Medicaid Ombudsman Services**

**PUBLIC 511**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K VOLK A	OTP-AM ONTP	H-620

Current law requires the Department of Health and Human Services to contract for ombudsman services for the Medicaid managed care population as long as nonstate funding is available. This bill retains that provision and establishes the ombudsman program in statute, describes the Medicaid managed care population and specifies the duties of the ombudsman program, which include providing services and outreach for members and eligible members of the Medicaid program and the state children's health insurance program under Title XXI of the Social Security Act.

**Committee Amendment "A" (H-620)**

This amendment makes the following changes to the bill.

1. It clarifies that the children's health insurance program is also known as Cubcare, CHIP and S-CHIP.
2. It clarifies that the definition of "outreach and education" includes workshops for members, eligible members and health care providers, social service providers and health insurance navigators, brokers and agents and that

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screenings for eligibility include but are not limited to prescription assistance programs.

3. It strikes references to managed care, including in the title of the bill.
4. It clarifies that the long-term care ombudsman program established pursuant to the Maine Revised Statutes, Title 22, section 5106, subsection 11-C continues to provide services for those receiving long-term care home-based and community-based or institutional services.
5. It requires the Medicaid ombudsman program to provide annual reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters.
6. It clarifies that the program may only be contracted for with nonstate funding and removes any references to state seed match.

### **Enacted Law Summary**

Public Law 2015, chapter 511 establishes the Medicaid ombudsman program in statute. It establishes the duties of the ombudsman program, including providing services and outreach services and outreach for members and eligible members of the Medicaid program and the state children's health insurance program is also known as Cubcare, CHIP and S-CHIP. It requires the ombudsman program to provide annual reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The program, operated by contract, may only be contracted for with nonstate funding.

**LD 1522      Resolve, Regarding Legislative Review of the Final Repeal of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 61  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of the repeal of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a major substantive rule of the Department of Health and Human Services.

### **Enacted Law Summary**

Resolve 2015, chapter 61 authorizes final adoption of the repeal of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a major substantive rule of the Department of Health and Human Services.

Resolve 2015, chapter 61 was finally passed as an emergency measure effective March 16, 2016.

**LD 1527      An Act To Facilitate MaineCare Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes**

**Died On  
Adjournment**

Sponsor(s)

Committee Report

Amendments Adopted

BURNS D  
POULIOT M

OTP-AM

S-402

***Joint Standing Committee on Health and Human Services***

This bill provides funds to give adult family care homes, residential care facilities and Appendix C private nonmedical institutions a 4% cost-of-living rate increase in funding in the fiscal year beginning July 1, 2016. Annual cost-of-living adjustments are to be provided by rule for each fiscal year thereafter in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

**Committee Amendment "A" (S-402)**

This amendment provides for two cost-of-living rate increases in funding rather than an annual ongoing increase. The 4% cost-of-living rate increase in funding in the fiscal year beginning July 1, 2016 remains the same as in the bill but with updated appropriation and allocation amounts. The second rate increase, for fiscal year 2017-18, is based on the Consumer Price Index medical care services index.

The substance of this bill and amendment was incorporated in Public Law 2015, chapter 481, Part C (LD 1606).

**LD 1533      An Act To Provide an Annual Cost-of-living Adjustment to Nursing Facilities To Further Implement the Recommendations of the Commission To Study Long-term Care Facilities      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D POULIOT M	OTP-AM	S-381

This bill provides funds to provide an annual cost-of-living adjustment to nursing facilities under the MaineCare program.

**Committee Amendment "A" (S-381)**

This amendment adjusts the funding amounts in the bill to reflect more accurate estimates. It also directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities to remove the requirement that cost-of-living adjustments received by nursing facilities must be applied to the wages and benefits of front line employees.

**LD 1547      An Act To Facilitate Access to Naloxone Hydrochloride      PUBLIC 508**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S BREEN C	OTP-AM ONTP	H-619 S-473 HASKELL A

This bill establishes the Naloxone Bulk Purchase Fund administered by the Office of the Attorney General for the purpose of providing funding to the Office of the Attorney General to make bulk purchases of naloxone hydrochloride that may be purchased by municipalities for use by first responders.

**Committee Amendment "A" (H-619)**

This amendment, which is the majority report of the committee, replaces the bill. It directs the Maine Board of Pharmacy to establish by rule procedures and standards for authorizing pharmacists to dispense naloxone hydrochloride. The rules must establish adequate training requirements and protocols for dispensing naloxone hydrochloride by prescription drug order, standing order or pursuant to a collaborative practice agreement. The amendment also clarifies current law to allow first responders to obtain the naloxone hydrochloride that they are authorized to administer. It provides criminal, civil and professional disciplinary immunities for persons who, acting in good faith and with reasonable care, possess, store, prescribe, dispense or administer naloxone hydrochloride in accordance with the governing law. The amendment also adds an emergency preamble and

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emergency clause.

### **Senate Amendment "A" To Committee Amendment "A" (S-473)**

This amendment removes the emergency preamble and emergency clause added by Committee Amendment "A".

### **Enacted Law Summary**

Public Law 2015, chapter 508 directs the Maine Board of Pharmacy to establish by rule procedures and standards for authorizing pharmacists to dispense naloxone hydrochloride. The rules must establish adequate training requirements and protocols for dispensing naloxone hydrochloride by prescription drug order, standing order or pursuant to a collaborative practice agreement. It provides criminal, civil and professional disciplinary immunities for persons who, acting in good faith and with reasonable care, possess, store, prescribe, dispense or administer naloxone hydrochloride in accordance with the governing law.

### **LD 1548 An Act To Establish a Foster Parents' Bill of Rights**

**ONTP**

Sponsor(s)  
MALABY R

Committee Report  
ONTP

Amendments Adopted

This bill establishes a foster parents' bill of rights.

### **LD 1552 An Act To Reduce Morbidity and Mortality Related to Injected Drugs**

**PUBLIC 507**

Sponsor(s)  
VACHON K  
HASKELL A

Committee Report  
OTP-AM

Amendments Adopted  
H-559  
S-513 HAMPER J

This bill provides \$75,000 in General Funds in 2016-17 for existing and new hypodermic apparatus exchange programs certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The center must allocate funds appropriated for existing hypodermic apparatus exchange programs among programs based on rates of intravenous drug use and negative health outcomes related to drug use in the geographic area surrounding a program and the amount of services historically provided by the program, except that funds awarded in order to facilitate the operation of programs in counties without a program may be awarded through a competitive grant process. It also provides that, unless the use of funds to support a hypodermic apparatus exchange program is prohibited by the original funding source, the department may not prohibit funds it awards to an entity involved in HIV, viral hepatitis and substance abuse issues from being used to support a hypodermic apparatus exchange program as long as the services the program provides can reasonably be expected to contribute to the desired result identified when the funding is first made available.

### **Committee Amendment "A" (H-559)**

The amendment makes the following changes to the bill.

1. It adds language to indicate that the funds provided by the bill are not intended to be the sole source of funding for hypodermic apparatus exchange programs and clarifies that the intent of the bill is not to limit securing other sources of funding.
2. It establishes the same methodology for distributing funds for both existing and new programs.

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3. It requires funds appropriated in the bill to be awarded no later than 60 days after the effective date of the legislation.
4. It removes the bill provisions related to restrictions on use of funds.
5. It amends the rule-making authority of the Maine Center for Disease Control and Prevention to ensure that the center may amend the rules regulating the hypodermic apparatus exchange programs with respect to the distribution of funds, renewal of certification, complaint investigation procedures and decertification criteria.

### Senate Amendment "A" (S-513)

This amendment removes the appropriations and allocations section.

### Enacted Law Summary

Public Law 2015, chapter 507 establishes a methodology for distributing funds for the hypodermic apparatus exchange programs certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and allows the center to amend the rules with respect to the distribution of funds, renewal of certification, complaint investigation procedures and decertification criteria. The center must allocate funds appropriated for existing hypodermic apparatus exchange programs among programs based on rates of intravenous drug use and negative health outcomes related to drug use in the geographic area surrounding a program and the amount of services historically provided by the program although funds awarded in order to facilitate the operation of programs in counties without a program may be awarded through a competitive grant process.

### LD 1573 An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers

PUBLIC 453

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M GILLWAY J	OTP-AM	S-410

This bill clarifies that a certificate of need is not required when there is a change in ownership or acquisition of control in which the entities or health care facilities involved are already in the same corporate family, such as when the entities or health care facilities involved are subsidiaries of the same parent corporation or the transaction involves a parent corporation and its subsidiary.

### Committee Amendment "A" (S-410)

This amendment incorporates a fiscal note.

### Enacted Law Summary

Public Law 2015, chapter 453 clarifies that a certificate of need is not required when there is a change in ownership or acquisition of control in which the entities or health care facilities involved are already in the same corporate family, such as when the entities or health care facilities involved are subsidiaries of the same parent corporation or the transaction involves a parent corporation and its subsidiary.

### LD 1577 An Act To Increase the Availability of Mental Health Services

Died On  
Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D CYRWAY S	OTP-AM OTP-AM	H-636

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This bill provides that, under certain circumstances, the Commissioner of Health and Human Services or the commissioner's designee may determine that a mental health unit at a correctional facility is an appropriate institution or program for the placement of persons who have been determined to be incompetent to stand trial or not criminally responsible by reason of insanity.

### **Committee Amendment "A" (H-636)**

This amendment, which is the majority report of the committee, strikes the language in the bill and replaces it with the following provisions.

1. For individuals in the custody of the Commissioner of Health and Human Services pursuant to the Maine Revised Statutes, Title 15, section 101-D and section 103, placements must be made in the following priority:
  - A. In the State at a state-owned hospital;
  - B. In the State at another facility accredited by a nationally recognized health care organization accrediting body whose standards for accreditation meet or exceed the requirements for a health care facility to be eligible to receive payment from the Medicare or Medicaid program; and
  - C. Outside the State at a facility accredited by a nationally recognized health care organization accrediting body whose standards for accreditation meet or exceed the requirements for a health care facility to be eligible to receive payment from the Medicare or Medicaid program.
2. By December 31, 2016, the Department of Health and Human Services is required to develop a facility separate from the Riverview Psychiatric Center that will provide the least restrictive setting possible for forensic patients in the custody of the Commissioner of Health and Human Services and for whom the Department of Health and Human Services has verified a hospital level of care is no longer needed.
3. By August 1, 2016, and at least every 90 days thereafter, the Department of Health and Human Services is required to submit a written report to the joint standing committee of the Legislature having jurisdiction over matters concerning the State's psychiatric hospitals that includes the following information:
  - A. The status of any forensic patients who have been placed by the Commissioner of Health and Human Services at an in-state facility accredited by a nationally recognized health care organization accrediting body whose standards for accreditation meet or exceed the requirements for a health care facility to be eligible to receive payment from the Medicare or Medicaid program or an out-of-state facility accredited by a nationally recognized health care organization accrediting body whose standards for accreditation meet or exceed the requirements for a health care facility to be eligible to receive payment from the Medicare or Medicaid program pursuant to Title 15, section 101-D and section 103, including, as permitted by law, the names of any patients and the location, timeline and reason for their placement;
  - B. The status of the Department of Health and Human Services' development of a unit separate from the Riverview Psychiatric Center that will provide the least restrictive setting possible for forensic patients in the custody of the Commissioner of Health and Human Services who no longer need a hospital level of care;
  - C. The status of staffing levels at Riverview Psychiatric Center, including data about any vacancies among the direct care staff positions and licensed professional positions, information about any recent hiring that has occurred or efforts that have been made to fill any vacancies and information about any recent training provided to current or newly hired staff members; and
  - D. Any recommendations, including proposed statutory changes, that the Department of Health and Human Services determines to be necessary regarding the placement of individuals in the custody of the Commissioner of Health and Human Services pursuant to Title 15, section 101-D and section 103, the use of the required new

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facility that is separate from the Riverview Psychiatric Center for forensic patients in the custody of the Commissioner of Health and Human Services who no longer need a hospital level of care and the staffing situation at Riverview Psychiatric Center.

**Committee Amendment "B" (H-637)**

This amendment, which is the minority report of the committee, establishes a repeal date of August 1, 2017 for the provisions in the bill that provide the Commissioner of Health and Human Services, or the commissioner's designee, with the option to determine that a mental health unit at a correctional facility is an appropriate institution or program for the placement of persons who have been determined to be not competent to stand trial or not criminally responsible by reason of insanity, at which time the law will revert to the previous version of statute, which does not offer such an option.

This amendment was not adopted.

**LD 1581      Resolve, Regarding Legislative Review of Portions of Chapter 270:  
Uniform Reporting System for Quality Data Sets, a Late-filed Major  
Substantive Rule of the Maine Health Data Organization**

**RESOLVE 71  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a major substantive rule of the Maine Health Data Organization that was filed outside the legislative rule acceptance period.

**Enacted Law Summary**

Resolve 2015, chapter 71 authorizes final adoption of portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a major substantive rule of the Maine Health Data Organization that was filed outside the legislative rule acceptance period.

Resolve 2015, chapter 71 was finally passed as an emergency measure effective March 29, 2016.

**LD 1599      Resolve, To Implement the Recommendations of the Commission To  
Strengthen and Align the Services Provided to Maine's Veterans by  
Authorizing MaineCare Transportation Services To Transport Veterans  
to Medical Appointments Administered by the United States  
Department of Veterans Affairs**

**ONTP**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

This resolve was reported by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2015, chapter 48 and then referred to the Health and Human Services Committee for processing in the normal course.

This resolve implements recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans. It directs the Department of Health and Human Services to submit to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services an application for a MaineCare waiver to provide transportation services to veterans who are eligible for the MaineCare program but also receive health care benefits from the United States Department of Veterans Affairs at the hospital located at

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Togus or affiliated community-based outpatient clinics.

**LD 1615      Resolve, To Establish the Commission To Continue the Study of  
Difficult-to-place Patients**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	S-398

This resolve was reported by the committee pursuant to joint order, S.P. 639 and then referred back to the committee for processing in the normal course.

This resolve, which is a recommendation of the Commission To Study Difficult-to-place Patients, establishes the Commission To Continue the Study of Difficult-to-place Patients. The commission is charged with studying certain issues related to patients with complex medical conditions and the feasibility of making policy changes to the long-term care system for those patients. The commission comprises 13 members reflecting a similar membership to that of the Commission To Study Difficult-to-place Patients. The commission is required to submit a report containing its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2016. The committee is authorized to report out legislation to the First Regular Session of the 128th Legislature.

**Committee Amendment "A" (S-398)**

This amendment, which is the majority report of the committee, adds to the resolve a duty for the Commission To Continue the Study of Difficult-to-place Patients. It requires the commission to develop a methodology for collecting data regarding the refusal of long-term care facilities to admit patients with complex medical conditions, as a means to identify barriers to placement. It changes the date that the report is due from December 15, 2016 to November 2, 2016.

**LD 1616      An Act To Expand Geropsychiatric Facility Capacity**

**Died On  
Adjournment**

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

This bill was reported by the committee pursuant to joint order, S.P. 639 and then referred back to the committee for processing in the normal course.

This bill, which is a recommendation of the Commission To Study Difficult-to-place Patients, requires the Department of Health and Human Services to increase the number of geropsychiatric beds by up to 25 beds. The beds may be in nursing facilities, private nonmedical institutions or a combination of both. The beds must be made available in underserved parts of the State, some specifically to be made available in the northern part of the State. The beds are funded and therefore are exempt from MaineCare budget neutrality provisions.

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

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

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**LD 1617 An Act Regarding the Long-term Care Ombudsman Program**

**PUBLIC 506**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-389

This bill was reported by the committee pursuant to joint order, S.P. 639 and then referred back to the committee for processing in the normal course.

This bill, which is a recommendation of the Commission To Study Difficult-to-place Patients, amends the law governing the long-term care ombudsman program to clarify that the long-term care ombudsman has the authority to act as a resource during the hospital discharge process to assist patients with complex medical needs who experience significant barriers to admission in a residential care facility, nursing facility or assisted living facility or program. It also provides funds to allow the program to contract for two new full-time positions within the program.

**Committee Amendment "A" (S-389)**

This amendment clarifies that the long-term care ombudsman program is authorized to provide information during and after the hospital discharge process to patients with complex medical needs who experience significant barriers to hospital discharge, including information regarding accessing home and community-based services. The bill includes only reference to assisting patients with barriers to admission to facilities.

**Enacted Law Summary**

Public Law 2015, chapter 506 amends the law governing the long-term care ombudsman program to clarify that the long-term care ombudsman has the authority to act as a resource during the hospital discharge process to assist patients with complex medical needs who experience significant barriers to admission to a residential care facility, nursing facility, assisted living facility or to home and community-based services. It also provides funds to allow the program to contract for two new full-time positions within the program.

**LD 1618 An Act To Provide Additional Resources for Nurse Education Consultants in the Department of Health and Human Services**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-391

This bill was reported by the committee pursuant to joint order, S.P. 639 and then referred back to the committee for processing in the normal course.

This bill, which is a recommendation of the Commission To Study Difficult-to-place Patients, establishes an additional Nurse Education Consultant position within the Department of Health and Human Services.

**Committee Amendment "A" (S-391)**

This amendment changes the amounts appropriated and allocated for an additional Nurse Education Consultant position within the Department of Health and Human Services.

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**LD 1619      Resolve, Regarding Home Care Service Rates for Serving Persons with Complex Medical Needs**

**Died Between Houses**

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

This resolve was reported by the committee pursuant to joint order, S.P. 639 and then referred back to the committee for processing in the normal course.

This resolve includes recommendations of the Commission to Study Difficult-to-place Patients. It requires the Department of Health and Human Services' Office of Aging and Disability Services to implement a demonstration project that will provide enhanced rates for home care services, with participation limited to patients with complex medical needs who are enrolled in the Maine "Homeward Bound" program, which is funded by the federal Centers for Medicaid and Medicare Services. The department is directed to submit a report, no later than January 15, 2018, to the joint standing committee of the Legislature having jurisdiction over health and human services matters detailing its findings and any recommendations regarding the provision of enhanced rates for home care services.

The resolve also requires the Department of Health and Human Services' quality assurance review committee to conduct a review of the adequacy of home care services provided to individuals with complex needs under Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 19, Home and Community Benefits for the Elderly and Adults with Disabilities. The Department of Health and Human Services is directed to submit a report, no later than January 15, 2017, to the joint standing committee of the Legislature having jurisdiction over health and human services matters detailing the quality assurance review committee's findings and any recommendations for legislation regarding the adequacy of home care services provided under Section 19.

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

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

This amendment was not adopted.

**LD 1620      Resolve, Establishing a Stakeholder Group To Examine Methods of Protecting the Elderly and Persons with Disabilities from Financial Exploitation**

**ONTP**

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

This resolve was reported by the committee pursuant to joint order, S.P. 639 and then referred back to the committee for processing in the normal course.

This resolve, which is a recommendation of the Commission To Study Difficult-to-place Patients, directs the financial abuse specialist team in the Department of Health and Human Services' Office of Aging and Disability Services to convene a stakeholder group to review the State's criminal laws, the Adult Protective Services Act in the Maine Revised Statutes, Title 22, chapter 958-A and any other relevant state laws to identify potential statutory changes to enable and support criminal prosecution of crimes against the elderly and persons with disabilities, including the enhancement of penalties for such crimes. The financial abuse specialist team is directed to submit, by January 15, 2017, a report to the joint standing committee of the Legislature having jurisdiction over health and

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human services matters detailing the stakeholder group's findings and any recommendations for legislation regarding changes to the State's laws to enable and support criminal prosecution of crimes against the elderly and persons with disabilities and the committee may report out legislation relating to the report.

**LD 1621      *Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities*      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-433

This resolve was reported by the committee pursuant to joint order, S.P. 639 and then referred back to the committee for processing in the normal course.

This resolve, which is a recommendation of the Commission To Study Difficult-to-place Patients, directs the Department of Health and Human Services to amend the rules under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45, Hospital Services to provide reimbursement to hospitals other than critical access hospitals for each day that a MaineCare-eligible individual is in the care of a hospital other than a critical access hospital while awaiting placement in a nursing facility. The reimbursement is to be paid prospectively at the statewide average rate per member day for nursing facility services. The department is directed to implement this reimbursement for days awaiting placement for a period of no more than five years and is limited to a maximum of \$500,000 of combined General Fund and federal funds for the entire five-year period.

**Committee Amendment "A" (S-433)**

This amendment specifies that the reimbursement in the resolve for days awaiting placement does not begin until the 11th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility. It also changes the maximum amount of funding to \$500,000 in combined funding for each year. It adds an appropriations and allocations section.

**LD 1631      *An Act To Reduce the Liability of Maine Taxpayers by Aligning Maine's Welfare Programs with Federal Law*      **Died Between Houses****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K MASON G	OTP-AM OTP-AM	

This bill makes changes to the laws governing the Temporary Assistance for Needy Families, or TANF, program. It removes all the good cause exceptions that prevent a person from being sanctioned under the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families, or ASPIRE-TANF, program or the TANF program for failure to participate in the ASPIRE-TANF program, with the exception of domestic violence. It removes the 24-month limit on education training and treatment for participants in the ASPIRE-TANF program in order to eliminate the difference between Maine and federal law regarding the number of months of education and training that may qualify as countable work activities and specifies that accommodations for an individual with a disability are limited to those required by federal law. The bill amends the Parents as Scholars Program to specify that an enrollee in the program must meet federal work participation requirements. The bill establishes the Fund for the Payment of Federal Fines Imposed for Noncompliance with Federal Work Participation Requirements in the Department of Health and Human Services to pay fines imposed on the State by the Federal Government due to the State's failure to comply with federal requirements related to the ASPIRE-TANF program. The bill provides an appropriation in fiscal year 2016-17 and requires the Commissioner of Health and Human

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Services to report annually regarding the fines owed by the State for noncompliance to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which is required to report out a bill, within 30 days of the commissioner's report, appropriating the amount necessary to pay the fines.

### **Committee Amendment "A" (H-651)**

This amendment, which is the majority report of the committee, replaces the bill with a resolve establishing the Commission on Child Poverty and Extreme Child Poverty. The commission has 13 members appointed by the President of the Senate and the Speaker of the House of Representatives. The commission must invite the director of the Office of Family Independence within the Department of Health and Human Services or the director's designee and the Director of the Office of Child and Family Services within the Department of Health and Human Services or the director's designee to participate. The commission must study the scope and magnitude of child poverty and extreme child poverty in the State, the roots of poverty and reasons for any recent increases in poverty and recommend policy solutions to improve the situation of children in poverty and extreme poverty in this State. The commission must submit a report to the Legislature no later than November 2, 2016. The amendment also establishes a moratorium on actions to contract for the administration of the ASPIRE-TANF program until 90 days after the adjournment of the First Regular Session of the 128th Legislature in order to allow the commission to examine and recommend effective methods of administering the ASPIRE-TANF program and the Legislature to review and act on those recommendations before changes to administration of the program are made.

This amendment was not adopted.

### **Committee Amendment "B" (H-652)**

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

This amendment was not adopted.

### **LD 1638     An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax**

**PUBLIC 477  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R BRAKEY E	OTP-AM	H-623 S-521    HAMPER J

This bill provides for an increase in reimbursement rates to eligible MaineCare providers who are subject to the service provider tax.

### **Committee Amendment "A" (H-623)**

This amendment strikes the bill and instead provides an appropriations and allocations section that adds funding for an increase in reimbursement rates to eligible MaineCare providers for the last three months of fiscal year 2015-16 and for fiscal year 2016-17. The purpose of the additional funding is to offset the increase in the service provider tax that took effect January 1, 2016. This amendment also adds an emergency preamble and emergency clause.

### **Senate Amendment "A" To Committee Amendment "A" (S-521)**

This amendment reduces the General Fund appropriation in Committee Amendment "A" by using increased funding available in the Federal Medical Assistance Percentage.

### **Enacted Law Summary**

Public Law 2015, chapter 477 provides funding for an increase in reimbursement rates to eligible MaineCare providers for the last three months of fiscal year 2015-16 and for fiscal year 2016-17 to offset the increase in the service provider tax that took effect January 1, 2016.

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Public Law 2015, chapter 477 was enacted as an emergency measure effective April 15, 2016.

**LD 1644      Resolve, Establishing the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum** **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES M BURNS D	OTP-AM ONTP	H-606 S-455    HASKELL A

This resolve establishes the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum. The commission is required to study current challenges to recruiting and retaining direct care workers and recommend ways to support and strengthen that workforce across the long-term care continuum. The commission's duties include reviewing related studies, legislation and Department of Health and Human Services' initiatives; determining current demand for direct care workers across long-term care settings; identifying career pathways for direct care workers within and across long-term care settings; developing worker incentive programs; and developing strategies to create high-quality work environments. The commission must submit its report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 2, 2016. The committee may report out legislation to the First Regular Session of the 128th Legislature.

**Committee Amendment "A" (H-606)**

This amendment, which is the majority report of the committee, makes the following changes to the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum.

1. It adds three members, including a representative of a labor intermediary, a representative of an organization providing services to individuals with intellectual disabilities and autism and a representative of an organization promoting independent living for individuals with disabilities.
2. It clarifies that the Commissioner of Health and Human Services and the Commissioner of Labor may be invited to participate.
3. It adds to the duties of the commission an examination of technological advances to help individuals living in their homes remain independent and an examination of the barriers to employment as direct care workers for populations who may lack credentials, transportation or English proficiency or other relevant factors.
4. It changes the date for the commission's report from December 2, 2016 to November 2, 2016.

**Senate Amendment "A" (S-455)**

This amendment removes the emergency preamble and emergency clause from the resolve.

**LD 1646      An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program** **PUBLIC 488**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A MCCABE J	OTP-AM OTP-AM	S-531

## *Joint Standing Committee on Health and Human Services*

This bill makes the following changes to the laws governing the Controlled Substances Prescription Monitoring Program and the prescribing and dispensing of opioids and other drugs.

1. It provides to a prescriber immunity from liability for disclosure of information to the Controlled Substances Prescription Monitoring Program.
2. It provides that upon initial prescription of a benzodiazepine or an opioid to a person and every 90 days for as long as the prescription is renewed, a prescriber must check prescription monitoring information maintained by the Controlled Substances Prescription Monitoring Program for records related to that person. A prescriber who violates this provision is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.
3. It provides that prior to dispensing a benzodiazepine or an opioid to a person, a dispenser must check prescription monitoring information maintained by the Controlled Substances Prescription Monitoring Program for records related to that person. A dispenser must notify the program and withhold a prescription until the dispenser is able to contact the prescriber of that prescription if the dispenser has reason to believe that that prescription is fraudulent or duplicative. A dispenser who violates these provisions is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.
4. It provides that the failure of a health care provider who is a prescriber or dispenser to check prescription monitoring information or to submit prescription monitoring information to the Department of Health and Human Services as required by law is grounds for discipline of that health care provider.
5. It requires that by December 31, 2017 and every five years thereafter a health care provider who is a prescriber must successfully complete a training course on the prescription of opioid pain medication that has been approved by the Department of Health and Human Services as a condition of prescribing opioid pain medications.
6. It sets limits on the amount of opioid pain medication that may be prescribed to a patient.
7. It provides that beginning January 1, 2018 opioid pain medication may only be prescribed electronically.

### **Committee Amendment "A" (S-531)**

This amendment, which is the majority report of the committee, makes the following changes to the laws governing the Controlled Substances Prescription Monitoring Program and the prescribing and dispensing of opioid medication and other drugs.

1. It provides to the prescriber immunity from liability for disclosure of information to the Controlled Substances Prescription Monitoring Program.
2. It allows the Department of Health and Human Services to provide prescription monitoring information to and receive prescription monitoring information from a Canadian province.
3. It clarifies that staff in hospitals and pharmacies are authorized to access the Controlled Substances Prescription Monitoring Program insofar as the access relates to a patient's prescription.
4. It establishes a fine for dispensers who fail to submit prescription monitoring information to the Controlled Substances Prescription Monitoring Program of \$250 per incident, not to exceed \$5,000 per calendar year.
5. It provides that upon the initial prescription of a benzodiazepine or an opioid medication to a person and every 90 days for as long as the prescription is renewed, a prescriber must check prescription monitoring information maintained by the Controlled Substances Prescription Monitoring Program for records related to that person. A prescriber who violates this provision is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.

## *Joint Standing Committee on Health and Human Services*

6. It requires dispensers to check the prescription monitoring information for out-of-state individuals, for out-of-state prescribers, for individuals with insurance paying cash and if an individual has not had a prescription for an opioid medication in the previous 12 months. A dispenser who violates this provision is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.
7. It provides that the failure of a health care provider who is a prescriber or dispenser to check the prescription monitoring information or to submit prescription monitoring information to the Department of Health and Human Services as required by law is grounds for discipline of that health care provider.
8. It requires that a health care provider who is a prescriber of opioid medication or a veterinarian who is a prescriber of opioid medication must complete three hours every two years of continuing education related to opioid medication prescribing practices.
9. It sets limits on the supply of opioid medication that may be prescribed to a patient to seven days for acute pain and 30 days for chronic pain beginning January 1, 2017.
10. It sets limits on the amount of opioid medication that may be prescribed to no more than 100 morphine milligram equivalents for new prescriptions beginning on the effective date of this legislation. For patients who have prescriptions that total over 100 morphine milligram equivalents on the effective date of this legislation, the prescribing limit is 300 morphine milligram equivalents; those patients must be tapered to a level of no more than 100 morphine milligram equivalents by July 1, 2017.
11. It establishes statutory exceptions to opioid medication limits and requires the Department of Health and Human Services to adopt rules for other exceptions. The rules must be adopted by January 1, 2017.
12. It clarifies that opioid medication limits do not apply to health care professionals directly administering medication to a patient in an emergency room setting, inpatient hospital setting, long-term care setting or residential care setting.
13. It provides immunity for pharmacists who dispense opioid medication over 100 morphine milligram equivalents in accordance with a prescription.
14. It requires prescribers to electronically prescribe opioid medication if the capability exists. A prescriber who does not have the capability for electronic prescribing must seek a waiver from the Commissioner of Health and Human Services listing the reasons why the prescriber is unable to electronically prescribe. Pharmacists must be able to receive electronic prescriptions of opioid medication or seek a waiver.
15. It requires pharmacists and veterinarians who prescribe opioid medication to register with the Controlled Substances Prescription Monitoring Program.
16. It authorizes pharmacists to partially fill prescriptions of schedule II controlled substances upon request from the patient.
17. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to evaluate the effect of prescription limits on out-of-pocket costs and report on options to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters.
18. It requires the Department of Health and Human Services to make enhancements to the Controlled Substances Prescription Monitoring Program through its request for proposals process for the maintenance of the program. It provides that a penalty may not be imposed for a violation of the limits on opioid medication prescribing until the

## *Joint Standing Committee on Health and Human Services*

enhancement to the Controlled Substances Prescription Monitoring Program that will enable the conversion of dosages to and from morphine milligram equivalents is implemented.

19. It requires the Department of Health and Human Services to report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and occupational and professional regulation matters on the implementation of the registration and use of the Controlled Substances Prescription Monitoring Program, improvements to the program, the effect of opioid medication prescribing limits on the prescriber workforce, the implementation of continuing education requirements and progress on the electronic prescribing of opioid medication.

### **Committee Amendment "B" (S-532)**

This amendment, which is the minority report of the committee, replaces the bill. It authorizes pharmacists to partially fill prescriptions of schedule II controlled substances upon request from the patient.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2015, chapter 488 makes the following changes to the laws governing the Controlled Substances Prescription Monitoring Program and the prescribing and dispensing of opioid medication and other drugs.

1. It provides to the prescriber immunity from liability for disclosure of information to the Controlled Substances Prescription Monitoring Program.
2. It allows the Department of Health and Human Services to provide prescription monitoring information to and receive prescription monitoring information from a Canadian province.
3. It clarifies that staff in hospitals and pharmacies are authorized to access the Controlled Substances Prescription Monitoring Program insofar as the access relates to a patient's prescription.
4. It establishes a fine for dispensers who fail to submit prescription monitoring information to the Controlled Substances Prescription Monitoring Program of \$250 per incident, not to exceed \$5,000 per calendar year.
5. It provides that upon the initial prescription of a benzodiazepine or an opioid medication to a person and every 90 days for as long as the prescription is renewed, a prescriber must check prescription monitoring information maintained by the Controlled Substances Prescription Monitoring Program for records related to that person. A prescriber who violates this provision is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.
6. It requires dispensers to check the prescription monitoring information for out-of-state individuals, for out-of-state prescribers, for individuals with insurance paying cash and if an individual has not had a prescription for an opioid medication in the previous 12 months. A dispenser who violates this provision is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.
7. It provides that the failure of a health care provider who is a prescriber or dispenser to check the prescription monitoring information or to submit prescription monitoring information to the Department of Health and Human Services as required by law is grounds for discipline of that health care provider.
8. It requires that a health care provider who is a prescriber of opioid medication or a veterinarian who is a prescriber of opioid medication must complete three hours every two years of continuing education related to opioid medication prescribing practices.
9. It sets limits on the supply of opioid medication that may be prescribed to a patient to seven days for acute pain

## *Joint Standing Committee on Health and Human Services*

and 30 days for chronic pain beginning January 1, 2017.

10. It sets limits on the amount of opioid medication that may be prescribed to no more than 100 morphine milligram equivalents for new prescriptions beginning on the effective date of this legislation. For patients who have prescriptions that total over 100 morphine milligram equivalents on the effective date of this legislation, the prescribing limit is 300 morphine milligram equivalents; those patients must be tapered to a level of no more than 100 morphine milligram equivalents by July 1, 2017.
11. It establishes statutory exceptions to opioid medication limits and requires the Department of Health and Human Services to adopt rules for other exceptions. The rules must be adopted by January 1, 2017.
12. It clarifies that opioid medication limits do not apply to health care professionals directly administering medication to a patient in an emergency room setting, inpatient hospital setting, long-term care setting or residential care setting.
13. It provides immunity for pharmacists who dispense opioid medication over 100 morphine milligram equivalents in accordance with a prescription.
14. It requires prescribers to electronically prescribe opioid medication if the capability exists. A prescriber who does not have the capability for electronic prescribing must seek a waiver from the Commissioner of Health and Human Services listing the reasons why the prescriber is unable to electronically prescribe. Pharmacists must be able to receive electronic prescriptions of opioid medication or seek a waiver.
15. It requires pharmacists and veterinarians who prescribe opioid medication to register with the Controlled Substances Prescription Monitoring Program.
16. It authorizes pharmacists to partially fill prescriptions of schedule II controlled substances upon request from the patient.
17. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to evaluate the effect of prescription limits on out-of-pocket costs and report on options to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters.
18. It requires the Department of Health and Human Services to make enhancements to the Controlled Substances Prescription Monitoring Program through its request for proposals process for the maintenance of the program. It provides that a penalty may not be imposed for a violation of the limits on opioid medication prescribing until the enhancement to the Controlled Substances Prescription Monitoring Program that will enable the conversion of dosages to and from morphine milligram equivalents is implemented.
19. It requires the Department of Health and Human Services to report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and occupational and professional regulation matters on the implementation of the registration and use of the Controlled Substances Prescription Monitoring Program, improvements to the program, the effect of opioid medication prescribing limits on the prescriber workforce, the implementation of continuing education requirements and progress on the electronic prescribing of opioid medication.

***Joint Standing Committee on Health and Human Services***

**LD 1648      An Act To Amend the Laws Governing the Controlled Substances      ONTP**  
**Prescription Monitoring Program and To Review Limits on the**  
**Prescription of Controlled Substances**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R VACHON K	ONTP	

This bill directs the licensing boards regulating prescribers and dispensers of controlled substances to engage in rulemaking regarding required use of the Controlled Substances Prescription Monitoring Program and to review the possibility of establishing prescribing limits. It requires pharmacists to register to use the program and allows the Department of Health and Human Services to provide prescription monitoring information to and receive prescription monitoring information from a Canadian province.

**LD 1650      An Act To Enact the Recommendations of the Study of the Allocations of      Veto Sustained**  
**the Fund for a Healthy Maine**

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

This bill was reported ought to pass by the committee pursuant to Joint Rule 353.

This bill enacts recommendations of the study of the allocations of the Fund for a Healthy Maine conducted pursuant to Resolve 2015, chapter 47. The bill requires the Department of Health and Human Services to submit an annual report by January 1st to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the Fund for a Healthy Maine. The report must include annual expenditures in all programs, progress made toward improving the health status of persons in the State using the fund, a description of how funds were targeted to prevention and health-related purposes outlined in statute and information on any audits in the previous year. The requirement for the Department of Administrative and Financial Services to provide an annual report regarding the expenditure of the Fund for a Healthy Maine on prevention and health-related purposes is removed from the statute. The bill also repeals several provisions of law requiring reports by the Department of Health and Human Services that are no longer necessary.

**LD 1665      Resolve, Regarding Legislative Review of Chapter 120: Release of Data      RESOLVE 79**  
**to the Public, a Late-filed Major Substantive Rule of the Maine Health      EMERGENCY**  
**Data Organization**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-618

This resolve provides for legislative review of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-618)**

This amendment provides that final adoption of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of Maine Health Data Organization, is authorized contingent upon the Maine Health Data Organization's making minor clarifying language changes to the proposed rule.

*Joint Standing Committee on Health and Human Services*

**Enacted Law Summary**

Resolve 2015, chapter 79 authorizes final adoption of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of Maine Health Data Organization, contingent upon the Maine Health Data Organization's making minor clarifying language changes to the proposed rule.

Resolve 2015, chapter 79 was finally passed as an emergency measure effective April 16, 2016.

**LD 1682      An Act To Specify That Certain Rules Regarding Services to Persons with Intellectual Disabilities or Autism Are Major Substantive Rules      Veto Sustained**

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

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 5, section 11115 in response to a petition filed relating to proposed changes to Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21. The bill designates as major substantive rules any rules that are adopted by the Department of Health and Human Services on or after August 1, 2016 regarding community-based services and reimbursement for providers of community-based services for persons with intellectual disabilities or autism.

**LD 1696      Resolve, To Establish a Moratorium on Rate Changes Related to Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65      RESOLVE 88**

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

This resolve was reported ought to pass by a majority of the committee pursuant to joint order, H.P. 1156.

The resolve requires the Department of Health and Human Services to present a completed rate study regarding reimbursement rates under Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on January 2, 2017. The Department of Health and Human Services may not begin any rulemaking connected with rate changes under those sections until at least 60 days after the completed rate study has been presented to the committee.

**Enacted Law Summary**

Resolve 2015, chapter 88 requires the Department of Health and Human Services to present a completed rate study regarding reimbursement rates under Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on January 2, 2017. The Department of Health and Human Services may not begin any rulemaking connected with rate changes under those sections until at least 60 days after the completed rate study has been presented to the committee.

**LD 1698      Resolve, Related To Legislative Review of a Change to the MaineCare Benefits Manual, Chapters II and III, Section 17      RESOLVE 82  
EMERGENCY**

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

## *Joint Standing Committee on Health and Human Services*

This resolve, which is an emergency, was reported ought to pass by the committee pursuant to Maine Revised Statutes, Title 5, section 11115. This resolve:

1. Requires the Department of Health and Human Services to extend eligibility for community support services to an individual who received services under Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17 before Section 17 was updated on March 22, 2016 if that individual is found to no longer meet the eligibility requirements under the updated Section 17 until that individual is able to access appropriate services under any other section of the MaineCare Benefits Manual. This extension of eligibility may not exceed a period of 120 days after that individual's current authorization period has expired;
2. Establishes that an individual who was receiving bridging rental assistance program housing subsidy vouchers due to Section 17 eligibility immediately before Section 17 was updated on March 22, 2016 continues to remain eligible for the housing subsidy vouchers, unless the individual becomes ineligible for the housing subsidy vouchers for a reason unrelated to Section 17 eligibility;
3. Until June 30, 2017, requires the Office of MaineCare Services within the Department of Health and Human Services to authorize 90-day extensions of community support services under Section 17 for an individual who received Section 17 services before Section 17 was updated on March 22, 2016 if that individual is able to reasonably demonstrate to the department that that individual has been unable to access appropriate services under any other section of the MaineCare Benefits Manual; and
4. Provides the department with the authority to adopt emergency rules as necessary for implementation of this resolve.

### **Enacted Law Summary**

Resolve 2015, chapter 82:

1. Requires the Department of Health and Human Services to extend eligibility for community support services to an individual who received services under Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17 before Section 17 was updated on March 22, 2016 if that individual is found to no longer meet the eligibility requirements under the updated Section 17 until that individual is able to access appropriate services under any other section of the MaineCare Benefits Manual. This extension of eligibility may not exceed a period of 120 days after that individual's current authorization period has expired;
2. Establishes that an individual who was receiving bridging rental assistance program housing subsidy vouchers due to Section 17 eligibility immediately before Section 17 was updated on March 22, 2016 continues to remain eligible for the housing subsidy vouchers, unless the individual becomes ineligible for the housing subsidy vouchers for a reason unrelated to Section 17 eligibility;
3. Until June 30, 2017, requires the Office of MaineCare Services within the Department of Health and Human Services to authorize 90-day extensions of community support services under Section 17 for an individual who received Section 17 services before Section 17 was updated on March 22, 2016 if that individual is able to reasonably demonstrate to the department that that individual has been unable to access appropriate services under any other section of the MaineCare Benefits Manual; and
4. Provides the department with the authority to adopt emergency rules as necessary for implementation of this resolve.

Resolve 2015, chapter 82 was finally passed as an emergency measure effective April 26, 2016.

*Joint Standing Committee on Health and Human Services*

**LD 1700      Resolve, To Require the Gathering of Information in Order To Develop  
a Plan To Expand the Infrastructure Capacity for State Forensic and  
Civil Mental Health Treatment**

**FAILED EMERG.  
PASSAGE**

Sponsor(s)

Committee Report

Amendments Adopted

This resolve, which is an emergency measure, was reported ought to pass by the committee pursuant to joint order, H.P. 1160.

This resolve directs the Department of Health and Human Services to issue a request for information by July 31, 2016 regarding alternatives and solutions to the issues at Riverview Psychiatric Center, with responses due by September 30, 2016. It also establishes a stakeholder group to review the responses received during the request for information process and develop a report by December 31, 2016 to be presented to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs.

# *Joint Standing Committee on Health and Human Services*

## **SUBJECT INDEX**

### ***Aging and Long-term Care***

#### **Enacted**

LD 886	Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services	RESOLVE 83
LD 1617	An Act Regarding the Long-term Care Ombudsman Program	PUBLIC 506
LD 1638	An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax	PUBLIC 477 EMERGENCY

#### **Not Enacted**

LD 90	Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities	Died On Adjournment
LD 1527	An Act To Facilitate MaineCare Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes	Died On Adjournment
LD 1533	An Act To Provide an Annual Cost-of-living Adjustment to Nursing Facilities To Further Implement the Recommendations of the Commission To Study Long-term Care Facilities	Died On Adjournment
LD 1615	Resolve, To Establish the Commission To Continue the Study of Difficult-to-place Patients	Died On Adjournment
LD 1616	An Act To Expand Geropsychiatric Facility Capacity	Died On Adjournment
LD 1618	An Act To Provide Additional Resources for Nurse Education Consultants in the Department of Health and Human Services	Died On Adjournment
LD 1619	Resolve, Regarding Home Care Service Rates for Serving Persons with Complex Medical Needs	Died Between Houses
LD 1620	Resolve, Establishing a Stakeholder Group To Examine Methods of Protecting the Elderly and Persons with Disabilities from Financial Exploitation	ONTP

### ***Certificate of Need***

#### **Enacted**

LD 1573	An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers	PUBLIC 453
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## *Child Care*

### Not Enacted

LD 1267	An Act To Assist Working Families with Young Children	Died Between Houses
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## *Children's Services*

### Enacted

LD 622	An Act To Require Training of Mandated Reporters under the Child Abuse Laws	PUBLIC 407
LD 1522	Resolve, Regarding Legislative Review of the Final Repeal of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 61 EMERGENCY

### Not Enacted

LD 213	An Act To Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody	Veto Sustained
LD 1548	An Act To Establish a Foster Parents' Bill of Rights	ONTP

## *Departmental Organization and Administration*

### Not Enacted

LD 1472	Resolve, To Enhance the Administration of the Child and Adult Care Food Program by Creating Clear Guidelines for Organizations and Streamlining the Application Process	Veto Sustained
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## *Developmental Disabilities*

### Not Enacted

LD 475	Resolve, To Increase MaineCare Services for Adults with Intellectual Disabilities or Autistic Disorder	Died Between Houses
LD 1682	An Act To Specify That Certain Rules Regarding Services to Persons with Intellectual Disabilities or Autism Are Major Substantive Rules	Veto Sustained

## *Disabilities*

### Enacted

LD 949	An Act To Enact the Recommendations of the Commission on Independent Living and Disability	PUBLIC 452
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## *Fund for a Healthy Maine*

### Not Enacted

LD 1650	An Act To Enact the Recommendations of the Study of the Allocations of the Fund for a Healthy Maine	Veto Sustained
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### *Health Care Workforce*

#### Not Enacted

LD 1644	Resolve, Establishing the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum	Died On Adjournment
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### *Health Information and Data*

#### Enacted

LD 1581	Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Late-filed Major Substantive Rule of the Maine Health Data Organization	RESOLVE 71 EMERGENCY
LD 1665	Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Late-filed Major Substantive Rule of the Maine Health Data Organization	RESOLVE 79 EMERGENCY

### *Hospitals*

#### Not Enacted

LD 1621	Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities	Died On Adjournment
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### *Maternal/Infant*

#### Not Enacted

LD 552	An Act To Provide Funding for Home Visiting Services	Died On Adjournment
LD 1149	Resolve, Directing the Maine Center for Disease Control and Prevention To Report on Progress toward Meeting Healthy Maine 2020 Goals Pertaining to Reproductive Health	ONTP

### *Medicaid/MaineCare*

#### Enacted

LD 1465	Resolve, To Require the Department of Health and Human Services To Conduct a Study of Ambulance Services	RESOLVE 87
LD 1498	An Act To Clarify Medicaid Ombudsman Services	PUBLIC 511
LD 1696	Resolve, To Establish a Moratorium on Rate Changes Related to Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65	RESOLVE 88

#### Not Enacted

LD 633	An Act To Improve the Health of Maine Citizens and the Economy of Maine by Providing Affordable Market-based Coverage Options to Low-income Uninsured Citizens	Died On Adjournment
LD 1599	Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by	ONTP

Authorizing MaineCare Transportation Services To Transport Veterans to Medical Appointments Administered by the United States Department of Veterans Affairs

### **Medical Use of Marijuana**

#### **Enacted**

LD 726 An Act To Increase Patient Safety in Maine's Medical Marijuana Program PUBLIC 475

### **Mental Health**

#### **Enacted**

LD 1698 Resolve, Related To Legislative Review of a Change to the MaineCare Benefits Manual, Chapters II and III, Section 17 RESOLVE 82 EMERGENCY

#### **Not Enacted**

LD 842 An Act To Establish Peer Center Reimbursement Died On Adjournment

LD 966 An Act To Assist Patients in Need of Psychiatric Services ONTP

LD 1030 An Act To Better Coordinate the Work of Mental Health Crisis Agencies with Law Enforcement Agencies ONTP

LD 1209 An Act To Increase the Effectiveness of Peer Supports in the State ONTP

LD 1412 An Act To Fund a Training Partnership between Riverview Psychiatric Center and the University of Maine at Augusta Died On Adjournment

LD 1577 An Act To Increase the Availability of Mental Health Services Died On Adjournment

LD 1700 Resolve, To Require the Gathering of Information in Order To Develop a Plan To Expand the Infrastructure Capacity for State Forensic and Civil Mental Health Treatment Emergency Final Passage Failed

### **Miscellaneous**

#### **Enacted**

LD 1470 An Act To Amend Maine's Death Certificate Disclosure Law PUBLIC 393

LD 1497 An Act To Align the Child and Family Services and Child Protection Act with the Federal Preventing Sex Trafficking and Strengthening Families Act PUBLIC 381 EMERGENCY

### **Oral Health/Dental Care**

#### **Not Enacted**

LD 860 Resolve, To Adjust Reimbursement Rates for Dental Services and Improve Access to Dental Care under the MaineCare Program Died On Adjournment

### *Prescription Drugs*

#### Enacted

LD 180	An Act To Allow Terminally Ill Patients To Choose To Use Experimental Treatments	PUBLIC 418
LD 1646	An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program	PUBLIC 488

#### Not Enacted

LD 1648	An Act To Amend the Laws Governing the Controlled Substances Prescription Monitoring Program and To Review Limits on the Prescription of Controlled Substances	ONTP
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### *Public Assistance*

#### Enacted

LD 1097	An Act To Improve the Integrity of Maine's Welfare Programs	PUBLIC 484
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#### Not Enacted

LD 885	An Act To Promote Enhanced Eligibility Verification in Maine's Welfare System	ONTP
LD 1268	An Act To Reform Welfare by Establishing Bridges to Sustainable Employment	Died Between Houses
LD 1631	An Act To Reduce the Liability of Maine Taxpayers by Aligning Maine's Welfare Programs with Federal Law	Died Between Houses

### *Public Health*

#### Not Enacted

LD 661	An Act To Fund HIV, Sexually Transmitted Diseases and Viral Hepatitis Screening, Prevention, Diagnostic and Treatment Services	Died On Adjournment
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### *Substance Use Disorder*

#### Enacted

LD 1547	An Act To Facilitate Access to Naloxone Hydrochloride	PUBLIC 508
LD 1552	An Act To Reduce Morbidity and Mortality Related to Injected Drugs	PUBLIC 507

#### Not Enacted

LD 1473	Resolve, To Increase Access to Opiate Addiction Treatment in Maine	Died On Adjournment
LD 1496	An Act To Support Maine People in Recovery	Died On Adjournment

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



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

**JOINT STANDING COMMITTEE ON INSURANCE AND  
FINANCIAL SERVICES**

May 2016

**MEMBERS:**

SEN. RODNEY L. WHITTEMORE, CHAIR  
SEN. LINDA L. BAKER  
SEN. GEOFFREY M. GRATWICK

REP. HENRY E. M. BECK, CHAIR  
REP. TERRY K. MORRISON  
REP. JANICE E. COOPER  
REP. HEIDI E. BROOKS  
REP. GINA M. MELARAGNO  
REP. RALPH L. TUCKER  
REP. RAYMOND A. WALLACE  
REP. JOHN JOSEPH PICCHIOTTI  
REP. ROBERT A. FOLEY  
REP. DWAYNE W. PRESCOTT

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*Joint Standing Committee on Insurance and Financial Services*

**LD 704      An Act Regarding Notice Provided by Insurance Carriers to Health Care Providers      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BECK H GRATWICK G	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill requires insurance carriers, beginning January 1, 2016, to give health care providers notice that an enrollee covered by an insurance product purchased through the American Health Benefit Exchange is in the three-month grace period under 45 Code of Federal Regulations, Section 156.270(d)(2015).

**LD 889      An Act To Protect Maine's Small Businesses from High Interest Rates on Commercial and Business Loans      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BECK H KATZ R	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

The bill caps the interest rate for commercial or business loans at 25% per year. The bill provides that violations are subject to criminal penalties of up to \$5,000 or imprisonment for not more than one year or both. The bill also allows a court to void a loan issued in violation of the interest rate caps upon the petition of the person to whom the loan was issued.

**LD 1150      An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers      PUBLIC 450**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS H WHITTEMORE R	OTP-AM	H-556

This bill was reported out of committee and then recommitted to the committee in the prior session; it was then carried over from the First Regular Session of the 127th Legislature.

The bill establishes requirements for maximum allowable cost pricing lists used by pharmacy benefits managers and requires pharmacy benefits managers to make disclosures regarding that pricing and the methods used to establish that pricing to plan sponsors. It establishes an appeal process for pharmacies for disputes relating to maximum allowable cost pricing. The bill also provides for financial penalties for violations.

**Committee Amendment "B" (H-556)**

This amendment replaces the bill. The amendment establishes certain requirements relating to maximum allowable cost pricing lists used by pharmacy benefits managers.

The amendment provides that a pharmacy benefits manager may set a maximum allowable cost for a prescription drug only if that drug is rated as "A" or "B" in the most recent version of the United States Food and Drug Administration's "Approved Drug Products with Therapeutic Equivalence Evaluations," also known as "the Orange

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Book," or an equivalent rating from a successor publication, or is rated as "NR" or "NA" or a similar rating by a nationally recognized pricing reference and the drug is not obsolete and is generally available for purchase in this State.

The amendment requires a pharmacy benefits manager to remove or modify in a timely manner a maximum allowable cost for a prescription drug as necessary for the cost of the prescription drug to remain consistent with changes to such costs and availability of the drug in the national marketplace for prescription drugs.

The amendment requires a pharmacy benefits manager to provide the following to a pharmacy with which the pharmacy benefits manager has a contract:

1. Disclose the sources used to establish the maximum allowable costs used by the pharmacy benefits manager upon request;
2. Provide a process for a pharmacy to readily obtain the maximum allowable reimbursement available to that pharmacy under a maximum allowable cost list; and
3. At least once every seven business days, review and update maximum allowable cost list information to reflect any modification of the maximum allowable reimbursement available to a pharmacy under a maximum allowable cost list used by the pharmacy benefits manager.

The amendment establishes an appeal process to allow a pharmacy to challenge a drug's maximum allowable cost under certain conditions.

The amendment specifies that the provisions apply to contracts between a pharmacy benefits manager and a pharmacy beginning September 1, 2016.

### **Enacted Law Summary**

Public Law 2015, chapter 450 establishes certain requirements relating to maximum allowable cost pricing lists used by pharmacy benefits managers.

The law provides that a pharmacy benefits manager may set a maximum allowable cost for a prescription drug only if that drug is rated as "A" or "B" in the most recent version of the United States Food and Drug Administration's "Approved Drug Products with Therapeutic Equivalence Evaluations," also known as "the Orange Book," or an equivalent rating from a successor publication, or is rated as "NR" or "NA" or a similar rating by a nationally recognized pricing reference and the drug is not obsolete and is generally available for purchase in this State.

The law requires a pharmacy benefits manager to remove or modify in a timely manner a maximum allowable cost for a prescription drug as necessary for the cost of the prescription drug to remain consistent with changes to such costs and availability of the drug in the national marketplace for prescription drugs.

The law requires a pharmacy benefits manager to provide the following to a pharmacy with which the pharmacy benefits manager has a contract:

1. Disclose the sources used to establish the maximum allowable costs used by the pharmacy benefits manager upon request;
2. Provide a process for a pharmacy to readily obtain the maximum allowable reimbursement available to that pharmacy under a maximum allowable cost list; and
3. At least once every seven business days, review and update maximum allowable cost list information to reflect any modification of the maximum allowable reimbursement available to a pharmacy under a maximum allowable

## *Joint Standing Committee on Insurance and Financial Services*

cost list used by the pharmacy benefits manager.

The law also establishes an appeal process to allow a pharmacy to challenge a drug's maximum allowable cost under certain conditions.

Public Law 2015, chapter 450 specifies that the provisions apply to contracts between a pharmacy benefits manager and a pharmacy beginning September 1, 2016.

### **LD 1305    An Act To Encourage Health Insurance Consumers To Comparison Shop for Health Care Procedures and Treatment**

**Died Between Houses**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill requires a health care entity to provide an estimate of the allowed amount if the entity is within a patient's carrier network or the amount that will be charged if the entity does not participate in a patient's carrier network for a proposed admission, procedure or service within two business days of a patient's request and to assist a patient in using a carrier's toll-free telephone number and publicly accessible website to obtain information about the out-of-pocket costs for which a patient will be responsible.

The bill requires health insurance carriers to establish a toll-free telephone number and publicly accessible website to provide information to enrollees about health care costs. A carrier is required to provide information on the average price paid in the past 12 months to a network health care provider for a proposed admission, procedure or service in each geographic rating area established by the carrier and to provide a binding estimate for the maximum allowed amount or charge for a proposed admission, procedure or service and the estimated amount the enrollee will be responsible to pay for a proposed admission, procedure or service that is a medically necessary covered benefit.

The bill also requires a carrier to pay an enrollee 50% of the saved cost to a maximum of \$7,500 if an enrollee elects to receive health care services from a provider that cost less than the average cost for a particular admission, procedure or service unless the savings is \$50 or less. If an enrollee elects to receive health care services from an out-of-network provider that cost less than the average amount for a particular admission, procedure or service, a carrier shall apply the enrollee's share of the cost toward the enrollee's member cost sharing as if the health care services were provided by a network provider.

The bill authorizes a health care entity, a carrier or another person designated by a health care entity, carrier, patient or prospective patient to have access at no cost to the all-payor and all-settings health care database for claims for the purposes of providing the information required.

The bill also requires carriers to provide certain information to the Department of Professional and Financial Regulation, Bureau of Insurance on an annual basis relating to the payments made to enrollees and the saved costs if an enrollee elects to receive health care services from a provider that cost less than the average cost for a particular admission, procedure or service.

#### **Committee Amendment "A" (S-406)**

This amendment is the majority report of the committee. The amendment replaces the bill, changes the title and does the following.

The amendment requires a health insurance carrier by January 1, 2018 to establish an interactive mechanism on its

## *Joint Standing Committee on Insurance and Financial Services*

publicly accessible website that enables an enrollee to request and obtain from the carrier information on the payments made by the carrier to network providers for health care services. The interactive mechanism must allow an enrollee seeking information about the cost of a particular health care service to compare costs among network providers. The amendment allows a carrier that is unable to comply to provide a link on its publicly accessible website to enable an enrollee to use the Maine Health Data Organization's CompareMaine website.

The amendment requires health insurance carriers beginning January 1, 2018 to provide a good faith estimate, within a reasonable time of a request, of the estimated amount of the out-of-pocket costs to be paid by the enrollee for a proposed nonemergency procedure or service from a network provider. The amendment defines a nonemergency procedure or service as a procedure or service in one of the following seven categories: office visits; physical and occupational therapy services; integrative medicine services; mental health services; obstetrical and gynecological services; radiology and imaging services; and laboratory services.

### **Committee Amendment "B" (S-407)**

This amendment is the minority report of the committee. The amendment replaces the bill and changes the title.

The amendment requires all carriers offering health plans in the State, beginning January 1, 2018, to provide a shared savings incentive program as a component of all health plans, except health plans offered through the federally facilitated marketplace established pursuant to the federal Affordable Care Act, unless a waiver has been granted by the superintendent. The amendment establishes the shared savings incentive program for enrollees who elect to receive a comparable health care service that costs less than the average price paid for that service by a carrier. The amendment defines "comparable health care service" as a service for which a carrier offers a shared savings incentive payment and includes, at a minimum, a health care service in the following four categories: physical and occupational therapy services, obstetrical and gynecological services, radiology and imaging services and laboratory services. If an enrollee shops for services, the amendment requires a carrier to pay that enrollee a shared savings incentive payment of at least 40% of the difference between the average amount for that comparable health care service and the amount paid, except that a payment is not required if the saved cost is \$50 or less.

The amendment authorizes a carrier to establish its own methodology for calculating the average price paid by that carrier under its shared savings incentive program and to make health care services received from an out-of-network provider not eligible for a shared savings incentive payment. If an enrollee elects to receive health care services from an out-of-network provider that would otherwise be eligible for a shared savings incentive payment, a carrier shall apply the amount paid for the comparable health care service toward the enrollee's cost sharing as specified in the enrollee's health plan as if the health care services were provided by a network provider.

The amendment also requires carriers to provide certain information to the Department of Professional and Financial Regulation, Bureau of Insurance on an annual basis relating to the payments made to enrollees, the use of health care services for which payments are provided and the saved costs if an enrollee elects to receive health care services from a provider that cost less than the average cost for a particular admission, procedure or service. The Bureau of Insurance is required to report aggregate information from all carriers to the Legislature on an annual basis.

### **LD 1318    An Act To Promote Individual Private Savings Accounts through a Public-private Partnership**

**Accepted Majority  
(ONTP) Report**

Sponsor(s)

BECK H

Committee Report

ONTP  
OTP-AM

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

***Joint Standing Committee on Insurance and Financial Services***

This bill establishes the Maine Small Business Marketplace. The bill requires employers of more than 10 employees that have not offered their employees a qualified retirement plan in the preceding two years to offer a payroll deposit retirement savings arrangement to their employees to allow contributions to an individual retirement account. The bill also allows small employers with fewer than 10 employees to voluntarily participate in the marketplace. The bill requires the Treasurer of State to administer and oversee the marketplace.

**Committee Amendment "A" (H-555)**

This amendment is the minority report of the committee and replaces the bill. As in the bill, the amendment establishes the Maine Small Business Retirement Marketplace. The amendment provides employers of fewer than 100 employees an opportunity to offer retirement plans that are approved by the marketplace to their employees on a voluntary basis. The amendment also allows sole proprietors and self-employed individuals to voluntarily participate in the marketplace. The amendment requires that the marketplace provide at least two types of retirement plans to eligible employers, an individual retirement account plan that allows an employer to make contributions to participating employees' accounts and a payroll deposit retirement savings arrangement in which an employer does not contribute to an employee's account, and a minimum of two plans available to individual employees, a myRA and a life insurance plan. The amendment requires the Treasurer of State to administer and oversee the marketplace. The amendment also adds an appropriations and allocations section.

**LD 1479      An Act To Create Improved Consumer Protection against Long-term      ONTP  
Care Insurance Premium Rate Increases**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B KUMIEGA W	ONTP	

This bill establishes restrictions on premium rate increases for long-term care insurance policies.

1. It limits the maximum increase in any one year to 25%.
2. It limits premium rates from increasing to a level that results in a cumulative increase of the annual premium exceeding a certain percentage of the insured's initial annual premium based on the insured's age.
3. It restricts the cumulative premium increase over the lifetime of a policyholder to 75%.
4. It restricts premium increases over a five-year period that in the aggregate exceed the limitations based on age.

The bill also requires a long-term care insurance policy issued on or after the effective date of the bill to prominently disclose on the face of the policy a statement that premiums are not guaranteed, a description of the limits on increases established in the bill and a statement that changes in premium rates must be approved by the Superintendent of Insurance. Finally, the bill requires insurers and other entities that have issued long-term care insurance policies to policyholders in this State to provide written notice of the enactment of the bill, including a summary of the provisions and a copy of the law, to the policyholders within 30 days of its enactment.

**LD 1542      An Act To Encourage Maine Employers To Offer and Employees To      PUBLIC 490  
Enroll in Disability Income Protection Plans in the Workplace**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BECK H WHITTEMORE R	OTP-AM ONTP	H-576

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This bill authorizes an employer to provide its employees a group disability income protection plan, which is a group policy instituted by an employer that provides income benefits to an employee who is unable to work for an extended period of time because of sickness or an accident. The group disability income protection plan may be either a short-term plan offering at least six months of benefits or a long-term plan offering at least 24 months of benefits. The premium paid by an employee for participation in an employer-sponsored group disability income protection plan is considered a premium that the employee has agreed to pay, as long as certain conditions are met.

An employer is entitled to a tax credit of \$50 for each employee enrolled in a group disability income protection plan after January 1, 2017. The credit may be taken by an employer for no more than five years.

### **Committee Amendment "A" (H-576)**

This amendment is the majority report of the committee. The amendment adds language to the bill regarding the bill's proposed group disability income protection plan. Specifically, the amendment requires that, if an employer offers a plan with automatic enrollment, the employee must be provided information regarding the employer-sponsored group disability income protection plan and the employee's right to opt out of coverage at least 30 days prior and a second time at least 10 days prior to the initial payroll deduction of premiums.

Like the bill, the amendment provides a tax credit to employers providing a qualified short-term disability income protection plan or a qualified long-term disability income protection plan. Disability income protection plans that do not qualify for the tax credit may still be authorized to be issued in the State by the Department of Professional and Financial Regulation, Bureau of Insurance.

The amendment provides that an employer is entitled to a tax credit of \$30 for each employee enrolled in a group disability income protection plan after January 1, 2017, as long as the employee was not covered under a disability income protection plan offered by the employing unit in the tax year immediately preceding the year in which the credit is first available. The credit must be claimed by a taxpayer in the first tax year during which the taxpayer is eligible to claim the credit and may be taken for no more than three consecutive tax years. The amendment specifies that the amount of the credit may not exceed the amount of the tax due and that unused credit may not be carried over or carried back. The bill proposes a tax credit of \$50, which would be available for five years. The amendment clarifies that an employer's federal adjusted gross income must be increased by the amount claimed as a deduction related to a taxpayer's expenses for a qualified long-term disability income protection plan or qualified short-term disability income protection plan during the taxable year for which a tax credit is claimed. The amendment clarifies that the determination of whether an employer can claim the tax credit for an eligible employee is based on the terms and conditions of the qualified long-term or short-term disability income protection plan selected by the employer. The amendment also permits the Department of Administrative and Financial Services, Bureau of Revenue Services to share information with the Department of Professional and Financial Regulation, Bureau of Insurance as necessary to determine the qualification of long-term or short-term disability income protection plans for the tax credit.

This amendment also corrects a numbering problem created by Public Law 2015, chapters 300 and 344, which enacted two substantively different provisions with the same paragraph designation.

### **Enacted Law Summary**

Public Law 2015, chapter 490 authorizes an employer to provide its employees a group disability income protection plan, which is a group policy instituted by an employer that provides income benefits to an employee who is unable to work for an extended period of time because of sickness or an accident. The group disability income protection plan may be either a short-term plan offering at least six months of benefits or a long-term plan offering at least 24 months of benefits. The law requires that, if an employer offers a plan with automatic enrollment, the employee must be provided information regarding the employer-sponsored group disability income protection plan and the employee's right to opt out of coverage at least 30 days prior and a second time at least 10 days prior to the initial payroll deduction of premiums.

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The law also provides a tax credit to employers providing a qualified short-term disability income protection plan or a qualified long-term disability income protection plan. Disability income protection plans that do not qualify for the tax credit may still be authorized to be issued in the State by the Department of Professional and Financial Regulation, Bureau of Insurance. The law provides that an employer is entitled to a tax credit of \$30 for each employee enrolled in a group disability income protection plan after January 1, 2017, as long as the employee was not covered under a disability income protection plan offered by the employing unit in the tax year immediately preceding the year in which the credit is first available. The credit must be claimed by a taxpayer in the first tax year during which the taxpayer is eligible to claim the credit and may be taken for no more than three consecutive tax years. The amount of the credit may not exceed the amount of the tax due and that unused credit may not be carried over or carried back.

### **LD 1545     An Act To Amend the Maine Guaranteed Access Reinsurance Association Act**

**PUBLIC 404**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R BECK H	OTP-AM	S-393

This bill repeals the Maine Guaranteed Access Reinsurance Association Act, effective January 1, 2019. Prior to the repeal, it requires the joint standing committee having jurisdiction over insurance and financial services matters to review and evaluate the transitional reinsurance program operating in the State between January 1, 2014 and December 31, 2016 pursuant to the federal Patient Protection and Affordable Care Act and federal regulations adopted pursuant to that Act and the differences between the transitional reinsurance program and the Maine Guaranteed Access Reinsurance Association and recommend to the Superintendent of Insurance whether the Maine Guaranteed Access Reinsurance Association should resume operations. The committee is authorized to submit a bill to the Second Regular Session of the 128th Legislature based on the committee's evaluation.

#### **Committee Amendment "A" (S-393)**

This amendment replaces the bill and changes the title. The amendment extends the suspension of the operations of the Maine Guaranteed Access Reinsurance Association for one year, until December 31, 2017, and removes statutory provisions that are no longer necessary given the extended suspension. The amendment also directs the Superintendent of Insurance to make a recommendation before February 15, 2017 to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters relating to the continued operation or dissolution of the association.

#### **Enacted Law Summary**

Public Law 2015, chapter 404 extends the suspension of the operations of the Maine Guaranteed Access Reinsurance Association for one year, until December 31, 2017, and removes statutory provisions that are no longer necessary given the extended suspension. The law also directs the Superintendent of Insurance to make a recommendation before February 15, 2017 to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters relating to the continued operation or dissolution of the association.

# *Joint Standing Committee on Insurance and Financial Services*

## **SUBJECT INDEX**

### **Consumer Credit**

#### **Not Enacted**

LD 889      An Act To Protect Maine's Small Businesses from High Interest Rates on Commercial and Business Loans      ONTP

### **Insurance, Health**

#### **Enacted**

LD 1150      An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers      PUBLIC 450

LD 1545      An Act To Amend the Maine Guaranteed Access Reinsurance Association Act      PUBLIC 404

#### **Not Enacted**

LD 704      An Act Regarding Notice Provided by Insurance Carriers to Health Care Providers      ONTP

LD 1305      An Act To Encourage Health Insurance Consumers To Comparison Shop for Health Care Procedures and Treatment      Died Between Houses

### **Insurance, Regulation and Practices**

#### **Enacted**

LD 1542      An Act To Encourage Maine Employers To Offer and Employees To Enroll in Disability Income Protection Plans in the Workplace      PUBLIC 490

#### **Not Enacted**

LD 1479      An Act To Create Improved Consumer Protection against Long-term Care Insurance Premium Rate Increases      ONTP

### **Miscellaneous**

#### **Not Enacted**

LD 1318      An Act To Promote Individual Private Savings Accounts through a Public-private Partnership      Majority (ONTP) Report

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



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

**JOINT STANDING COMMITTEE ON INLAND FISHERIES  
AND WILDLIFE**

May 2016

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*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 609      An Act To Allow a Nonresident Landowner Who Owns 25 or More  
Acres of Land To Hunt on Residents-only Deer Hunting Day**

**PUBLIC 401**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J DAVIS P	OTP-AM ONTP	H-550

This bill was carried over from the First Regular Session of the 127th Legislature. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue any hunting or fishing license at a reduced rate to a nonresident who owns more than 250 acres of land in this State and keeps that land open for hunting.

**Committee Amendment "A" (H-550)**

This amendment is the majority report of the committee. It replaces the bill and allows a nonresident who owns 25 or more acres of land in Maine and leaves that property open to hunting and holds a valid hunting license to hunt on the Saturday preceding the first day of the open season on deer, otherwise known as residents-only deer hunting day. This amendment also repeals this provision on September 15, 2018.

**Enacted Law Summary**

Public Law 2015, chapter 401 allows a nonresident who owns 25 or more acres of land in Maine and leaves that property open to hunting and holds a valid hunting license to hunt on the Saturday preceding the first day of the open season on deer, otherwise known as residents-only deer hunting day. This law is repealed September 15, 2018.

**LD 640      Resolve, To Establish a Working Group To Review the Incidental Take  
Permitting Process under the Endangered Species Laws**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P SHERMAN R	ONTP	

This resolve was carried over from the First Regular Session of the 127th Legislature. It requires the Department of Inland Fisheries and Wildlife to convene a working group of representatives of related industries to develop recommended statutory amendments or agency rules to implement the statute governing the incidental take permitting process governing the taking of an endangered or threatened species while engaged in a lawful activity.

**LD 668      An Act To Market Maine's Hunting and Fishing Opportunities**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R CYRWAY S	OTP-AM	H-587

This bill directs the Commissioner of Inland Fisheries and Wildlife to establish a comprehensive marketing program for the Department of Inland Fisheries and Wildlife that is led and coordinated by a dedicated marketing specialist, whose position is required to be created within the department's Division of Public Information and Education.

**Committee Amendment "A" (H-587)**

This amendment adds a General Fund appropriation of \$250,000 in ongoing funding in fiscal year 2016-17 to fund

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the establishment and operation of the comprehensive marketing program proposed in the bill and to fund one Marketing Specialist position. It also directs the Department of Inland Fisheries and Wildlife to submit a bill to the First Regular Session of the 128th Legislature to increase the total funding for the comprehensive marketing program to \$300,000 in fiscal year 2017-18.

This amendment repeals the comprehensive marketing program on July 1, 2019.

**LD 1593 An Act To Make Hunting, Fishing and Trapping the Basis of Managing Inland Fisheries and Wildlife Resources**

**PUBLIC 416**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-573

This bill was reported by the committee pursuant to joint order, H.P. 976 and then referred back to the committee for processing in the normal course.

This bill establishes contingent wildlife management provisions that become effective when a ballot measure for a direct initiative of legislation is approved that reduces wildlife management methods available to the Department of Inland Fisheries and Wildlife. The provisions of this bill apply only to the animals that are significantly affected either directly or indirectly by the approved ballot measure. The bill does the following.

1. It places a cap on the revenue the Commissioner of Inland Fisheries and Wildlife may expend to control animals causing damage or any other nuisance animals to the level spent in the fiscal year prior to the effective date of the direct initiative of legislation.
2. It prohibits the commissioner from establishing or implementing a sterilization program to control the population of an animal.
3. It provides that the department may not dispose of an animal in a manner that would constitute waste under existing statute and prohibits the department from disposing of on state-owned land an animal killed by the department.
4. It requires the commissioner to develop a landowner depredation program that sets a limit on the number of animals that may be retained by the landowner and requires a landowner to donate any animal taken from that landowner's land for depredation purposes exceeding the limit established by the commissioner to the Hunters for the Hungry program.
5. It also provides that within 90 days after the Secretary of State verifies a petition that proposes to reduce or alter wildlife management methods or management options available to the department and sends the proposed measure to the Legislature, the commissioner must conduct an impact assessment on that measure and report the commissioner's analysis to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.
6. It requires the commissioner to report on the landowner depredation program annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

**Committee Amendment "A" (H-573)**

Current law provides that the Department of Inland Fisheries and Wildlife is established to preserve, protect, enhance and effectively manage the inland fisheries and wildlife resources of the State. This amendment replaces the bill and adds using regulated hunting, fishing and trapping as the basis for the management of these resources whenever feasible.

# Joint Standing Committee on Inland Fisheries and Wildlife

## Enacted Law Summary

Public Law 2015, chapter 416 provides that the Department of Inland Fisheries and Wildlife must use regulated hunting, fishing and trapping as the basis for wildlife resource management whenever feasible.

### LD 1636 An Act To Amend the Laws Relating to Endangered and Threatened Species

**PUBLIC 423  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-421

This bill was reported by the committee pursuant to joint order, S.P. 637 and then referred back to the committee for processing in the normal course.

This bill makes the following changes to the law regarding the incidental take of an endangered or threatened species.

1. It authorizes the Commissioner of Inland Fisheries and Wildlife to create a widespread activity incidental take plan when the commissioner determines that the activity is widespread and conducted by a reasonably identifiable group of participants as long as:
  - A. The activity poses a manageable risk of taking an endangered or threatened species;
  - B. Any taking would be incidental to an otherwise lawful activity; and
  - C. The taking will not impair the recovery of any endangered or threatened species.
2. It authorizes the Commissioner of Inland Fisheries and Wildlife to adopt rules to provide a broad activity exemption for the taking of an endangered or threatened species if the exemption:
  - A. Addresses a specific activity that is widespread in its occurrence and participation but may not have a reasonably identifiable group of participants;
  - B. Poses little or no risk for an incidental take of an endangered or threatened species; and
  - C. Will not individually or cumulatively impair the recovery of any endangered or threatened species.
3. It requires the Commissioner of Inland Fisheries and Wildlife to hold at least one public hearing on a proposed widespread incidental take plan or a proposed broad activity exemption and to seek input from knowledgeable individuals or groups on each proposal.
4. It repeals and reallocates provisions of existing statute regarding endangered and threatened species for purposes of clarity and readability.

### Committee Amendment "A" (S-421)

This amendment adds an emergency preamble and emergency clause to the bill, making it effective upon approval.

## Enacted Law Summary

Public Law 2015, chapter 423 makes the following changes to the law regarding the incidental take of an endangered or threatened species.

## *Joint Standing Committee on Inland Fisheries and Wildlife*

1. It authorizes the Commissioner of Inland Fisheries and Wildlife to create a widespread activity incidental take plan when the commissioner determines that the activity is widespread and conducted by a reasonably identifiable group of participants as long as:
  - A. The activity poses a manageable risk of taking an endangered or threatened species;
  - B. Any taking would be incidental to an otherwise lawful activity; and
  - C. The taking will not impair the recovery of any endangered or threatened species.
2. It authorizes the Commissioner of Inland Fisheries and Wildlife to adopt rules to provide a broad activity exemption for the taking of an endangered or threatened species if the exemption:
  - A. Addresses a specific activity that is widespread in its occurrence and participation but may not have a reasonably identifiable group of participants;
  - B. Poses little or no risk for an incidental take of an endangered or threatened species; and
  - C. Will not individually or cumulatively impair the recovery of any endangered or threatened species.
3. It requires the Commissioner of Inland Fisheries and Wildlife to hold at least one public hearing on a proposed widespread incidental take plan or a proposed broad activity exemption and to seek input from knowledgeable individuals or groups on each proposal.
4. It repeals and reallocates provisions of existing statute regarding endangered and threatened species for purposes of clarity and readability.

Public Law 2015, chapter 423 was enacted as an emergency measure effective April 1, 2015.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**SUBJECT INDEX**

**Department of Inland Fisheries and Wildlife**

**Enacted**

LD 1593      An Act To Make Hunting, Fishing and Trapping the Basis of Managing Inland Fisheries and Wildlife Resources      PUBLIC 416

**Not Enacted**

LD 668      An Act To Market Maine's Hunting and Fishing Opportunities      Died On Adjournment

**Endangered and Threatened Species**

**Enacted**

LD 1636      An Act To Amend the Laws Relating to Endangered and Threatened Species      PUBLIC 423 EMERGENCY

**Not Enacted**

LD 640      Resolve, To Establish a Working Group To Review the Incidental Take Permitting Process under the Endangered Species Laws      ONTP

**Landowners**

**Enacted**

LD 609      An Act To Allow a Nonresident Landowner Who Owns 25 or More Acres of Land To Hunt on Residents-only Deer Hunting Day      PUBLIC 401

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



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

May 2016

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REP. LLOYD C. HERRICK  
REP. JEFFREY EVANGELOS  
REP. THEODORE BEAR MITCHELL I



**Joint Standing Committee on Judiciary**

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

This bill proposes to implement the recommendations of the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission. The Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission presented its final report in June 2015. It contained no legislative recommendations.

**LD 268      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      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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.

LD 268 was received by the Clerk of the House pursuant to Joint Rule 309 without a committee report.

**LD 775      An Act To Streamline Judicial Review of Certain Land Use Decisions      PUBLIC 459**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS B	OTP-AM OTP-AM	H-602

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to establish a streamlined judicial review process of major land use permitting decisions in order to facilitate economic development and reduce overall costs and the time associated with issuing permits for new developments.

**Committee Amendment "A" (H-602)**

This amendment is the majority report of the committee. It replaces the bill, which is a concept draft. It provides

## *Joint Standing Committee on Judiciary*

that a complaint for review of a municipal decision on a significant land use project may be filed with either the general docket of the Superior Court, as in current law, or directly with the Business and Consumer Docket in the Superior Court established by the Maine Supreme Judicial Court by Administrative Order JB-07-1 (A.11-08). It also provides that, if a complaint is filed with the general docket, any party to the appeal may request that the complaint be transferred to the Business and Consumer Docket and the Business and Consumer Docket is required to accept the transfer.

The amendment requires that a defendant municipality must file the record of the proceedings being reviewed as agreed upon by the parties within 35 days of the commencement of the action, as opposed to 40 days pursuant to current court rules, unless the court extends the time for cause. The plaintiff is required to reimburse the municipality for the cost of producing the record.

A party may appeal the Superior Court decision of a significant municipal land use decision, whether from the general docket or the Business and Consumer Docket, to the Supreme Judicial Court. Upon the request of any party, and in the interests of justice, the Supreme Judicial Court may expedite the briefing schedule.

### **Committee Amendment "B" (H-603)**

This amendment is the minority report of the committee. It is identical to Committee Amendment "A" except that it does not require a plaintiff filing a complaint for review of a municipal decision on a significant land use project to reimburse the municipality for the cost of producing the record of the proceedings being reviewed.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2015, chapter 459 provides that a complaint for review of a municipal decision on a significant land use project may be filed with either the general docket of the Superior Court, as in current law, or directly with the Business and Consumer Docket in the Superior Court established by the Maine Supreme Judicial Court by Administrative Order JB-07-1 (A.11-08). It also provides that, if a complaint is filed with the general docket, any party to the appeal may request that the complaint be transferred to the Business and Consumer Docket and the Business and Consumer Docket is required to accept the transfer.

This law requires that a defendant municipality must file the record for review as agreed upon by the parties within 35 days of the commencement of the action, as opposed to 40 days pursuant to current court rules, unless the court extends the time for cause. The plaintiff is required to reimburse the municipality for the cost of producing the record.

A party may appeal the Superior Court decision of a significant municipal land use decision, whether from the general docket or the Business and Consumer Docket, to the Supreme Judicial Court. Upon the request of any party, and in the interests of justice, the Supreme Judicial Court may expedite the briefing schedule.

**LD 778      Resolve, Regarding Legislative Review of Portions of Chapter 3:  
Eligibility Requirements for Specialized Case Types, a Late-filed Major  
Substantive Rule of the Maine Commission on Indigent Legal Services**

**RESOLVE 75  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve provides for legislative review of portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the

## Joint Standing Committee on Judiciary

legislative rule acceptance period.

### Enacted Law Summary

Resolve 2015, chapter 75 authorizes final adoption of portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services.

Resolve 2015, chapter 75 was finally passed as an emergency measure effective March 29, 2016.

### LD 890 An Act To Ensure a Continuing Home Court for Cases Involving Children

PUBLIC 460

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN K	OTP-AM ONTP	H-522

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill extends the jurisdiction of the District Court to be concurrent with the courts of probate over matters concerning custody or other parental rights of a child under the Maine Revised Statutes, Title 18-A, including, but not limited to, adoption, termination of parental rights, change of name and guardianship of a minor. The District Court has exclusive, continuing jurisdiction over a matter concerning custody or other parental rights of a child if an interim or final order concerning the child was entered in the District Court and remains in effect, proceedings seeking such an order are pending in the District Court or a matter has been removed to the District Court from the Probate Court.

This bill provides that, in any matter concerning custody or other parental rights of a child, the judge of the District Court or the probate judge who is presiding must require all parties to disclose whether they have knowledge of any interim or final order then in effect concerning custody or other parental rights of the minor child, any proceeding seeking such an order or other related actions currently filed or pending before any court of this or another state. If the proceeding is in a Probate Court and the judge determines that the District Court has exclusive, continuing jurisdiction, the judge of probate must transfer the case to the District Court.

Upon petition by a party to a proceeding involving guardianship, adoption, change of name or other matters concerning custody or other parental rights of a minor child brought in probate court, the proceeding may be removed to the District Court under such procedures as the Supreme Judicial Court may by rule provide if any civil matter involving the minor child is pending or has been finally adjudicated in the District Court.

### Committee Amendment "A" (H-522)

This amendment is the majority report of the Joint Standing Committee on Judiciary. This amendment replaces the bill but retains the overall concept of establishing one court in which proceedings involving custody and other parental rights with respect to a child will take place.

### Enacted Law Summary

Public Law 2015, chapter 460 extends the jurisdiction of the District Court to include exclusive jurisdiction over matters involving custody or other parental rights of a child under the Maine Revised Statutes, Title 18-A, including, but not limited to, adoption, termination of parental rights, change of name and guardianship of a minor, if proceedings concerning the child are pending in the District Court.

Chapter 460 provides that, in any matter involving custody or other parental rights of a child, the judge of the District Court or the probate judge who is presiding must require all parties to disclose whether the parties have knowledge of any existing order or if any proceeding involving custody or other parental rights is currently filed or

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pending or if any other related action is pending before any court of this State or another state. If the proceeding is in a probate court in this State, the judge of probate must transfer the case to the District Court.

**LD 951      An Act To Restore Judicial Discretion in the Administration of Fines**

**ONTP**

Sponsor(s)

DION M  
BRAKEY E

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill:

1. Lowers the maximum amount of earnings that may be garnished to enforce payment of a judgment arising from a consumer credit transaction;
2. Makes some criminal fines discretionary rather than mandatory;
3. Prohibits revoking probation solely on the basis of failure to pay a fine;
4. Allows the court to reduce a fine in limited circumstances upon a showing of indigence;
5. Prohibits incarceration solely for failure to pay a fine;
6. Eliminates the failure to pay warrant; and
7. Limits suspensions under the Maine Revised Statutes, Title 29-A and contempt proceedings under Title 14 for indigent defendants.

The legislative recommendations of the Intergovernmental Pretrial Justice Reform Task Force are included in LD 1629.

**LD 1065      An Act To Amend the Law Regarding Temporary Powers of Attorney  
over Minors and To Require Organizations To Screen Agents before  
Providing Care**

**PUBLIC 467**

Sponsor(s)

SANDERSON D  
HAMPER J

Committee Report

OTP-AM

Amendments Adopted

H-657

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill amends current law allowing a parent or guardian to execute a temporary power of attorney for up to 12 months, delegating the powers regarding the care and custody of a child or incapacitated person, by doing the following:

1. Limiting the power of attorney to exclude the parent or guardian's powers regarding the performance of an abortion for the minor or the incapacitated person or the termination of parental rights to the minor;
2. Clarifying that executing this temporary power of attorney does not deprive the parent or guardian of any

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parental or legal authority regarding the care and custody of the minor or incapacitated person;

3. Clarifying that a parent or guardian's granting of this temporary power of attorney does not constitute abandonment, abuse or neglect, if the parent or guardian either executes a new power of attorney or takes custody of the child or incapacitated person as soon as reasonably possible after the termination of the temporary power of attorney;

4. Providing that the agent with the power of attorney may not receive compensation; and

5. Clarifying that this power of attorney does not implicate the laws regarding foster care.

### **Committee Amendment "A" (H-657)**

This amendment replaces the bill. It provides for the execution of a power of attorney by a parent to allow for the care of the parent's minor child by another person.

The amendment provides that a power of attorney cannot authorize the agent to consent to the termination of a parent's parental rights. It also provides that a delegation of powers by a power of attorney does not deprive the parent or guardian of any parental or legal authority regarding the care and custody of the minor.

The amendment creates a new subsection that applies to powers of attorney executed by a parent or a guardian for the purpose of providing temporary care of a minor. It specifically provides that, without other evidence, the execution of the power of attorney by a parent or guardian does not constitute abandonment, abuse or neglect of the minor.

The amendment prohibits the agent from receiving any financial assistance from the State for the care of the minor, except for any assistance that the minor or the agent is entitled to receive pursuant to any state or federal program.

The amendment provides that a minor subject to a power of attorney is not in foster care and is not considered a ward of the State. In addition, the agent named in the power of attorney is not considered a family foster home and is not required to be licensed as a family foster home by virtue of the power of attorney. However, the agent is not prohibited from becoming a foster home and the minor may be placed with the agent if the State takes custody of the minor.

The amendment provides that an organization, other than an organization whose primary purpose is to provide free legal services, that is exempt from federal income taxation under Section 501(a) of the United States Internal Revenue Code of 1986 as an organization described by Section 501(c)(3) and that assists parents or guardians with the process of executing a power of attorney for the temporary care of a minor must ensure that a background check is completed for the agent and any adult members of the agent's household. The background check must include screening for child abuse cases and a federal criminal history record check.

The amendment requires that the organization keep records of training and transcripts of background checks and that the organization must make those records available to a parent or guardian executing a power of attorney under these provisions and to the child welfare ombudsman and any local, state or federal authority performing an investigation involving the agent, the parent or guardian or the minor.

The amendment imposes penalties on an organization that does not act as required and on employees or volunteers of an organization that knowingly continue to assist parents, guardians or agents in completing a power of attorney for a minor after a background check returns disqualifying information.

### **Enacted Law Summary**

Public Law 2015, chapter 467 provides for the execution of a power of attorney by a parent to allow for the care of the parent's minor child by another person. A power of attorney cannot authorize the agent to consent to the

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termination of a parent's parental rights. It also provides that a delegation of powers by a power of attorney does not deprive the parent or guardian of any parental or legal authority regarding the care and custody of the minor or incapacitated person. It specifically provides that, without other evidence, the execution of the power of attorney by a parent or guardian does not constitute abandonment, abuse or neglect of the minor. The agent is prohibited from receiving any financial assistance from the State for the care of the minor, except for any assistance that the minor or the agent is entitled to receive pursuant to any state or federal program. It also provides that a minor subject to a power of attorney is not in foster care and is not considered a ward of the State. In addition, the agent named in the power of attorney is not considered a family foster home and is not required to be licensed as a family foster home. However, the agent is not prohibited from becoming a foster home and the minor may be placed with the agent if the State takes custody of the minor.

Public Law 2015, chapter 467 provides that an organization, other than an organization whose primary purpose is to provide free legal services, that is exempt from federal income taxation under Section 501(a) of the United States Internal Revenue Code of 1986 as an organization described by Section 501(c)(3) and that assists parents or guardians with the process of executing a power of attorney for the temporary care of a minor must ensure that a background check is completed for the agent and any adult members of the agent's household. The background check must include screening for child abuse cases and a federal criminal history record check.

The organization must keep records of training and transcripts of background checks and the organization must make those records available to a parent or guardian executing a power of attorney under these provisions and to the child welfare ombudsman and any local, state or federal authority performing an investigation involving the agent, the parent or guardian or the minor.

Public Law 2015, chapter 467 imposes penalties on an organization that does not act as required and on employees or volunteers of an organization that knowingly continue to assist parents, guardians or agents in completing a power of attorney for a minor after a background check returns disqualifying information.

**LD 1163      An Act To Amend the Garnishment Laws of the State**

**ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes a process for the garnishment of state income tax refunds for the satisfaction of money judgments.

**LD 1177      An Act To Enact the Recommendations of the Probate and Trust Law  
Advisory Commission Regarding the Maine Uniform Fiduciary Access  
to Digital Assets Act**

**ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill enacts the Uniform Fiduciary Access to Digital Assets Act as the Maine Uniform Fiduciary Access to Digital Assets Act as a new Article 10 in the Maine Revised Statutes, Title 18-A. The Probate and Trust Law Advisory Commission recommended enactment in the report submitted to the Joint Standing Committee on

**Joint Standing Committee on Judiciary**

Judiciary pursuant to Resolve 2013, chapter 27 as amended by Resolve 2013, chapter 81.

The Probate and Trust Law Advisory Commission submitted a new report with revised recommendations to the Judiciary Committee in November 2015.

**LD 1181      An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances** **Died In Concurrence**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J HASKELL A	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill limits the liability of successor corporations that, before the dangers of asbestos were known publicly in 1972, acquired or merged with a predecessor corporation that engaged in asbestos-related activities. Liability is capped at the value of the predecessor corporation at the time of merger adjusted for inflation, but only for successor corporations that did not continue in the business of mining, selling, distributing, manufacturing, removing or installing asbestos-containing products.

**LD 1214      An Act To Implement the Recommendations of the Mental Health Working Group** **ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill contains the recommendations of the mental health working group pursuant to Resolve 2013, chapter 106, which were also covered by LD 1145 enacted during the First Regular Session, Public Law 2015, chapter 309. This bill was carried over to continue work on Part B which expands the duties of the State Forensic Service within the Department of Health and Human Services to include performing the duties of an independent examiner at the direction of the District Court in response to applications for involuntary commitment and involuntary treatment.

**LD 1224      An Act To Amend the Child Protective Services Laws** **PUBLIC 501**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R DIAMOND G	OTP-AM	H-629

This bill amends the Child and Family Services and Child Protection Act in the following ways.

1. It makes clear that the prohibitions on the use of Department of Health and Human Services records and information do not apply to a child or parent, legal guardian or custodian of a child who is the subject of the records or information.
2. It allows upon request a child or parent, legal guardian or custodian of a child to receive Department of

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Health and Human Services records and information concerning the child unless the department can prove by clear and convincing evidence that the records or information should not be released.

3. It removes the criminal penalty for a person who disseminates information that may be in Department of Health and Human Services records if the person obtained that information from an independent source.
4. It clarifies that unsubstantiated records or information that are expunged or should have been expunged may not be used for any purpose including as evidence in any administrative or judicial proceeding.
5. It modifies the notice, conduct and appeal rights concerning proceedings involving preliminary protection orders.
6. It clarifies that the petitioner must present and the court must find that reasonable efforts to prevent the removal of a child have been made prior to the issuance of a preliminary protection order.

### **Committee Amendment "A" (H-629)**

This amendment deletes from the bill sections which change the confidentiality provisions of the child protective statutes and instead adds a new administrative hearing process to give parents, custodians and legal guardians an opportunity to seek a review of the discretionary denial of access to information in child protection records. The hearing must be conducted by the Department of Health and Human Services under the Maine Administrative Procedure Act. The parents, custodians and legal guardians can appeal the decision of the hearing officer as a final agency action.

This amendment strikes out section eight of the bill, which addresses notice about a request for a preliminary protection order, and replaces it with language that clarifies that, when the department gives notice that it will be seeking a preliminary protection order, the notice does not include the time and place when the petition will be presented to a judge, but must include the court in which the counsel for the parents, legal guardian or custodians may file motions, including motions to modify or vacate any preliminary protection order that is issued. This amendment also requires that the information provided to the court explaining why notice is not required must include a sworn statement detailing a sufficient factual basis either that the child would suffer serious harm during the time needed to notify the parents, legal guardian or custodians or that prior notice would increase the risk of serious harm to the child or the petitioner. This amendment clarifies that failure to provide the required notice, after a good faith attempt to do so, does not constitute grounds for denial of a preliminary protection order.

This amendment deletes section 12, which provides for a new expedited process for dissolving or modifying a preliminary protection order, and instead amends the law to allow the summary preliminary hearing to be expedited upon request by the parent's counsel. Upon counsel's request, the court may conduct the summary preliminary hearing, the first hearing opportunity available after the preliminary protection order is issued, as expeditiously as the court determines the interests of justice require.

This amendment retains the language in current law that provides that, if the department has not been able to serve a parent, custodian or legal guardian before the scheduled summary preliminary hearing, the parent, custodian or legal guardian may request a subsequent summary preliminary hearing within 10 days after the parent, custodian or legal guardian receives the petition.

This amendment clarifies that when notice is required to be given to a legal guardian of a child, the department is required to provide notice to all of the child's legal guardians that are known to the department.

### **Senate Amendment "A" To Committee Amendment "A" (S-462)**

This amendment amends the best interests standard when determining the placement of a child in custody such that there is a rebuttable presumption that placement with an adult relative is in the best interests of the child, as long as

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such placement does not substantially interfere with reunification effort.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2015, chapter 501 amends the Child and Family Services and Child Protection Act in the following ways.

It creates a new administrative hearing process to give parents, custodians and legal guardians an opportunity to seek a review of the discretionary denial of access to information in child protection records. The hearing must be conducted by the Department of Health and Human Services under the Maine Administrative Procedure Act. The parents, custodians and legal guardians can appeal the decision of the hearing officer as a final agency action.

It clarifies that unsubstantiated records or information that are expunged or should have been expunged may not be used for any purpose including as evidence in any administrative or judicial proceeding.

It clarifies that, when the department gives notice that it will be seeking a preliminary protection order, the notice does not include the time and place when the petition will be presented to a judge, but must include the court in which the counsel for the parents, legal guardian or custodians may file motions, including motions to modify or vacate any preliminary protection order that is issued. It also requires that the information provided to the court explaining why notice is not required must include a sworn statement detailing a sufficient factual basis either that the child would suffer serious harm during the time needed to notify the parents, legal guardian or custodians or that prior notice would increase the risk of serious harm to the child or the petitioner. It clarifies that failure to provide the required notice, after a good faith attempt to do so, does not constitute grounds for denial of a preliminary protection order.

It allows the summary preliminary hearing to be expedited upon request by the parent's counsel. Upon counsel's request, the court may conduct the summary preliminary hearing, the first hearing opportunity available after the preliminary protection order is issued, as expeditiously as the court determines the interests of justice require.

Public Law 2015, chapter 501 clarifies that when notice is required to be given to a legal guardian of a child, the department is required to provide notice to all of the child's legal guardians that are known to the department.

### **LD 1241      An Act To Increase Government Efficiency**

**PUBLIC 449**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R HARLOW D	OTP	S-479    KATZ R

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill authorizes the Maine Governmental Facilities Authority, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank to conduct public proceedings with one or more members of the board or commission participating via remote access technology in certain circumstances.

### **Committee Amendment "A" (S-276)**

This amendment is the majority report of the Joint Standing Committee on Judiciary and amends the bill to bar remote participation in executive sessions of the board and authorities subject to the bill and lists specific and limited situations when a member may participate remotely in the public proceedings.

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This amendment was not adopted.

**Senate Amendment "A" (S-479)**

This amendment provides that when the Maine Governmental Facilities Authority, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank conduct public proceedings with one or more members of the board or commission participating via remote access technology, each member, to the extent reasonably practicable, must be able to see all other members by videoconferencing or other similar means of communication and members of the public attending the public proceeding at the location identified in the required notice are able, to the extent reasonably practicable, to see all members participating from other locations by videoconferencing or other similar means of communication.

**Enacted Law Summary**

Public Law 2015, chapter 449 authorizes the Maine Governmental Facilities Authority, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank to conduct public proceedings with one or more members of the board or commission participating via remote access technology in certain circumstances. Each member, to the extent reasonably practicable, must be able to see all other members by videoconferencing or other similar means of communication and members of the public attending the public proceeding at the location identified in the required notice are able, to the extent reasonably practicable, to see all members participating from other locations by videoconferencing or other similar means of communication.

**LD 1311 An Act To Establish the Patient Compensation System Act**

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes within the Department of Professional and Financial Regulation the Patient Compensation System, which allows a person who has suffered a medical injury to receive compensation outside of the court system. The Patient Compensation System is governed by a board of medical, legal, patient and business representatives. The bill establishes three offices within the system to provide medical review of claims, compensation allocations and quality review, as well as two committees to provide guidance in the selection of medical review panelists and the design of compensation schedules. The bill also creates the Patient Compensation System Fund, which is funded by fees paid by physicians participating in the system.

LD 1311 was received by the Clerk of the House pursuant to Joint Rule 309 without a committee report.

**LD 1322 Resolve, To Direct Legislative Staff To Recodify and Revise the Maine Probate Code and To Direct the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission To Study and Make Recommendations on Related Issues**

**RESOLVE 73**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS B	OTP-AM	H-539

## *Joint Standing Committee on Judiciary*

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to implement the recommendations of the Probate and Trust Law Advisory Commission concerning the Probate Code pursuant to Resolve 2013, chapter 5 and chapter 82.

### **Committee Amendment "A" (H-539)**

This amendment replaces the bill, which was a concept draft, with a resolve.

The amendment directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to prepare a bill that recodifies and revises the Probate Code, currently the Maine Revised Statutes, Title 18-A. The recodification and revision must include the substantive changes recommended by the Probate and Trust Law Advisory Commission in 2014 and 2015. The bill must be submitted to the First Regular Session of the 128th Legislature.

The amendment directs the Probate and Trust Law Advisory Commission to study the concept of supported decision making, consult with interested parties and make recommendations concerning inclusion of supported decision making in the Probate Code, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report.

The amendment directs the Family Law Advisory Commission to oversee a comprehensive review of the laws and procedures concerning minor guardianship and adoption and other provisions implicating parental rights throughout the Probate Code, including, but not limited to, an evaluation of the extent to which such laws, procedures and provisions are consistent with family law policy as set forth in other Maine statutes. The commission is required to ensure that interested parties are involved in the review and to make recommendations, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report.

### **Enacted Law Summary**

Resolve 2015, chapter 73 does three things.

It directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to prepare a bill that recodifies and revises the Probate Code, currently the Maine Revised Statutes, Title 18-A. The recodification and revision must include the substantive changes recommended by the Probate and Trust Law Advisory Commission in 2014 and 2015. The bill must be submitted to the First Regular Session of the 128th Legislature.

It directs the Probate and Trust Law Advisory Commission to study the concept of supported decision making, consult with interested parties and make recommendations concerning inclusion of supported decision making in the Probate Code, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report.

It directs the Family Law Advisory Commission to oversee a comprehensive review of the laws and procedures concerning minor guardianship and adoption and other provisions implicating parental rights throughout the Probate Code, including, but not limited to, an evaluation of the extent to which such laws, procedures and provisions are consistent with family law policy as set forth in other Maine statutes. The commission is required to ensure that interested parties are involved in the review and to make recommendations, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over

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judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report.

**LD 1433      An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D HOBBINS B	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill reforms Maine’s system of providing State-funded legal services to indigent criminal defendants, juvenile defendants and children and parents in child protective cases in courts of this State, including the following changes:

1. Removing staff from the Maine Commission on Indigent Legal Service and establishing an Office of the Public Defender to be staffed by a Chief Public Defender, who is appointed by the Governor and confirmed by the Legislature, two Deputy Public Defenders and additional staff as necessary;
2. Changing the role of the Maine Commission on Indigent Legal Services from one of delivery of indigent legal services to one of oversight of the delivery of indigent legal services by the Office of the Public Defender;
3. Establishing a system administered by a Chief Public Defender that uses State employees, and contracts with attorneys to the maximum extent practicable, to deliver indigent legal services;
4. Instituting new measures to ensure that a person using indigent legal services pay reasonable costs for services provided by the system based on the person's financial ability to pay; and
5. Permitting Maine Revenue Services to share income tax return information with the Office of the Public Defender for purposes of determining an individual’s eligibility for indigent legal services.

**Committee Amendment "A" (S-387)**

This amendment, which is the minority report of the committee, corrects a lettering conflict and adds a fiscal note to the bill.

This amendment was not adopted.

**LD 1460      Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services      RESOLVE 74 EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

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**Enacted Law Summary**

Resolve 2015, chapter 74 authorizes final adoption of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.  
Resolve 2015, chapter 71 was finally passed as an emergency measure effective March 29, 2016.

**LD 1477 An Act To Protect Victims of Sexual Assault**

**PUBLIC 427**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND G CAMPBELL R	OTP-AM OTP	S-436

Current law allows a court to terminate the parental rights and responsibilities of a parent who was convicted of a crime involving sexual intercourse when the child for whom the parental rights and responsibilities are being terminated was conceived as a result of that crime. This bill expands that law by requiring a court to terminate the parental rights and responsibilities of a parent if it can be shown by clear and convincing evidence that the child was conceived as a result of an act of sexual assault by that parent.

This bill also establishes a presumption that a parent is unwilling or unable to protect a child from jeopardy if the child was conceived as a result of an act of sexual assault by the parent.

**Committee Amendment "A" (S-436)**

This is the majority report of the Joint Standing Committee on Judiciary.

This amendment allows a court, instead of requires as in the bill, to terminate the parental rights of a person if the court finds by clear and convincing evidence that the child was conceived as a result of an act of sexual assault by that person. The amendment applies the same standard in the child protection laws.

**Enacted Law Summary**

Public Law 2015, chapter 427 allows a court to terminate the parental rights of a person if the court finds by clear and convincing evidence that the child was conceived as a result of an act of sexual assault by that person. It applies the same standard in the child protection laws.

**LD 1488 An Act To Support Substance Abuse Assistance Projects Provided by Municipalities and Counties**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M GERZOFKY S	OTP-AM	H-611

This bill establishes the Law Enforcement Assisted Diversion Program to address drug crimes by diverting low-level offenders into community-based treatment and support services. The program includes, but is not limited to, the provision of case management services to program participants in order to secure appropriate treatment and support services such as housing, health care, job training and mental health services for program participants. The Attorney General, in consultation with the district attorneys, is directed to implement the program by establishing eight pilot projects in communities around the State.

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### **Committee Amendment "A" (H-611)**

This amendment replaces the bill.

The amendment establishes the Substance Abuse Assistance Program to provide grants to municipalities and counties to carry out projects designed to reduce substance abuse, substance abuse-related crimes and recidivism.

The Commissioner of Public Safety, in consultation with a steering committee, will select at least eight pilot projects to receive grants. At least two projects must be awarded to municipalities and at least two projects must be awarded to counties. The steering committee that will advise in the selection of the pilot projects consists of the Commissioner of Corrections or the commissioner's designee and representatives of the following: a statewide organization of police chiefs; a statewide organization of sheriffs; a statewide organization representing physicians; a statewide organization representing prosecutors; a statewide organization representing providers of legal services to the indigent; peer recovery programs; and harm reduction associations. The Maine Justice Assistance Council will administer the grants.

The recipients of the grants must report the continuation or modification of the grant program and any need for additional funding to the Commissioner of Public Safety annually, and the commissioner must report in January 2018 and 2019 to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters.

The amendment includes a total appropriation of \$2,000,000 as included in the bill and uses \$77,168 of the total to pay for a position to administer the grants. That amount is part of the 5% that the Department of Public Safety may use for administering the grants.

The majority of this amendment was incorporated into LD 1606 and is now Part E of Public Law 2015, chapter 481.

### **LD 1499      An Act To Increase the Safety of Social Workers**

**PUBLIC 476**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE A KATZ R	OTP-AM	H-605

This bill provides that the home address of a social worker that is in the possession of the Department of Professional and Financial Regulation, State Board of Social Worker Licensure is confidential and not subject to public disclosure under the freedom of access laws.

### **Committee Amendment "A" (H-605)**

This amendment replaces the bill.

This amendment specifies that the addresses and telephone numbers of applicants for licensure as well as of licensed social workers are confidential; the bill provides that only the home addresses of licensed social workers are confidential. The amendment also revises the language in the bill regarding confidentiality to be consistent with other references to confidential information in the Maine Revised Statutes. The amendment specifies that the confidentiality provision does not prohibit the Department of Professional and Financial Regulation, State Board of Social Worker Licensure from using and disclosing the addresses and telephone numbers of applicants or licensees as necessary to perform the duties and functions of the board.

### **Enacted Law Summary**

Public Law 2015, chapter 476 specifies that the addresses and telephone numbers of applicants for licensure as well

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as of licensed social workers are confidential. It specifies that the confidentiality provision does not prohibit the Department of Professional and Financial Regulation, State Board of Social Worker Licensure from using and disclosing the addresses and telephone numbers of applicants or licensees as necessary to perform the duties and functions of the board.

**LD 1500 An Act To Protect and Promote Access to Sport Shooting Ranges**

**PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P CYRWAY S	OTP-AM ONTP	H-612

This bill provides that a statute, rule, ordinance or other provision of law enacted or adopted after the establishment of a sport shooting range that if applied to that sport shooting range would cause the closure of that sport shooting range or substantially limit sport shooting at that sport shooting range does not apply to that sport shooting range and that sport shooting range is immune from suit, including but not limited to private and public civil actions, nuisance actions and actions for injunctive relief, based on a claim based on the statute, rule, ordinance or other provision of law.

It allows a sport shooting range to:

1. Repair, remodel, reconstruct or reinforce any building or structure as necessary to protect public safety or to secure the continued use of that building or structure;
2. Repair, restore, reconstruct or resume the use of a nonconforming building or structure damaged by fire, collapse, explosion or an act of God or otherwise; and
3. Take action consistent with generally accepted operation practices for sport shooting ranges, including but not limited to expanding or increasing its membership or opportunities for public participation and expanding or increasing its events and activities.

**Committee Amendment "A" (H-612)**

This amendment is the majority report of the committee. It replaces the bill with the following changes to current law concerning sport shooting ranges.

1. It expands sport shooting range immunity from nuisance lawsuits filed against the shooting range from nuisance lawsuits based on noise to any nuisance lawsuit.
2. It prohibits municipal ordinances from being applied to limit or eliminate shooting activities that have occurred on a regular basis at a sport shooting range prior to the enactment date of the ordinance. Current law exempts the applicability of ordinances only with regard to noise control.
3. It requires a sport shooting range to meet general gun safety and shooting range operation practices or be constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range in order to be exempted from municipal ordinances applied to limit or eliminate its current shooting activities.
4. It provides that a municipality may not restrict a sport shooting range established prior to September 1, 2016 from performing maintenance or making improvements to enhance public safety and shot containment, provide access for persons with disabilities and provide rest room facilities. Other maintenance or improvements must be done in compliance with generally applicable municipal building codes and zoning ordinances. Repairing or rebuilding a building or structure damaged by fire, collapse, explosion or an act of God must be done in compliance with generally applicable municipal building codes and be completed within two years.

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### Enacted Law Summary

Public Law 2015, chapter 433 makes the following changes to the laws concerning sport shooting ranges.

1. It expands sport shooting range immunity from nuisance lawsuits filed against the shooting range from nuisance lawsuits based on noise to any nuisance lawsuit.
2. It prohibits municipal ordinances from being applied to limit or eliminate shooting activities that have occurred on a regular basis at a sport shooting range prior to the enactment date of the ordinance. Current law exempts the applicability of ordinances only with regard to noise control.
3. It requires a sport shooting range to meet general gun safety and shooting range operation practices or be constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range in order to be exempted from municipal ordinances applied to limit or eliminate its current shooting activities.
4. It provides that a municipality may not restrict a sport shooting range established prior to September 1, 2016 from performing maintenance or making improvements to enhance public safety and shot containment, provide access for persons with disabilities and provide rest room facilities. Other maintenance or improvements must be done in compliance with generally applicable municipal building codes and zoning ordinances. Repairing or rebuilding a building or structure damaged by fire, collapse, explosion or an act of God must be done in compliance with generally applicable municipal building codes and be completed within two years.

### LD 1518 An Act To Ensure Children in the Care of Caretaker Relatives and Other Surrogates Can Access Health Care

PUBLIC 444

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J CYRWAY S	OTP-AM	H-627

This bill, which is based on Montana law, allows the caretaker relative, including a grandparent, aunt, uncle, brother, sister or cousin, of a minor voluntarily left by the minor's parent with the caretaker relative to exercise limited authority to make medical and educational decisions for the minor in place of the parent. It provides for authorization of the caretaker relative by a notarized affidavit and sets out the content and form of the affidavit. It provides immunity from criminal and civil liability and professional discipline for persons, including health care providers and school officials, relying on the affidavit in the absence of the person's knowing facts contrary to the affidavit or knowing that the parent has made a decision that supersedes the caretaker relative's decision.

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

This amendment replaces the bill. Unlike the bill, which authorizes a "caretaker relative" to make medical and educational decisions for a minor, this amendment addresses only the issues related to health care for minors.

This amendment makes changes to the laws governing minors' authority to consent to health care by identifying situations in which adults who voluntarily and without specific legal authority through a power of attorney or appointment as a legal guardian provide care that a parent normally would. This amendment recognizes that when parents are temporarily absent from a minor's life, certain adults with whom a minor resides may assume a surrogate role.

### Enacted Law Summary

Public Law 2015, chapter 444 makes changes to the laws governing minors' authority to consent to health care by identifying situations in which adults who voluntarily and without specific legal authority through a power of attorney or appointment as a legal guardian provide care that a parent normally would. When parents are

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temporarily absent from a minor's life, certain adults with whom a minor resides may assume a surrogate role. A surrogate may not be a parent, legal guardian or an adult to whom a parent has given a power of attorney authorizing health care treatment for the minor. Surrogates may include an adult related to a minor by blood, marriage or adoption and from whom the minor receives the ongoing care and support expected of a parent. If no such relatives exist, an adult with whom the minor resides and who has provided the minor with the ongoing care and support expected of a parent may act as a surrogate. The existence of a surrogate does not remove the ability of a minor to give consent under any other existing law.

If a minor needs health care, a surrogate must make a good faith attempt to notify the minor's parents or legal guardian of their right to make those decisions unless parental notification is not required by other provisions of law. Absent a response, the surrogate may make most health care decisions on behalf of the minor without parental consent. A surrogate may not make decisions withholding or withdrawing life-sustaining treatments or denying consent for treatments that are life-saving and medically necessary. A surrogate giving consent on behalf of the minor must attempt to make a good faith effort to notify the absent parents or legal guardian of any health care received by the minor unless parental notification is not required by other provisions of law.

Health care practitioners and providers may rely on the consent given by the surrogate. If they do so, they are immune from liability for providing treatment without receiving informed consent from the parents or legal guardian. Health care practitioners and providers must inform the surrogate of the surrogate's obligation to notify the minor's parents or legal guardian about the minor's treatment.

A surrogate may use the means of communication the surrogate believes is the most effective way to ensure actual notification of the parents or legal guardian. The means of communication may be regular mail, e-mail, texting, personal website posting or other written means of communication to the last known address or contacting by telephone using the last known telephone number of the absent parents or legal guardian.

A surrogate who makes health care decisions for the minor knowing that those specific decisions may not be made by the surrogate or without attempting to contact the parents or legal guardian about the need for the health care or the health care received commits a Class E crime. A person who makes health care decisions for a minor when not qualified as a surrogate is guilty of a Class E crime.

As long as the health care practitioner or provider acts with good faith reliance on the consent of the surrogate, there is no liability against the health care practitioner or provider on the grounds that the health care treatment was rendered without informed consent.

A minor may consent to health services associated with a sexual assault forensic examination to collect evidence after an alleged sexual assault regardless of whether a surrogate exists.

**LD 1528      An Act To Modernize and Consolidate Court Facilities**

**PUBLIC 468**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO L HOBBINS B	OTP-AM	S-437

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

This bill proposes to increase the maximum amount of securities that may be issued by the Maine Governmental Facilities Authority for specific allocation to the judicial branch. The increase would be used to fund projects for court facilities in Waldo, Oxford and York counties.

### **Committee Amendment "A" (S-437)**

This amendment replaces the bill. It authorizes the Maine Governmental Facilities Authority to issue additional

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securities from time to time in an aggregate amount not to exceed \$95,600,000. The funds must be used for the acquisition, construction, equipping, capital repairs and improvements to new and existing facilities and judicial projects in the counties of Oxford, Waldo and York and planning for other court facilities, in order to increase court efficiency, reduce operating expenses and improve public service and safety.

This amendment also establishes the York County Courthouse Site Selection Commission to choose a site for the new York County Courthouse. The Judicial Branch is authorized to build the courthouse in the municipality selected by the commission.

### **Enacted Law Summary**

Public Law 2015, chapter 468 authorizes the Maine Governmental Facilities Authority to issue additional securities from time to time in an aggregate amount not to exceed \$95,600,000. The funds must be used for the acquisition, construction, equipping, capital repairs and improvements to new and existing facilities and judicial projects in the counties of Oxford, Waldo and York and planning for other court facilities, in order to increase court efficiency, reduce operating expenses and improve public service and safety.

Public Law 2015, chapter 468 also establishes the York County Courthouse Site Selection Commission to choose a site for the new York County Courthouse. The Judicial Branch is authorized to build the courthouse in the municipality selected by the commission.

### **LD 1531     An Act To Protect Victims of Human Trafficking**

**PUBLIC 443**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A HOBBINS B	OTP-AM	S-457

This bill provides that victims of aggravated sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

#### **Committee Amendment "A" (S-457)**

This amendment replaces the bill but continues to provide that victims of aggravated sex trafficking and sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

This amendment replaces the bill to capture all provisions of the protection from harassment and protection from abuse laws to include protections for victims of both aggravated sex trafficking and sex trafficking.

It amends the Maine Criminal Code to provide that sex trafficking is a crime for which probation may be included as part of a sentence.

### **Enacted Law Summary**

Public Law 2015, chapter 443 provides that victims of aggravated sex trafficking and sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

Public Law 2015, chapter 443 captures all provisions of the protection from harassment and protection from abuse laws to include protections for victims of both aggravated sex trafficking and sex trafficking.

It amends the definition of "harassment" to include a single act or course of conduct that includes a violation of the Maine Revised Statutes, Title 17-A, section 852, aggravated sex trafficking, or section 853, sex trafficking. The definition is important because it determines who can request a protection from harassment order.

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It amends the protection from harassment laws to include as prohibited conduct that an interim protection from harassment order issued ex parte may prohibit a defendant's destroying, transferring or tampering with a plaintiff's passport or other immigration document that is in the defendant's possession. It amends the protection from harassment laws to include as prohibited conduct that, after the opportunity for a hearing, a final protection from harassment order may prohibit a defendant's destroying, transferring or tampering with a plaintiff's passport or other immigration document that is in the defendant's possession.

It provides that violation of the final protection order provision prohibiting a defendant's destroying, transferring or tampering with a plaintiff's passport or other immigration document is treated as a violation of a court order, which may be pursued as contempt.

Public Law 2015, chapter 443 amends the Maine Criminal Code to provide that sex trafficking is a crime for which probation may be included as part of a sentence.

Public Law 2015, chapter 443 amends the protection from abuse laws to amend the definition of "abuse" to include the actions of engaging in aggravated sex trafficking and sex trafficking. It amends the protection from abuse laws to clarify that a victim of aggravated sex trafficking or sex trafficking may file a complaint seeking a protection from abuse order. It amends the protection from abuse laws governing the type of relief that may be included in an interim protection from abuse order to cover a defendant's destroying, transferring or tampering with the plaintiff's passport or other immigration document. It amends the protection from abuse laws to provide that, with regard to conduct described as aggravated sex trafficking or sex trafficking, the court may order the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship. It also provides that a defendant who violates this provision may be punished for contempt.

### **LD 1532     An Act To Clarify Financial Responsibility in Gestational Carrier Agreements**

**PUBLIC 456  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-427

Under the Maine Parentage Act, immediately upon the birth of a child that is the result of a gestational carrier agreement, all parental rights and responsibilities vest exclusively in the intended parent or parents.

This bill specifies that medical costs of the gestational carrier and the child, including the costs related to assisted reproduction and the pregnancy, including labor and delivery, and postpartum pregnancy-related medical care for 60 days following the birth, are jointly and severally the responsibility of the gestational carrier and each intended parent. The bill prohibits the waiver of this responsibility and specifies that a breach of the gestational carrier agreement does not change the status of the responsibility. Finally, this bill specifies that these provisions are not intended to relieve insurance carriers of their obligation to provide coverage for their insureds.

#### **Committee Amendment "A" (S-427)**

This amendment provides that the intended parent or parents are liable for the health care costs of a gestational carrier that are not paid by the gestational carrier's health insurance. "Health care costs" is defined to mean the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

This amendment requires the gestational carrier agreement to provide how the health care costs of the gestational carrier are to be paid. It specifically provides that the agreement is not intended to alter any available health insurance coverage.

This amendment adds an emergency preamble and emergency clause so that the legislation takes effect on July 1,

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2016, the date the Maine Parentage Act goes into effect.

### Enacted Law Summary

Public Law 2015, chapter 456 provides that the intended parent or parents under a gestational agreement are liable for the health care costs of a gestational carrier that are not paid by the gestational carrier's health insurance.

"Health care costs" is defined to mean the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

The gestational carrier agreement must provide how the health care costs of the gestational carrier are to be paid. Public Law 201, chapter 456 specifically provides that the agreement is not intended to alter any available health insurance coverage.

Public Law 2015, chapter 456 was enacted as an emergency measure effective July 1, 2016, the date the Maine Parentage Act goes into effect.

### LD 1562 An Act To Make Technical Changes to the Laws Governing Child Support

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D HOBBINS B	OTP-AM	S-395

This bill amends the laws governing child support guidelines to conform to the Maine Parentage Act and to changes made by the Department of Health and Human Services by rule that eliminate the age categories in the child support table.

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

This amendment adds an appropriations and allocations section.

### LD 1563 An Act To Enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act

Died On Adjournment

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

This bill enacts the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act approved by the National Conference of Commissioners on Uniform State Laws in 2002. The purposes of the bill and section-by-section descriptions are included in the Comments provided by the National Conference of Commissioners on Uniform State Laws. The Uniform Act is intended to be consistent with the federal Violence Against Women Act as reauthorized in 2013 in Public Law 113-4. The full faith and credit provisions are codified in 18 United States Code, Section 2265.

The Uniform Act provides an optional registration process for domestic violence protection orders, known as "protection from abuse orders" in Maine, issued by a tribunal in another state. A protection order from another state may be registered in Maine by presenting a certified copy of the order to the office of the clerk of any District Court or of any Superior Court of this State.

The Maine Uniform Enforcement of Foreign Judgments Act, which currently applies to foreign protection orders, is amended to clarify that the new Uniform Interstate Enforcement of Domestic Violence Protection Orders Act may

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also be used to enforce foreign protection orders.

LD 1563 was received by the Secretary of the Senate pursuant to Joint Rule 309 without a committee report.

**LD 1565      *An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners*      **Veto Sustained****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D	OTP-AM	S-443
HOBBINS B	OTP-AM	

This bill increases the maximum fee allowed to be paid to a nonsalaried medical examiner or a nonsalaried medicolegal death investigator for an inspection and view from \$85 to \$100.

It increases the fees charged by the Department of the Attorney General, Office of Chief Medical Examiner for providing report documents and histological slides. It also increases the fee charged by a medical examiner for a certificate that is required for cremation and allows this fee to be waived at the discretion of the Chief Medical Examiner.

**Committee Amendment "A" (S-443)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It adds an appropriations and allocations section to the bill.

**Committee Amendment "B" (S-444)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It removes the proposed fee increase for cremation approvals, but retains the proposed discretion to waive the fee. It also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

**LD 1586      *An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation in Public Proceedings*      **Accepted Majority (ONTP) Report****

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

This bill is based on the recommendations of the Right to Know Advisory Committee.

Part A of this bill allows members of a body subject to the Freedom of Access Act to participate in meetings of the body through telephonic, video, electronic or other similar means of communication under certain conditions; however, the bill does not allow members of publicly elected bodies to participate in public proceedings unless physically present. The body must have adopted a written policy authorizing remote participation with criteria that must be met before a member may participate remotely, but the policy may not allow a member to participate remotely in an executive session of the body. The bill also requires that notice of the proceeding must be given as if no members were participating remotely, each member of the body must be able to hear and speak to all other members, members of the public must be able to hear all members of the body, each member participating remotely must identify anyone else present at the location from which the member is participating, documents or materials discussed or presented at the proceeding must have been received by or transmitted to members participating remotely and all votes must be taken by roll call vote. A member who is not physically present may not vote in a

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quasi-judicial proceeding of the body. A quorum of the body must be physically present unless an emergency has been declared and the proceeding is necessary to address the emergency. If the body conducts proceedings with members participating remotely, the body must also hold at least one proceeding annually where no members participate remotely.

Under current law, the following state agencies are authorized to use remote-access technology to conduct meetings: the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Emergency Medical Services' Board and the Workers' Compensation Board. Part B provides a specific exemption from the new requirements for the Emergency Medical Services' Board and the Workers' Compensation Board and does not affect the existing authority of those agencies or the Finance Authority of Maine or the Commission on Governmental Ethics and Election Practices to use remote-access technology to conduct meetings.

### **Committee Amendment "A" (H-660)**

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill and provides that any body subject to the Freedom of Access Act may conduct a public proceeding in which one or more members participate remotely through telephonic, video, electronic or other similar means of communication, but only if the body first adopts a written policy that governs the remote participation and that explicitly describes how the policy meets the principles of the Freedom of Access Act. The policy must address under what circumstances a member may participate remotely, whether the body may conduct an executive session when a member is participating remotely, whether a quorum must physically assemble, the proceedings in which a member participating remotely may vote and how the body will ensure that members of the public in attendance at the site of the proceeding included in the notice can hear or see and hear the members who are participating remotely.

A body that adopts a remote participation policy must make the policy available on the body's publicly accessible website and must post a copy at the location of each meeting during which one or more members participate remotely.

A body that adopts a remote participation policy must send a copy of the policy to the Public Access Ombudsman, who will make all the policies received available to the public and submit them annually to the Right To Know Advisory Committee.

This amendment was not adopted.

### **LD 1601     An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals**

**PUBLIC 457**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-590
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This bill was reported by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2015, chapter 36, section 3 and then referred to the Judiciary Committee for processing in the normal course.

This bill implements the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.

The bill creates a definition for "assistance animal," which distinguishes assistance animals from service animals, and amends the definition of "service animal" to achieve this distinction. It amends the provisions in the Maine Human Rights Act related to fair housing and public accommodations to provide clarity regarding

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their application to service animals compared to assistance animals. It also amends provisions in the Maine Revised Statutes, Title 7 to align with the new definitions. Finally, it increases the penalty for misrepresentation as a service dog or assistance animal.

### **Committee Amendment "A" (H-590)**

This amendment clarifies the terminology in the language of the bill defining the civil violation of misrepresentation to align it with the new definition of "assistance animal" and the updated definition of "service animal" in the Maine Human Rights Act. The amendment makes clear that representing as a service animal an animal that does not meet the definition of "service animal," whether it is a dog or any other species of animal, is a civil violation.

This amendment provides that the maximum fine of \$1,000 proposed in the bill applies to each occurrence of misrepresentation. A person who knowingly provides documents falsely stating that an animal is a service animal or assistance animal can be fined for each time the person provides the documents.

These changes are consistent with the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.

### **Enacted Law Summary**

Public Law 2015, chapter 457 amends the Maine Human Rights Act to create a definition for "assistance animal," which distinguishes assistance animals from service animals, and amends the definition of "service animal" to achieve this distinction. It amends the provisions in the Maine Human Rights Act related to fair housing and public accommodations to provide clarity regarding their application to service animals compared to assistance animals. It also amends provisions in the Maine Revised Statutes, Title 7 to align with the new definitions. It increases the penalty for misrepresentation as a service dog or assistance animal.

Public Law 2015, chapter 457 clarifies that representing as a service animal an animal that does not meet the definition of "service animal," whether it is a dog or any other species of animal, is a civil violation. The maximum fine of \$1,000 applies to each occurrence of misrepresentation. A person who knowingly provides documents falsely stating that an animal is a service animal or assistance animal can be fined for each time the person provides the documents.

These changes are consistent with the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.

### **LD 1605    An Act To Extend the Time for Commencing an Action Relating to Death Caused by Homicide**

**PUBLIC 451**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO L WARD K	OTP	

This bill expands the time period within which a wrongful death action may be brought in a case of a death caused by a homicide. The bill also provides that the expansion of the time period applies to wrongful death actions that have not been barred by the statute of limitations in force immediately prior to the effective date of this legislation.

### **Enacted Law Summary**

Public Law 2015, chapter 451 expands the time period within which a wrongful death action may be brought in a case of a death caused by a homicide to six years from the date the personal representative of the decedent discovers that there is a just cause of action against the person who caused the homicide. The expansion of the time period applies to wrongful death actions that have not been barred by the statute of limitations in force immediately prior to the effective date of this legislation.

*Joint Standing Committee on Judiciary*

**LD 1639 An Act To Implement the Recommendations of the Intergovernmental  
Pretrial Justice Reform Task Force**

**PUBLIC 436**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-453

This bill was reported by the committee pursuant to joint order, S.P. 650 and then referred back to the committee for processing in the normal course.

This bill implements the recommendations of the Intergovernmental Pretrial Justice Reform Task Force.

The bill does the following:

1. It specifies that a bail commissioner may not set preconviction bail for crimes involving domestic violence without specifying a court date within five weeks of the date of the bail order.
2. It specifies that, notwithstanding the Maine Revised Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (9-A), a bail commissioner may not impose as a condition of preconviction bail that a defendant submit to random search with respect to a prohibition on the possession, use or excessive use of alcohol or illegal drugs.
3. It authorizes a properly trained county jail employee to prepare and execute a personal recognizance bond when a bail commissioner orders bail.
4. It eliminates the availability of unsecured bail bonds for bail.
5. It amends standards for release on preconviction bail to include language in the conditions that specifies that a defendant refrain from the possession of alcohol and illegal drugs, in addition to the current condition that prohibits use or excessive use of alcohol or any drugs. The bill also specifies that this condition be imposed only if specific facts are provided to the judicial officer to support the imposition of the condition.
6. It adds to the standards for release on preconviction bail language that a defendant be required to submit to a random search or a search upon articulable suspicion for possession of firearms or other dangerous weapons or possession or use of alcohol or illegal drugs.
7. It amends post-conviction bail to specify standards for bail with respect to a motion to revoke probation. A judge or justice may deny or grant bail and, in determining whether to admit the defendant to bail, the judge or justice shall consider the nature of the circumstances of the crime for which the defendant was sentenced to probation and the nature of the alleged violation of and any records of prior violations of probation.
8. It repeals Title 15, section 1073-A, which provides that if a defendant violated a condition of bail then the person who posted the bail or the surety must have the bond released or all of the money returned, unless the person previously acted as surety for the same defendant and the defendant previously failed to comply with conditions.
9. It requires that in an initial proceeding on a probation violation for which a person is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance unless otherwise ordered by the court.
10. It allows the court to suspend all or part of the minimum mandatory fine for assault, certain drug crimes and operating a motor vehicle while a person's license is suspended or revoked, and it lists criteria that a court may

## *Joint Standing Committee on Judiciary*

consider in making the decision to suspend the fine.

11. It amends the amount of payment for community service that may be credited against the unpaid fine for offenders who have been sentenced to pay a fine and who have defaulted from no less than \$25 for every 8 hours to a rate equal to the current hourly minimum wage.

12. It specifies that bail commissioners' fees must be paid for by the Judicial Department, instead of being paid for by the defendant seeking bail or by a county fund that may be created for defendants who cannot pay the fee.

13. It specifies that if a defendant is released on preconviction bail and the judicial officer imposes a condition that the person remain in the custody of a designated organization agreeing to supervise the defendant, the State is required to reimburse the designated organization for the costs of the supervision of the defendant.

### **Committee Amendment "A" (S-453)**

This amendment removes from the bill the requirement that the Judicial Branch pay all bail commissioner fees. The Chief Justice of the Maine Supreme Judicial Court has committed to establishing a working group to address the challenges of the current bail system, including the issue of bail commissioner fees.

This amendment deletes from the bill the proposal that jail employees can prepare and execute a personal recognizance bond when a bail commissioner orders bail.

This amendment deletes from the bill the language eliminating the use of unsecured appearance bonds, therefore retaining the possibility that unsecured appearance bonds can be used.

This amendment deletes from the bill the requirement that the State pay the costs of supervision of a defendant when a defendant is released pretrial under the supervision of an organization that provides supervision and ensures the appearance of the defendant, and instead requires each county to maintain a pretrial release program or contract with an organization to supervise defendants subject to a pretrial release condition using the community corrections funds provided from the County Jail Operations Fund. The Supreme Judicial Court may adopt rules or orders that establish the requirements of the programs to ensure that defendants have substantially equal access to pretrial and conditional release across the State.

This amendment expands the opportunity for community service work for credit against unpaid fines to include Class C crime convictions. Current law allows public service work for credit against unpaid fines only for Class D and Class E crimes.

### **Enacted Law Summary**

Public Law 2015, chapter 436 implements the following recommendations of the Intergovernmental Pretrial Justice Reform Task Force.

1. It specifies that a bail commissioner may not set preconviction bail for crimes involving domestic violence without specifying a court date within five weeks of the date of the bail order.
2. It specifies that, notwithstanding the Maine Revised Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (9-A), a bail commissioner may not impose as a condition of preconviction bail that a defendant submit to random search with respect to a prohibition on the possession, use or excessive use of alcohol or illegal drugs.
3. It amends standards for release on preconviction bail to include language in the conditions that specifies that a defendant refrain from the possession of alcohol and illegal drugs, in addition to the current condition that prohibits use or excessive use of alcohol or any drugs. The bill also specifies that this condition be imposed only if specific facts are provided to the judicial officer to support the imposition of the condition.

## *Joint Standing Committee on Judiciary*

4. It adds to the standards for release on preconviction bail language that a defendant be required to submit to a random search for possession possession or use of alcohol or illegal drugs.
5. It amends post-conviction bail to specify standards for bail with respect to a motion to revoke probation. A judge or justice may deny or grant bail and, in determining whether to admit the defendant to bail, the judge or justice shall consider the nature of the circumstances of the crime for which the defendant was sentenced to probation and the nature of the alleged violation of and any records of prior violations of probation.
6. It repeals Title 15, section 1073-A, which provides that if a defendant violated a condition of bail then the person who posted the bail or the surety must have the bond released or all of the money returned, unless the person previously acted as surety for the same defendant and the defendant previously failed to comply with conditions.
7. It requires that in an initial proceeding on a probation violation for which a person is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance unless otherwise ordered by the court.
8. It allows the court to suspend all or part of the minimum mandatory fine for assault, certain drug crimes and operating a motor vehicle while a person's license is suspended or revoked, and it lists criteria that a court may consider in making the decision to suspend the fine.
9. It amends the amount of payment for community service that may be credited against the unpaid fine for offenders who have been sentenced to pay a fine and who have defaulted from no less than \$25 for every 8 hours to a rate equal to the current hourly minimum wage. It expands the opportunity for community service work for credit against unpaid fines to include Class C crime convictions. Current law allows public service work for credit against unpaid fines only for Class D and Class E crimes.
10. It requires counties to use at least a portion of the community corrections funds they currently receive under the Maine Revised Statutes, Title 34-A, section 1210-D to provide pretrial and conditional release programs when imposed as a condition of pretrial bail. The programs may be conducted by the counties or under a contract with one or more organizations that provide such supervision. The Supreme Judicial Court may adopt rules or orders that establish the requirements of the programs to ensure that defendants have substantially equal access to pretrial and conditional release across the State.

**LD 1642     An Act Regarding Stolen Valor**

**PUBLIC 437**

<u>Sponsor(s)</u> THIBODEAU M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-454
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Public Law 2015, chapter 21 amended the law governing theft by deception to specifically include as deception false claims of being a veteran or a member of the Armed Forces of the United States or a state military force. This bill specifies instead that the intentional creation or reinforcement of a false impression that a person is such a veteran or member constitutes deception under this law. This bill also specifies that any fine imposed on such a person must be deposited in the Maine Military Family Relief Fund.

### **Committee Amendment "A" (S-454)**

This amendment incorporates a fiscal note.

### **Enacted Law Summary**

Public Law 2015, chapter 437 amends the law governing theft by deception to specifically include as deception the

## *Joint Standing Committee on Judiciary*

intentional creation or reinforcement of a false impression of being a veteran or a member of the Armed Forces of the United States or a state military force. It also specifies that any fine imposed on such a person must be deposited in the Maine Military Family Relief Fund.

**LD 1643     An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 494  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-672

This bill corrects technical errors and inconsistencies in the laws of Maine.

### **Committee Amendment "A" (H-672)**

This amendment amends the bill to designate the contents of the bill as Part A. It makes technical corrections to the bill, makes several language changes to more accurately clarify corrections and adds retroactive application sections to two sections included in the printed bill. The amendment also adds additional corrections, some of which are substantive.

### **Enacted Law Summary**

Public Law 2015, chapter 494 makes several technical and substantive corrections to the laws of Maine.

Part A consists of technical corrections included in the original bill, and Part B includes additional technical corrections.

Part C amends several laws to provide for notification to the appropriate authorities when contingencies occur that affect the effective date or repeal of specific laws.

Part D contains changes that are or may be considered substantive. Part D makes the following changes:

1. Corrects a clerical error that used the term “key employee” when the appropriate term is “key executive” with regard to a person applying for a license from the Gambling Control Board;
2. Corrects a conflict created by Public Law 2015, chapters 90, 127, 136, 245, 281 and 301, which affected the same subsection of law governing hunting licenses, combination licenses and fees, by incorporating the changes made by all six laws and corrects an inconsistency created by Public Law 2015, chapter 127, which removed the prohibition against hunting turkey by holders of small game licenses but not against holders of nonresident small game apprenticeship hunter licenses and nonresident three-day small game hunting licenses;
3. Corrects an inconsistency concerning the specific laws governing disqualifying offenses for an unlicensed assistive person who provides direct access services. The Maine Revised Statutes, Title 22, section 1812-J, subsection 7 provides that an employment ban based on a disqualifying offense for an unlicensed assistive person to provide direct access services is a lifetime ban. Title 22, section 9054 provides a process for an unlicensed assistive person who is banned from employment because of a disqualifying offense to request a waiver. Section D-3 corrects this inconsistency by removing the language in Title 22, section 1812-J, subsection 7 that states than an employment ban based on a disqualifying offense is a lifetime employment ban;
4. Removes youth camps from a list of facilities exempted from the laws requiring licensure because youth camps are required to be licensed as youth camps, although they are not required to be licensed as lodging places. It also corrects a clerical error;

*Joint Standing Committee on Judiciary*

5. Changes the laws of the Department of Health and Human Services regarding elder and adult services to remove references to the Director of the Bureau of Elder and Adult Services, a defunct position, and replaces them with references to the Commissioner of Health and Human Services;

6. Re-enacts language concerning Class A restaurant and off-premise retail licensee on same premises which was repealed by its own terms before the enactment of the law to eliminate the repeal took effect. Public Law 2015, chapter 162 amended Title 28-A, section 10, subsection 2-A to remove language repealing subsection 2-A on September 30, 2015. Public Law 2015, chapter 162 did not take effect until October 15, 2015, after the repeal took effect. Section D-9 enacts Title 28-A, section 10, subsection 2-B to reflect the intent of the Legislature to maintain the provisions of Title 28-A, section 10, subsection 2-A. Section D-10 makes that enactment apply retroactively to September 30, 2015; and

8. Corrects clerical errors in Public Law 2015, chapter 267, Part OOOO, section 7 concerning the application date of sales tax exemptions. This was included as Section 51 of the bill. Section D-12 makes the corrections apply retroactively to June 30, 2015, the effective date of Public Law 2015, chapter 267.

Public Law 2015, chapter 494 was enacted as an emergency measure effective April 27, 2016.

**LD 1654 An Act To Strengthen Protection from Abuse Laws**

**ONTP**

Sponsor(s)  
HEAD F

Committee Report  
ONTP

Amendments Adopted

This bill requires a court to sentence a person convicted of violating a protective order or court-approved consent agreement, currently a Class D crime, to a minimum term of imprisonment of 30 days. Subsequent convictions of violating a protective order or court-approved consent agreement are subject to enhanced minimum sentences.

This bill also requires a court to sentence a person convicted of violating a protective order through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order, currently a Class C crime, to a minimum term of imprisonment of two years; subsequent convictions are subject to enhanced minimum sentences.

This bill also creates the Class C crime of false claim, which occurs when a person during a proceeding for a protection from abuse petition makes a false claim of abuse or neglect or abandonment of a child or alleges sexual exploitation of a minor, sex trafficking, aggravated sex trafficking or patronizing prostitution of a minor or person with a mental disability and that claim or allegation is made for the purpose of gaining an advantage in a divorce proceeding.

**LD 1689 An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes**

**PUBLIC 497  
EMERGENCY**

Sponsor(s)  
MAKER J  
DIAMOND G

Committee Report  
OTP-AM

Amendments Adopted  
H-671

This bill requires that, beginning September 1, 2016, child care facilities licensed by the Department of Health and Human Services and family child care providers certified by the department submit fingerprints for criminal background checks for care providers and staff.

**Committee Amendment "A" (H-671)**

## *Joint Standing Committee on Judiciary*

This amendment replaces the bill. It directs the Department of Health and Human Services to adopt rules to require criminal background checks for all family child care providers and staff members of child care facilities and family child care providers, to be effective September 1, 2017. The required criminal background checks must meet the requirements of 42 United States Code, Section 9858f(b) for all family child care providers, all child care staff members whose activities involve the care or supervision of children for a child care facility or a family child care provider and all adults who have unsupervised access to children who are cared for or supervised by a child care facility or family child care provider. The rules are major substantive rules and must be provisionally adopted and submitted for legislative review by the joint standing committee of the 128th Legislature having jurisdiction over judiciary matters by January 12, 2017.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may submit to the 128th Legislature a bill necessary to implement the criminal background check requirements.

This amendment includes an emergency preamble and an emergency clause.

### **Enacted Law Summary**

Public Law 2015, chapter 497 directs the Department of Health and Human Services to adopt rules to require criminal background checks for all family child care providers and staff members of child care facilities and family child care providers, to be effective September 1, 2017. The required criminal background checks must meet the requirements of 42 United States Code, Section 9858f(b) for all family child care providers, all child care staff members whose activities involve the care or supervision of children for a child care facility or a family child care provider and all adults who have unsupervised access to children who are cared for or supervised by a child care facility or family child care provider. The rules are major substantive rules and must be provisionally adopted and submitted for legislative review by the joint standing committee of the 128 th Legislature having jurisdiction over judiciary matters by January 12, 2017.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may submit to the 128th Legislature a bill necessary to implement the criminal background check requirements. See also H.P. 1167, Joint Study Order To Establish a Working Group To Study Background Checks for Child Care Facilities and Providers.

Public Law 2015, chapter 497 was enacted as an emergency measure effective April 29, 2016.

# *Joint Standing Committee on Judiciary*

## **SUBJECT INDEX**

### **Child Abuse and Child Protection**

#### **Enacted**

LD 1224 An Act To Amend the Child Protective Services Laws PUBLIC 501

### **Children and Child Care**

#### **Enacted**

LD 1065 An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and To Require Organizations To Screen Agents before Providing Care PUBLIC 467

LD 1518 An Act To Ensure Children in the Care of Caretaker Relatives and Other Surrogates Can Access Health Care PUBLIC 444

LD 1689 An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes PUBLIC 497  
EMERGENCY

### **Courts and Court Procedure**

#### **Enacted**

LD 775 An Act To Streamline Judicial Review of Certain Land Use Decisions PUBLIC 459

LD 890 An Act To Ensure a Continuing Home Court for Cases Involving Children PUBLIC 460

LD 1528 An Act To Modernize and Consolidate Court Facilities PUBLIC 468

#### **Not Enacted**

LD 1163 An Act To Amend the Garnishment Laws of the State ONTP

### **Domestic Violence/Protection from Abuse**

#### **Enacted**

LD 1531 An Act To Protect Victims of Human Trafficking PUBLIC 443

#### **Not Enacted**

LD 1563 An Act To Enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act Died On  
Adjournment

LD 1654 An Act To Strengthen Protection from Abuse Laws ONTP

## *Family Law*

### Enacted

LD 1477	An Act To Protect Victims of Sexual Assault	PUBLIC 427
LD 1532	An Act To Clarify Financial Responsibility in Gestational Carrier Agreements	PUBLIC 456 EMERGENCY

### Not Enacted

LD 1562	An Act To Make Technical Changes to the Laws Governing Child Support	Veto Sustained
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## *Freedom of Access/Confidentiality/Privacy*

### Enacted

LD 1241	An Act To Increase Government Efficiency	PUBLIC 449
LD 1499	An Act To Increase the Safety of Social Workers	PUBLIC 476

### Not Enacted

LD 1586	An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation in Public Proceedings	Majority (ONTP) Report
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## *Human Rights and Medical Rights*

### Enacted

LD 1601	An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals	PUBLIC 457
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### Not Enacted

LD 221	An Act To Amend the Laws Regarding Service Animal Housing Accommodations	ONTP
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## *Legal Services*

### Enacted

LD 778	Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	RESOLVE 75 EMERGENCY
LD 1460	Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services	RESOLVE 74 EMERGENCY

### Not Enacted

LD 8	Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services	ONTP
LD 1433	An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services	Majority (ONTP) Report

### Miscellaneous

#### Enacted

LD 1500	An Act To Protect and Promote Access to Sport Shooting Ranges	PUBLIC 433
LD 1642	An Act Regarding Stolen Valor	PUBLIC 437

#### Not Enacted

LD 1214	An Act To Implement the Recommendations of the Mental Health Working Group	ONTP
LD 1488	An Act To Support Substance Abuse Assistance Projects Provided by Municipalities and Counties	Died On Adjournment
LD 1565	An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners	Veto Sustained

### Pretrial Justice and Bail

#### Enacted

LD 1639	An Act To Implement the Recommendations of the Intergovernmental Pretrial Justice Reform Task Force	PUBLIC 436
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#### Not Enacted

LD 951	An Act To Restore Judicial Discretion in the Administration of Fines	ONTP
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### Probate Code and Trust Code

#### Enacted

LD 1322	Resolve, To Direct Legislative Staff To Recodify and Revise the Maine Probate Code and To Direct the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission To Study and Make Recommendations on Related Issues	RESOLVE 73
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#### Not Enacted

LD 1177	An Act To Enact the Recommendations of the Probate and Trust Law Advisory Commission Regarding the Maine Uniform Fiduciary Access to Digital Assets Act	ONTP
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### Statutes

#### Enacted

LD 1643	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 494 EMERGENCY
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### Torts, Immunity and Medical Malpractice

#### Enacted

LD 1605	An Act To Extend the Time for Commencing an Action Relating to Death Caused by Homicide	PUBLIC 451
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#### Not Enacted

LD 1181	An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances	Died In Concurrence
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LD 1311      An Act To Establish the Patient Compensation System Act      Died On  
Adjournment

**Tribal-State Relations**

**Not Enacted**

LD 267      An Act To Implement the Recommendations of the Truth and      ONTP  
Reconciliation Commission

LD 268      An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's      Died On  
Authority To Exercise Jurisdiction under the Federal Tribal Law and Order      Adjournment  
Act of 2010 and the Federal Violence Against Women Reauthorization Act  
of 2013

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



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

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,  
RESEARCH AND ECONOMIC DEVELOPMENT**

May 2016

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REP. JAMES J. CAMPBELL, SR.

***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

**LD 249      An Act To Enable Seniors To Remain in Their Homes**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-10

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill establishes the Home Weatherization and Repair for Seniors Program in the Department of Economic and Community Development to assist low-income seniors in remaining in their homes. It also establishes the Home Weatherization and Repair for Seniors Fund and appropriates money to the fund. The department is required to disburse money from the fund to a statewide network that provides weatherization and home repair services, including but not limited to repairs to meet the standards of the federal Americans with Disabilities Act of 1990, to replace substandard fixtures and hardware and to reduce ongoing maintenance and heating costs, to low-income residents of the State.

**Committee Amendment "A" (S-10)**

This amendment incorporates a fiscal note.

**LD 429      An Act To Modify the Disbursement from the Maine Economic  
Improvement Fund**

**ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill changes the apportionment of the Maine Economic Improvement Fund. A minimum of 3% of this fund is currently apportioned among six institutions: the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias, the University of Maine at Presque Isle and the Maine Maritime Academy, to support applied research and development. This bill instead requires that a minimum of 2% of the fund be disbursed to the University of Maine at Machias to support applied marine research and development at that university's marine field station. A minimum of 1% of the fund is apportioned among the remaining five institutions.

**LD 674      An Act To Support Maine's Working Families**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E PATRICK J	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

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

***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

This bill proposes to explore proactive strategies to raise wages in this State, improve working conditions, increase predictability of scheduling and improve the overall economic security of working people in this State.

**Committee Amendment "A" (H-589)**

This amendment is the minority report of the committee. This amendment is presented as a competing measure to Initiated Bill 4, LD 1661, "An Act To Raise the Minimum Wage." This amendment, which is the minority report, replaces the bill and makes changes to the minimum wage law, increasing the minimum wage to \$8.50 per hour starting January 1, 2017, \$9.00 per hour starting January 1, 2018, \$9.50 per hour starting January 1, 2019 and \$10.00 per hour starting January 1, 2020. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

**LD 690 An Act To Ensure the Safety of Home Birth**

**PUBLIC 502**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A HERBIG E	OTP-AM ONTP	S-484 S-514 HAMPER J

This bill was carried over from the First Regular Session of the 127th Legislature.

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

The purpose of this bill is to ensure the safety of women who choose to give birth at home or in freestanding birthing centers attended by certified professional midwives. This bill proposes to license and regulate certified professional midwives practicing in Maine. Among other things, the bill will establish:

1. Criteria for licensure and oversight;
2. A regulatory body including certified professional midwives, clients, certified nurse midwives and physicians to oversee complaint and disciplinary processes;
3. Procedures to allow other health care providers to consult with, collaborate with or accept transfer of care from a licensed certified professional midwife;
4. Procedures to allow for protected peer review for licensed certified professional midwives; and
5. Requirements for data collection and submission for quality improvement purposes.

**Committee Amendment "A" (S-484)**

This amendment is the majority report of the committee. This amendment replaces the bill, which is a concept draft, with changes to the makeup of the Board of Complementary Health Care Providers and a new licensing scheme, under the authority of that board, for two categories of individuals practicing midwifery in the State. Among other things, the amendment establishes:

1. Criteria for licensure and oversight of midwives;
2. Procedures to allow other health care providers to consult with, collaborate with or accept transfer of care from a licensed midwife;

## ***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

3. Joint rulemaking between the Board of Complementary Health Care Providers and the Board of Licensure in Medicine for certain categories of rules pertaining to midwives until January 1, 2021;
4. Authority for midwives to order and interpret medical laboratory tests, obtain necessary medical equipment and supplies and administer certain classes of drugs;
5. Limitations on one category of licensed midwife from providing birth services when the person giving birth has certain medical conditions; and
6. Guidelines for data collection by midwives in the State and submission to the Board of Complementary Health Care Providers for quality improvement purposes.

The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-514)**

This amendment removes from the committee amendment provisions requiring transfers from the General Fund and the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2015, chapter 502 makes changes to the makeup of the Board of Complementary Health Care Providers and establishes a new licensing scheme, under the authority of that board, for two categories of individuals practicing midwifery in the State. Among other things, it provides:

1. Criteria for licensure and oversight of midwives;
2. Procedures to allow other health care providers to consult with, collaborate with or accept transfer of care from a licensed midwife;
3. Joint rulemaking between the Board of Complementary Health Care Providers and the Board of Licensure in Medicine for certain categories of rules pertaining to midwives until January 1, 2021;
4. Authority for midwives to order and interpret medical laboratory tests, obtain necessary medical equipment and supplies and administer certain classes of drugs;
5. Limitations on one category of licensed midwife from providing birth services when the person giving birth has certain medical conditions; and
6. Guidelines for data collection by midwives in the State and submission to the Board of Complementary Health Care Providers for quality improvement purposes.

### **LD 1062 An Act To Support Housing for Homeless Veterans**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J MCCORMICK E	OTP-AM	H-312

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill establishes the Homeless Veterans Housing Fund within the Maine State Housing Authority to provide

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housing for homeless veterans and, for fiscal year 2015-16, directs the Treasurer of State to credit \$1,000,000 derived from the real estate transfer tax to the Homeless Veterans Housing Fund to support, with a three-to-one match by outside sources, the construction by the Volunteers of America of housing for homeless veterans on the grounds of the United States Department of Veterans Affairs medical center in the City of Augusta.

**Committee Amendment "A" (H-312)**

This amendment adds the following provisions to the bill.

1. It adds a provision to ensure that the housing provided by the Homeless Veterans Housing Fund will be constructed for homeless veterans and their immediate families.
2. It adds a provision to require that Volunteers of America enter into a service agreement with the United States Department of Veterans Affairs prior to construction that describes the resources and services both entities will provide to homeless veterans receiving housing funded by the fund.
3. It allows Volunteers of America to request funds from the fund, as long as the organization enters into a service agreement with each homeless veteran receiving housing funded by the fund that identifies the resources and services that will be provided to veterans by the United States Department of Veterans Affairs and by Volunteers of America.
4. It authorizes the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to conduct quarterly quality control site inspections of the housing constructed for homeless veterans on the grounds of the United States Department of Veterans Affairs medical center in the Town of Chelsea.
5. It adds an annual reporting requirement from Volunteers of America to the Bureau of Maine Veterans' Services and the joint standing committee of the Legislature having jurisdiction over veterans affairs.
6. It includes a provision requiring that Volunteers of America use utility services of the United States Department of Veterans Affairs.

This amendment also adds an appropriations and allocations section to the bill.

**LD 1137      An Act To Promote Workforce Development**

**PUBLIC 402  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM	S-360

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to improve reemployment opportunities for workers who are between jobs in several ways, including:

1. Adjusting orientation and training programs for unemployed workers to prepare those workers to take new jobs in the event their previous jobs may no longer exist due to the transformative nature of economic downturns;
2. Strengthening up-front assessment of worker skills, educational deficits and overall employability for purposes of shaping reemployment plans;

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3. Enhancing the Department of Labor's enterprise option program through qualified use of other state programs designed to help innovative entrepreneurs establish businesses;
4. Formulating performance metrics for the unemployment compensation system that emphasize cycle times from job to job, measure the degree of wage restoration over time and assess the efficacy of the unemployment compensation system in placing workers in jobs; and
5. Requiring the Department of Labor to report regularly to the joint standing committee of the Legislature having jurisdiction over unemployment compensation matters on the effectiveness of these changes in helping unemployed workers become reemployed.

### **Committee Amendment "A" (S-360)**

This amendment replaces the concept draft and changes the title. Current law requires the Commissioner of Labor to establish a limit on, or a formula to limit, funds expended on administrative and career counseling costs of the Competitive Skills Scholarship Program and caps such expenditures at \$550,000 annually. The amendment eliminates the cap and requires the Department of Labor to include the limit or formula and the amount spent for such costs in its annual report to the Legislature on the program. The amendment also allocates funds for two limited-period CareerCenter Consultant positions to support efforts to provide job training for qualified individuals under the Competitive Skills Scholarship Program.

### **Enacted Law Summary**

Public Law 2015, chapter 402 eliminates the \$550,000 cap on funds from the Competitive Skills Scholarship Fund that may be expended on administrative and career counseling costs of the Competitive Skills Scholarship Program and instead requires the Commissioner of Labor to establish a limit on, or a formula to limit, expenditures of funds for these costs. The Department of Labor must include the limit or formula and the amount spent for such costs in its annual report to the Legislature on the program. This law also allocates funds for two limited-period CareerCenter Consultant positions to support efforts to provide job training for qualified individuals under the Competitive Skills Scholarship Program.

Public Law 2015, chapter 402 was enacted as an emergency measure effective March 20, 2016.

### **LD 1240     An Act To Phase Out the Payment of Subminimum Wages to Workers with Disabilities**

**ONTP**

Sponsor(s)

KATZ R  
HERBIG E

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

Currently the State Government and Federal Government may issue special certificates permitting an employer to pay an individual with a physical or mental disability a wage less than the State's minimum wage based on the individual's ability to perform the duties required for that employment in comparison to the ability of a person who does not have a physical or mental disability to perform the same duties. This bill prohibits the issuance of such certificates. Existing special certificates authorizing payment of less than the minimum wage remain in effect until the earlier of their expiration date and November 1, 2018. After the expiration of a previously issued certificate, an individual who was covered by such certificate may apply to the Director of the Bureau of Labor Standards within the Department of Labor for a special work permit authorizing the payment of wages at less than the minimum wage rate by a certain employer.

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**LD 1300 An Act To Create and Sustain Jobs through Development of Cooperatives**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHAPMAN R LANGLEY B	OTP-AM ONTP	H-396

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill supports employee-owned businesses and cooperatives in the following ways.

1. It requires the Treasurer of State to place 1% of deposited state funds in institutions devoted to meeting the borrowing needs of cooperatives.
2. It creates the Employee Ownership Program and Employee Ownership Program Administrator under the Department of Economic and Community Development, Maine Small Business and Entrepreneurship Commission to promote employee ownership of businesses.
3. It requires the Commissioner of Economic and Community Development to give preference in Department of Economic and Community Development programs to cooperatives or businesses seeking to convert to cooperatives.
4. It requires the Commissioner of Agriculture, Conservation and Forestry to give preference in Department of Agriculture, Conservation and Forestry marketing and advertising programs to cooperatives or businesses seeking to convert to cooperatives.
5. It requires that employee-owned businesses or businesses seeking to become employee-owned be given priority in the Small Enterprise Growth Program.
6. It requires the Finance Authority of Maine to give preference in authority programs to organizations that are employee-owned or cooperatives or organizations seeking to become employee-owned or cooperatives.
7. It creates the Cooperative Development Grants Program.
8. It subtracts from the Maine income tax the amount of gain recognized by a business owner in transferring the business to an employee stock ownership plan or eligible worker-owner cooperative.
9. It requires the Department of Agriculture, Conservation and Forestry, the Department of Economic and Community Development, the Department of Labor, the Finance Authority of Maine and the University of Maine System to identify and make best efforts to pursue federal sources of funding for development of cooperatives and to cooperate with the Employee Ownership Program Administrator in pursuit of federal funding for development of cooperatives.

**Committee Amendment "A" (H-396)**

This amendment is the majority report of the committee. It replaces the bill and does the following to support employee-owned businesses and cooperatives.

1. It permits the Treasurer of State to place 1% or more of deposited state funds in institutions that meet the borrowing needs of cooperatives.

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2. It requires the Maine Small Business and Entrepreneurship Commission to ensure that the State's small business development centers receive training and provide information on employee ownership and cooperative development.
3. It requires the Commissioner of Economic and Community Development to ensure equal access to Department of Economic and Community Development programs for employee-owned businesses and cooperatives, as well as businesses seeking to convert to employee ownership or cooperative organization.
4. It requires the Commissioner of Agriculture, Conservation and Forestry to ensure equal access to Department of Agriculture, Conservation and Forestry programs for employee-owned businesses and cooperatives, as well as businesses seeking to convert to employee ownership or cooperative organization.
5. It creates the Cooperative Development Grants Program.
6. It modifies the exemption from registration for certain membership securities issued by cooperatives.
7. It subtracts from the Maine income tax the amount of gain recognized by a business owner in transferring the business to an employee stock ownership plan or eligible worker-owner cooperative.
8. It requires the Department of Agriculture, Conservation and Forestry, the Department of Economic and Community Development, the Department of Labor, the Finance Authority of Maine and the University of Maine System to identify and make best efforts to pursue federal sources of funding for advancement of employee ownership and development of cooperatives.
9. It requires the Maine Small Business and Entrepreneurship Commission to ensure, to the extent feasible, that each small business development center receives training on issues relating to employee ownership and cooperative development. It requires the commission to provide a report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on the commission's implementation of this provision.
10. It also adds an appropriations and allocations section.

**LD 1384    An Act To Improve Workplace Safety by Simplifying and Improving  
Employers' Substance Abuse Policy Requirements**

**Died Between  
Houses**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill makes the following changes to the laws governing employment practices concerning substance abuse testing.

1. It specifies that employers may establish policies or rules related to the possession or use of substances of abuse by employees and for employee impairment by substances of abuse at the workplace.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It authorizes an employer that has employees subject to a federally mandated substance abuse testing program to

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extend its federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must maintain the privacy protections that Maine statute affords all other Maine employees.

4. Current law prohibits a single work-related accident from forming the basis of probable cause to believe that an employee may be under the influence of a substance of abuse. This bill amends the law to provide that a single work-related accident that results in injury or significant property damage may be probable cause to suspect an employee is under the influence of a substance of abuse.
5. It eliminates the current requirement that, prior to establishing a substance abuse testing program, an employer with over 20 full-time employees have a functioning employee assistance program.
6. It directs the Commissioner of Labor to develop model policy templates with adequate flexibility so as to facilitate the ability of the employers' substance abuse testing programs and policies to meet the requirements of the Maine Revised Statutes, Title 26, chapter 7, subchapter 3-A to develop new policies or update existing policies.
7. It expands the number of establishments that can undertake companywide random substance abuse testing from those with 50 or more employees to those with 10 or more employees.
8. The bill eliminates the requirement that employers share an employee's rehabilitation costs not covered by group health insurance and clarifies that rehabilitation costs not covered by a group health insurance program are the responsibility of the employee.
9. It specifies that testing at the point of collection of saliva or urine is permissible for both applicants for employment and for employees.

### **Committee Amendment "A" (H-624)**

This amendment is the majority report of the committee. It replaces the bill and makes changes to the substance abuse testing laws, including the following.

1. It requires an employer to adopt a uniform policy for substance abuse testing as developed by the Department of Labor.
2. It provides that all confirmed positive substance abuse tests may be reported to the employer only by a medical review officer, who may not be employed by the employer.
3. It allows an employee to provide a legitimate medical explanation for a positive test result for legally obtained medications, including medical marijuana, preventing the medical review officer from reporting a positive test for that substance to the employer.
4. It changes the definitions of "employer" and "employee" so that a temporary employee provided by an employment agency that is directly supervised by an employer must be treated the same as a regular employee of that employer for purposes of substance abuse testing laws.
5. It allows testing laboratories to use alternate federal substance abuse testing standards.
6. Under current law, an employer must provide an employee who receives an initial confirmed positive result from a substance abuse test with an opportunity to participate in a rehabilitation program before discharging or disciplining the employee. This amendment reduces the timeframe for completing such a rehabilitation program from six months to 12 weeks.

### **Committee Amendment "B" (H-625)**

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This amendment is the minority report of the committee. It replaces the bill and makes changes to the laws governing employment practices concerning substance abuse testing, including the following.

1. It replaces the phrase "substance abuse test" and "substance abuse testing" with "substance use test" and "substance use testing" to reflect more modern terminology.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It authorizes an employer that has employees subject to a federally mandated substance use testing program to extend federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must prepare a substance use testing plan for employees who are not federally regulated, provide a copy of the plan to the employees and the Department of Labor before testing, follow federal notification and procedural protocols for such employees and annually report the results of testing to the department.
4. It streamlines the current drug testing policy approval by requiring the Department of Labor to develop a uniform impairment and substance use testing policy applicable to all employers. Employers must notify, and be approved by, the Department of Labor prior to conducting substance use testing.
5. It removes the "probable cause" standard and replaces it with an "impairment detection" standard required before the employer may conduct substance use testing. For employers authorized to conduct substance use testing, only an employer or employee approved for impairment detection by the Department of Labor or a medical person may make an impairment detection. Among other things, this detection may be based on a single work-related accident, unlike the "probable cause" standard under current law. The employer may immediately remove the employee from the workplace pending resolution of the impairment detection.
6. It adds an "impairment determination" process that may be used as an alternative or in addition to a substance use test. Under this process, an occupational health care provider conducts a medical review in order to confirm the impairment detection, which may include a substance use test that includes testing for prescription drugs. If the impairment is confirmed, the employer may take employment action including firing or disciplining the employee, subject to any limitations under the Maine Human Rights Act and any other state or federal law. If the occupational health care provider finds that the employee was not impaired or that such impairment did not pose a safety risk, the employee is entitled to full reinstatement of the employee's position.
7. It adds a violation of an established drug-free workplace policy as grounds for employment action.
8. It adds a first impairment determination to the requirement, applicable to an initial confirmed positive substance use test, that the employer must provide the employee with an opportunity to participate in a treatment program before discharging or disciplining the employee. The time frame for completing the treatment program is reduced from six months to 12 weeks, and an employer with between 20 and 50 full-time employees is no longer required to pay half of the costs of the treatment program. An employer with more than 50 full-time employees must pay half of treatment costs not covered by a group health insurance plan when the treatment program is required of the employee.
9. It modifies the current requirement that, prior to establishing a substance use testing program, an employer with over 20 full-time employees have a functioning employee assistance program, instead requiring employers with over 50 full-time employees to have such a program.
10. It expands the number of establishments that may undertake company-wide random substance abuse testing by authorizing such testing by companies with 10 or more employees. Current law only permits such testing by companies with 50 or more employees.

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11. It provides that confirmed positive substance use tests may be reported to the employee only by a medical review officer and allows an employee to provide a legitimate medical explanation for a positive test result for legally obtained medications, preventing the medical review officer from reporting a positive test for that substance to the employer.

12. It allows testing laboratories to use federal testing standards to encourage testing of biological samples beyond urine and blood.

13. It adds a new civil violation for any employer noncompliance with the substance use testing laws, for which a fine of not more than \$500 for the first violation, \$750 for the second violation and \$1,000 for third and subsequent violations may be adjudged.

This amendment was not adopted.

**LD 1389      An Act To Conform Maine Law to Federal Law Regarding Closings and  
Mass Layoffs and To Strengthen Employee Severance Pay Protections**

**PUBLIC 417**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-409

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill clarifies and strengthens the laws governing severance pay. It adds definitions for "closing," "mass layoff," "part-time employee," "employment loss" and "gross earnings." It provides that ambiguous language of an employer regarding the duration and nature of an employment loss may not be construed to prevent potential liability for payment of severance.

The bill changes the circumstances that mitigate liability for severance pay by adding the closing of a covered establishment that is necessitated by the final order of a federal, state or local government agency, including an adjudication of bankruptcy. It amends the laws governing advance notice of a closing so they conform to the federal Worker Adjustment and Retraining Notification Act, also known as the WARN Act, 29 United States Code, Sections 2101 to 2109 (2014) and changes the designation of rules from major substantive to routine technical.

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

This amendment makes a number of changes to the bill, including the following.

1. It adds a mass layoff as a condition triggering severance pay liability, and changes the new definition of "mass layoff" to encompass a six-month period as opposed to the 30-day period in the bill.
2. It defines "eligible employee" for purposes of severance pay eligibility, and expands eligibility to employees who have voluntarily quit employment with a covered establishment within a 30-day period prior to the date set in a notice of a mass layoff or closing provided by the employer under state or federal law.
3. It requires the severance pay calculation for an employee to include partial years worked by an employee and to include any weeks that the employee received gross earnings, as opposed to having worked, in the 12 months prior to an establishment closing or instituting a mass layoff.
4. It eliminates the exemption from severance pay and notice requirements when a closing or mass layoff is due to an adjudication of bankruptcy and clarifies the bill's elimination of the exemption from severance pay for an establishment that files for bankruptcy protection.

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5. It changes the notification requirements in the bill to include when an establishment relocates, consistent with current law.

### **Enacted Law Summary**

Public Law 2015, chapter 417 makes several changes to clarify and strengthen the laws governing severance pay and the notification requirements regarding changes in certain businesses operations, including the following.

1. It adds a "mass layoff" as a condition triggering employer severance pay liability and notice requirements and defines the term to mirror the definition in the federal Workers Adjustment and Retraining Notification Act, also known as the WARN Act, 29 U.S.C. sections 2101 to 2109 (2014).
2. It defines "eligible employee" for purposes of severance pay eligibility and expands eligibility to employees who have voluntarily quit employment with a covered establishment within a 30-day period prior to the date set in a notice of a mass layoff or closing provided by the employer under state or federal law.
3. It requires the severance pay calculation for an employee to include partial years worked by an employee and to include any weeks that the employee received gross earnings, as opposed to having worked, in the 12 months prior to an establishment closing or instituting a mass layoff.
4. It eliminates the current exemption from severance pay liability for an employer that has filed for bankruptcy.
5. It changes the circumstances that mitigate liability for severance pay by adding the closing of, or mass layoff at, a covered establishment that is necessitated by the final order of a federal, state or local government agency.
6. It changes the designation of rules regarding severance pay and employer notifications of closings, relocations and mass layoffs from major substantive to routine technical.

### **LD 1471      Resolve, To Facilitate the Distribution of Food Harvested in Maine to Residents with Food Insecurity**

**RESOLVE 81**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M HICKMAN C	OTP-AM	S-373

This resolve directs the Finance Authority of Maine to contract with a statewide entity to purchase, process, store and transport agricultural products and seafood harvested in the State to provide access to those agricultural products and seafood to residents of the State with food insecurity. The resolve requires the authority to select the entity through a request for proposal process and to require the selected entity to submit an annual report to the joint committee of the legislature having jurisdiction over agriculture, conservation and forestry matters regarding the selected entity's progress toward and the additional efforts needed to achieve the purpose of providing food to residents of the State with food insecurity. The initiative is funded using \$3,000,000 transferred on a one-time basis from the Fund for a Healthy Maine. The resolve specifies that the authority is responsible for administering the funds and may retain a portion of the funds for the reasonable administrative costs incurred by the authority.

### **Committee Amendment "A" (S-373)**

This amendment makes the following changes to the resolve.

1. It changes the title of the resolve to clarify the program's focus on food harvested in Maine.
2. It specifies that both fresh and fresh frozen fruits, vegetables and seafood harvested in Maine may be provided through the program.

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3. It requires the authority to consult with experts in the areas of agriculture, food security, and public health when selecting the entity to implement the program and to ensure that the selected entity adheres to all local, state and federal food safety regulations.

4. It directs the authority to administer the program only until the funds are finally disbursed.

5. It requires the selected entity to report to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry matters and over health and human services matters by December 1st of 2016, 2017 and 2018.

**Enacted Law Summary**

Resolve 2015, chapter 81 directs the Finance Authority of Maine to contract with a statewide entity to purchase, process, store and transport fresh and fresh frozen fruits, vegetables and seafood harvested in the State to increase access to those products for residents of the State with food insecurity. The authority must consult with experts in the areas of agriculture, food security, and public health when selecting the entity through a request for proposal process. The selected entity must adhere to all local, state and federal food safety regulations and report to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry matters and over health and human services matters by December first of 2016, 2017 and 2018. This initiative is funded using \$3,000,000 transferred on a one-time basis from the Fund for a Healthy Maine. The resolve specifies that the authority is responsible for administering the funds until they are finally disbursed and may retain a portion of the funds for the reasonable administrative costs incurred by the authority.

**LD 1474      An Act To Provide for the 2016 and 2017 Allocations of the State Ceiling on Private Activity Bonds**

**P & S 13  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A HERBIG E	OTP-AM	S-348

This bill allocates the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2016 and 2017 among the state-level issuers of tax-exempt bonds in accordance with Title 10, section 363 of the Maine Revised Statutes.

**Committee Amendment "A" (S-348)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2015, chapter 13 allocates the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2016 and 2017 among the state-level issuers of tax-exempt bonds in accordance with Title 10, section 363 of the Maine Revised Statutes.

Private and Special Law 2015, chapter 13 was enacted as an emergency measure effective February 17, 2016.

**LD 1480      An Act To Create and Sustain High-quality Maine Jobs**

**PUBLIC 415**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY S GIDEON S	OTP-AM	S-363

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This bill creates the Maine Capital Investment Program within the Finance Authority of Maine to provide loans or bond funding to eligible business development projects that have projected costs of at least \$50,000,000 or are projected to result in the creation or retention of at least 250 full-time employment positions that pay at least 125% of the state annual average weekly wage.

Under this program, the authority may issue a direct loan of up to \$50,000,000 or bond funding of up to \$200,000,000 to each eligible business development project. To qualify for a direct loan, the business development project must first secure a match equal to 25% of the loan amount from another funding source. As a way of replenishing the fund, award recipients must re-invest an amount equal to 10% of the award into the fund within five years after completion of the project.

The bill takes effect only after the authority receives funds for the program in the amount of at least \$250,000,000. Investments in the program qualify for the seed capital investment tax credit under Title 36, section 5216-B.

### **Committee Amendment "A" (S-363)**

This amendment makes the following changes to the bill.

1. It clarifies that the Finance Authority of Maine is authorized, not required, to establish the Maine Capital Investment Program and reduces the amount of funding the authority must receive before the bill takes effect from \$250,000,000 to \$50,000,000.
2. It eliminates seed capital investment tax credit eligibility for investments in the fund.
3. It authorizes the authority to issue bonds for the purpose of funding eligible business development projects and specifies that such bonds are not general obligation bonds of the authority, the State or any agency or political subdivision of the State.
4. It requires each recipient of financial support under the program to submit a report to the authority five years after completion of the business development project describing the project and the number of jobs created or retained through the project.
4. It requires the authority to submit an annual report to the joint standing committee of the Legislature having jurisdiction over economic development matters regarding the projects that have received financial support and the administration of the program. The committee may request an independent evaluation of the program by the Office of Program Evaluation and Government Accountability.

### **Enacted Law Summary**

Public Law 2015, chapter 415 authorizes the Finance Authority of Maine to create the Maine Capital Investment Program to provide loans and bond funding to eligible business development projects that have projected costs of at least \$50,000,000 or that are projected to result in the creation or retention of at least 250 full-time employment positions that pay at least 125% of the state annual average weekly wage.

Under this program, the authority may issue a direct loan of up to \$50,000,000 or bond funding of up to \$200,000,000 to each eligible business development project. To qualify for a direct loan, the business development project must first secure a match equal to 25% of the loan amount from another funding source. Bonds issued by the authority for the purpose of funding eligible business development projects are not general obligation bonds of the authority, the State or any agency or political subdivision of the State. As a way of replenishing the fund, award recipients must re-invest an amount equal to 10% of the award into the fund within five years after completion of the project.

Each recipient of financial support under the program must submit a report to the authority five years after completion of the business development project describing the project and the number of jobs created or retained

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through the project. The authority must submit an annual report to the joint standing committee of the Legislature having jurisdiction over economic development matters regarding the projects that have received financial support and the administration of the program. The committee may request an independent evaluation of the program by the Office of Program Evaluation and Government Accountability.

The bill takes effect only after the authority receives funds for the program in the amount of at least \$50,000,000.

**LD 1501      An Act To Amend the Law Regarding Disqualification for Unemployment Benefits during Stoppages of Work      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J CUSHING A	ONTP OTP-AM	

This bill removes the provision of law affecting the disqualification for unemployment benefits of employees at an establishment at which there is a labor dispute and at which there would have been a work stoppage but for the employer's maintaining substantially normal operations through the use of other personnel.

**Committee Amendment "A" (H-533)**

This amendment is the minority report of the committee. This amendment changes the bill by broadening the disqualification from unemployment benefits in current law for unemployment that is due to a stoppage of work caused by a labor dispute by eliminating the requirement that there is a stoppage of work. Instead, under the amendment, unemployment that is due to a labor dispute is sufficient grounds for a denial of benefits. The amendment also updates the language of the exceptions in current law to this disqualification to reflect the elimination of the stoppage of work requirement.

**LD 1514      An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H BURNS D	OTP-AM OTP-AM	H-593 S-524 BURNS D

This bill amends the professional licensing laws governing dental hygiene therapists in several ways.

1. It specifies that an applicant for a dental hygiene therapy license must possess a Bachelor of Science degree or higher from a dental hygiene therapy program that is accredited by either the American Dental Association Commission on Dental Accreditation or a successor organization or that meets the requirements for a dental hygiene therapy education program adopted by the Board of Dental Examiners.
2. It eliminates requirements that dental hygiene therapy education programs be a minimum of four semesters in duration, be consistent with a specified model curriculum and be consistent with programs in other states.
3. It eliminates the requirement that an applicant for a dental hygiene therapy license hold an associate degree in dental hygiene before entering a dental therapy education program.
4. It provides for licensure by endorsement of a dental hygiene therapist who graduates from a dental hygiene therapy education program, is licensed to practice as a dental hygiene therapist in another state and engages in active clinical practice for at least three years prior to applying for a license in this State.

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5. It removes the requirement that a dental hygiene therapist practice under the direct supervision of a dentist.

**Committee Amendment "A" (H-593)**

This amendment is the majority report of the committee. It changes the terms "dental hygiene therapist" and "dental hygiene therapy" to "dental therapist" and "dental therapy", respectively, throughout the Maine Revised Statutes. It reorganizes the dental therapist education and examination requirements and corrects a cross-reference in the provisional dental therapy license section of the bill. It eliminates the provision of the bill allowing licensure of dental therapists by endorsement. It requires an applicant for a dental therapy license to have previously engaged in not only 2,000 hours of supervised clinical practice but also at least two years of supervised clinical practice. It clarifies that a dental therapist must practice under the general supervision of a dentist licensed in the State and limits to five the number of dental therapists that a single dentist may supervise.

**Committee Amendment "B" (H-594)**

This amendment is the minority report of the committee. It changes the terms "dental hygiene therapist" and "dental hygiene therapy" to "dental therapist" and "dental therapy", respectively, throughout the Maine Revised Statutes. It reorganizes the dental therapist education and examination requirements and corrects a cross-reference in the provisional dental therapy license section of the bill. It eliminates the provision of the bill allowing licensure of dental therapists by endorsement. It requires dental therapists to practice under the direct supervision of a dentist licensed in the State and limits to five the number of dental therapists that a single dentist may supervise.

This amendment was not adopted.

**House Amendment "A" To Committee Amendment "A" (H-654)**

This amendment, which is identical in substance to the majority report of the committee, corrects conflicts created by the enactment of Public Law 2015, chapter 429, which repealed and replaced the laws governing dental professionals.

This amendment was not adopted.

**Senate Amendment "A" To Committee Amendment "A" (S-524)**

This amendment incorporates the substantive provisions of Committee Amendment "A" with corrected citations to reflect enactment of Public Law 2015, chapter 429, which repealed and replaced the laws governing dental professionals. This amendment makes the following additional changes to the substance of Committee Amendment "A".

1. It requires an applicant for authority to practice as a dental therapist to possess a master's degree in a dental therapy education program that is accredited by either the Board of Dental Practice or the American Dental Association Commission on Dental Accreditation or a successor organization or that meets the requirements for a dental therapy education program adopted by the Board of Dental Practice.

2. It increases the number of hours of supervised clinical practice that an applicant for dental therapist authority must complete from 2,000 to 2,500 but removes the requirement that the applicant have engaged in at least two years of supervised clinical practice.

**LD 1538 An Act To Amend the Quorum Requirements That Apply to the Citizen Trade Policy Commission**

**PUBLIC 400**

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

## ***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

This bill changes the minimum number of Citizen Trade Policy Commission members necessary to hold a meeting from 11 to nine and the minimum number of commission members necessary for purposes of voting from nine to seven.

### **Enacted Law Summary**

Public Law 2015, chapter 400 changes the minimum number of members of the Citizen Trade Policy Commission necessary to hold a meeting from 11 to nine and the minimum number of commission members necessary for purposes of voting from nine to seven.

### **LD 1549      An Act To Amend the Laws Governing Oversight of and Responsibility      PUBLIC 412 for the Kim Wallace Adaptive Equipment Loan Program Fund**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON M KATZ R	OTP-AM	H-536

This bill changes the entity with whom funds from the Kim Wallace Adaptive Equipment Loan Program must be deposited from the Finance Authority of Maine to the Treasurer of State. The bill also eliminates the Kim Wallace Adaptive Equipment Loan Program Board and authorizes the Treasurer of State to select a program administrator both to administer the program and to decide whether to approve applications for loan funds. The bill authorizes the Treasurer of State to select a new program administrator through an RFP process if loan performance is poor. The bill permits, but does not require, the program administrator to establish an advisory board and to select board members, of whom a majority must be Maine citizens with disabilities.

### **Committee Amendment "A" (H-536)**

This amendment replaces the bill. It authorizes the Kim Wallace Adaptive Equipment Loan Program Fund Board to contract with appropriate entities, including a financial services provider, for assistance in administering the program. The board or financial services provider, if one has been selected, may approve or deny a loan application based on its determination whether the application meets the purposes of the fund and satisfies the underwriting guidelines approved by the board. Individuals whose applications are denied by the financial services provider may appeal to the board for reconsideration.

### **Enacted Law Summary**

Public Law 2015, chapter 412 authorizes the Kim Wallace Adaptive Equipment Loan Program Fund Board to contract with appropriate entities, including a financial services provider, for assistance in administering the program. The board or financial services provider, if one has been selected, may approve or deny a loan application based on a determination whether the application meets the purposes of the fund and satisfies the underwriting guidelines approved by the board. Individuals whose applications are denied by the financial services provider may appeal to the board for reconsideration.

### **LD 1553      An Act To Improve the Workers' Compensation System      PUBLIC 469**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-399

This bill makes the following changes to the Maine Workers' Compensation Act of 1992.

1. It transfers the predetermination of independent contractor status process to the Department of Professional and

## ***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

Financial Regulation, Bureau of Insurance.

2. It establishes that rebuttable presumptions granted as a result of a request for a predetermination are admissible only in proceedings arising under the Maine Revised Statutes, Title 24-A. Conclusive predeterminations received by landowners continue to be admissible in proceedings under the Maine Workers' Compensation Act of 1992.
3. It modifies the law after the Law Court's decision in *Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al.*, 2015 ME 99 and ensures employers that misclassify employees as independent contractors are subject to penalties under the Maine Workers' Compensation Act of 1992.
4. It increases the Workers' Compensation Board's assessment cap by \$1.8 million starting in fiscal year 2016-17.
5. It establishes that appeals to the Law Court from the Workers' Compensation Board are from decisions of the Workers' Compensation Board's Appellate Division and not an individual administrative law judge.

### **Committee Amendment "A" (S-399)**

This amendment changes the bill by eliminating the sections affecting independent contractor predeterminations. The amendment instead requires the Workers' Compensation Board to study the current system for independent contractor predeterminations and report any recommended legislation to the joint standing committee of the Legislature having jurisdiction over labor matters.

It replaces the provision in the bill intended to modify the law after the Law Court's decision in *Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al.*, 2015 ME 99 with a similar provision that deems employer misclassification of employees as a failure to secure workers' compensation payment, making it applicable to all employers, as opposed to only construction contractors, and limiting penalties to only those provided under Title 39-A, section 324, subsection 3.

The amendment also requires the Workers' Compensation Board to consider an employer's efforts to comply with the coverage requirements of the Maine Workers' Compensation Act of 1992 when imposing a monetary penalty, establishes that criminal prosecution may be pursued only if the employer has committed a knowing violation and establishes that revocation of authority to operate pursuant to the Maine Revised Statutes, Title 39-A, section 324, subsection 3, paragraph C may be pursued only if the employer has committed a knowing violation, has failed to pay a penalty assessed pursuant to that subsection or continues to operate without required workers' compensation insurance coverage after a penalty has been assessed pursuant to that subsection. Additionally, the amendment delays the increase to the Workers' Compensation Board assessment cap from fiscal year 2016-17 to fiscal year 2017-18.

### **Enacted Law Summary**

Public Law 2015, chapter 469 makes the following changes to the Maine Workers' Compensation Act of 1992.

1. It modifies the law after the Law Court's decision in *Workers' Compensation Board Abuse Investigation Unit v. Nate Holyoke Builders, Inc., et al.*, 2015 ME 99 to clarify that employers who misclassify employees as independent contractors are subject to penalties for failure to secure workers' compensation payment under the Maine Workers' Compensation Act of 1992.
2. It increases the Workers' Compensation Board's assessment cap by \$1.8 million starting in fiscal year 2017-18.
3. It establishes that appeals to the Law Court from the Workers' Compensation Board are from decisions of the Workers' Compensation Board's Appellate Division and not an individual administrative law judge.
4. It requires the Workers' Compensation Board to consider an employer's efforts to comply with the coverage requirements of the Maine Workers' Compensation Act of 1992 when imposing a monetary penalty, establishes that

***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

criminal prosecution may be pursued only if the employer has committed a knowing violation and establishes that revocation of authority to operate pursuant to the Maine Revised Statutes, Title 39-A, section 324, subsection 3, paragraph C may be pursued only if the employer has committed a knowing violation, has failed to pay a penalty assessed pursuant to that subsection or continues to operate without required workers' compensation insurance coverage after a penalty has been assessed pursuant to that subsection.

5. It requires the Workers' Compensation Board to study the current system for independent contractor predeterminations and report any recommended legislation to the joint standing committee of the Legislature having jurisdiction over labor matters. The committee will have authority to report out a bill relating to the report to the First Regular Session of the 128th Legislature.

**LD 1559 An Act To Encourage Roller Derby**

**PUBLIC 454**

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

This bill amends the Roller-skating Safety Act by creating an exception to the law prohibiting skaters at roller-skating rinks from colliding with objects and other skaters. The exception applies to skaters taking part in an organized team sport during practice, scrimmage, games, clinics or an officially sanctioned skating or roller derby event.

**Enacted Law Summary**

Public Law 2015, chapter 454 amends the Roller-skating Safety Act by creating an exception to the law prohibiting skaters at roller-skating rinks from colliding with objects and other skaters. The exception applies to skaters taking part in an organized team sport during practice, scrimmage, games, clinics or an officially sanctioned skating or roller derby event.

**LD 1591 An Act To Amend the Maine Veterinary Practice Act**

**ONTP**

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

This bill amends the Maine Veterinary Practice Act by creating an exception to the requirement that a veterinarian be engaged in a veterinarian-client-patient relationship when practicing veterinary medicine. This exception allows a veterinarian to administer a vaccination against rabies, distemper, parvovirus, rhinotracheitis or panleukopenia at a vaccination clinic if the pet owner signs an informed consent waiver explaining the potential adverse events that may result from vaccination and that a vaccination is not a substitute for a complete physical examination.

**LD 1596 An Act To Revise the Laws Regarding Dental Practices**

**PUBLIC 429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H	OTP-AM	H-621

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

## ***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

This bill proposes to recodify Title 32, chapter 16 of the Maine Revised Statutes, which governs the practice of dentistry by dentists, expanded function dental assistants, independent practice dental hygienists, dental hygiene therapists, dental hygienists, dental auxiliaries, denturists and dental radiographers.

### **Committee Amendment "A" (H-621)**

This amendment replaces the bill, which is a concept draft. The amendment repeals Title 32, chapter 16 of the Maine Revised States, which governs the practice of dentistry by dentists and dental auxiliaries and creates a new Dental Practice Act located in Title 32, chapter 143 of the Maine Revised Statutes. The amendment also makes necessary corrections to cross-references scattered throughout the Maine Revised Statutes. The new Dental Practice Act:

1. Changes the name of the Board of Dental Examiners to the Board of Dental Practice and aligns many of the board's duties and powers with the laws governing professional licensing boards that are located within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation;
2. Identifies the qualifications necessary for individuals to obtain each type of license or authority issued by the board;
3. Incorporates in statute all of the scopes of practice provisions for dentists and dental auxiliaries that formerly were located partially in statute and partially in board rule, enumerating the dental procedures that dentists, expanded function dental assistants, dental hygienists, public health dental hygienists, dental hygiene therapists, independent practice dental hygienists, dental radiographers and denturists may perform and the level of supervision required for each procedure;
4. Identifies the limited settings in which faculty dentists, clinical dentist educators, charitable dentists, limited dentists, resident dentists, faculty dental hygienists and faculty denturists may practice; and
5. Identifies the specific, limited duties that a dentist may delegate to an unlicensed dental assistant who practices under the dentist's supervision.

The amendment directs that any license or permit in effect on the effective date of the Act remains in effect through its current expiration date, at which time a new license or authority may be issued by the Board of Dental Practice. The amendment directs the Board of Dental Practice to conduct a study of the new Dental Practice Act and any rules adopted by the former Board of Dental Examiners, focusing specifically on scopes of practice, practice settings, and delivery models. The board must submit a report with recommended legislation by March 1, 2017 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters. The committee may report out a bill to the Second Regular Session of the 128th Legislature proposing legislation related to the board's report.

### **Enacted Law Summary**

Public Law 2015, chapter 429 recodifies the laws governing dental professionals by repealing Title 32, chapter 16 of the Maine Revised States and creating a new Dental Practice Act located in Title 32, chapter 143 of the Maine Revised Statutes. It also makes necessary corrections to cross-references scattered throughout the Maine Revised Statutes. The new Dental Practice Act:

1. Changes the name of the Board of Dental Examiners to the Board of Dental Practice and aligns many of the board's duties and powers with the laws governing professional licensing boards that are located within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation;
2. Identifies the qualifications necessary for individuals to obtain each type of license or authority issued by the board;

*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

- 3. Incorporates in statute all of the scopes of practice provisions for dentists and dental auxiliaries that formerly were located partially in statute and partially in board rule, enumerating the dental procedures that dentists, expanded function dental assistants, dental hygienists, public health dental hygienists, dental hygiene therapists, independent practice dental hygienists, dental radiographers and denturists may perform and the level of supervision required for each procedure;
- 4. Identifies the limited settings in which faculty dentists, clinical dentist educators, charitable dentists, limited dentists, resident dentists, faculty dental hygienists and faculty denturists may practice; and
- 5. Identifies the specific, limited duties that a dentist may delegate to an unlicensed dental assistant who practices under the dentist's supervision.

Public Law 2015, chapter 429 directs that any license or permit in effect on the effective date of the Act remains in effect through its current expiration date, at which time a new license or authority may be issued by the Board of Dental Practice. It further directs the Board of Dental Practice to conduct a study of the new Dental Practice Act and any rules adopted by the former Board of Dental Examiners, focusing specifically on scopes of practice, practice settings, and delivery models. The board must submit a report with recommended legislation by March 1, 2017 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters. The committee may report out a bill to the Second Regular Session of the 128th Legislature proposing legislation related to the board's report.

**LD 1598     An Act To Amend Procedures for the Licensing of Architects and Foresters**

**PUBLIC 414  
EMERGENCY**

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

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 955 and then referred back to the committee for processing in the normal course.

The bill authorizes the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers to specify, by rule, the required amount of practical experience under the supervision of an experienced architect or architects that an applicant for licensure as an architect must complete before obtaining a license. The bill also removes the requirement that candidates for a forester license submit applications and examination fees to the Board of Licensure of Foresters because, in current practice, candidates submit their applications and examination fees to a board-approved testing company rather than directly to the board.

**Enacted Law Summary**

Public Law 2015, chapter 414 authorizes the Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers to specify, by rule, the required amount of practical experience under the supervision of an experienced architect or architects that an applicant for licensure as an architect must complete before obtaining a license. It also removes the requirement that candidates for a forester license submit applications and examination fees to the Board of Licensure of Foresters because, in current practice, candidates submit their applications and examination fees to a board-approved testing company rather than directly to the board.

Public Law 2015, chapter 414 was enacted as an emergency measure effective March 29, 2016.

*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

**LD 1607    An Act To Implement the Recommendations of the Maine Affordable  
Housing Working Group**

**PUBLIC 424**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-557

This bill was reported by the committee pursuant to Public Law 2015, chapter 267, Part QQQQ, section 1 and then referred back to the committee for processing in the normal course.

This bill implements the recommendations of the Maine Affordable Housing Working Group. It directs the Maine State Housing Authority and municipal housing authorities to create a single, statewide application and waiting list for so-called Section 8 housing and to ensure that the application can be filled out online. The bill directs the Maine State Housing Authority and the Department of Health and Human Services to ensure that the application can be used by individuals and families to apply for the federal Shelter Plus Care program and the state Bridging Rental Assistance Program. The bill further directs the Maine State Housing Authority to examine options to increase access to affordable housing for families with incomes at or below 30% of the area median income and to establish a rental assistance pilot program. The authority must submit a report by January 15, 2019 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on the authority's progress in increasing access to affordable housing and the extent to which the pilot program achieves success in meeting its goals.

**Committee Amendment "A" (H-557)**

This amendment clarifies that individuals or families applying for so-called Section 8 rental assistance may use that rental assistance application or an addendum to that application if they choose to also apply for rental assistance from the Bridging Rental Assistance Program or the federal Shelter Plus Care program.

The amendment requires that the Maine State Housing Authority submit a preliminary report by February 1, 2017 on the authority's progress in increasing access to affordable housing and the extent to which the rental assistance pilot program achieves success in meeting its goals.

**Enacted Law Summary**

Public Law 2015, chapter 424 implements the recommendations of the Maine Affordable Housing Working Group. It directs the Maine State Housing Authority and municipal housing authorities to create a single, statewide application and waiting list for so-called Section 8 housing and to ensure that the application can be filled out online. The Maine State Housing Authority and the Department of Health and Human Services must ensure that individuals or families applying for Section 8 rental assistance may use the new application or an addendum to that application if they choose to apply for rental assistance from the federal Shelter Plus Care program or the state Bridging Rental Assistance Program. The Maine State Housing Authority must also examine options to increase access to affordable housing for families with incomes at or below 30% of the area median income and establish a rental assistance pilot program. The authority must submit a preliminary report by February 1, 2017 and a final report by January 15, 2019 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters detailing the authority's progress in increasing access to affordable housing and the extent to which the pilot program achieves success in meeting its goals.

*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

**LD 1661     An Act To Raise the Minimum Wage**

**Died On  
Adjournment**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was not referred to committee.

This initiated bill raises the minimum wage to \$9.00 per hour in 2017 and by \$1.00 per hour each year after that until it is \$12.00 per hour in 2020. The minimum wage then increases at the same rate as the cost of living. The minimum wage for workers who receive tips increases to \$5.00 per hour in 2017 and then by \$1.00 per hour each year until it matches the minimum wage for all other workers, which occurs no sooner than 2024.

**House Amendment "A" (H-569)**

This amendment amends the bill as follows:

1. It raises the minimum wage to \$8.50 per hour in 2017, instead of the \$9.00 per hour proposed in the bill;
2. It raises the minimum wage to \$9.00 per hour in 2018, instead of the \$10.00 per hour proposed in the bill;
3. It raises the minimum wage to \$9.50 per hour in 2019, instead of the \$11.00 per hour proposed in the bill;
4. It raises the minimum wage to \$10.00 per hour in 2020, instead of the \$12.00 per hour proposed in the bill;
5. It strikes language in the bill requiring that, beginning in 2021, the minimum hourly wage must be increased by the increase in the cost of living;
6. It restores language that limits the increase in the State's minimum wage in response to an increase in the federal minimum wage to no more than \$1 more per hour; and
7. It strikes language proposed in the bill to increase the minimum wage paid to workers who receive tips.

This amendment was not adopted.

**LD 1686     An Act To Amend the Finance Authority of Maine Act**

**PUBLIC 504**

Sponsor(s)

Committee Report

Amendments Adopted

VOLK A  
HERBIG E

OTP-AM

S-463

This bill expands the Finance Authority of Maine's authority to issue revenue obligation securities to include the issuance of revenue obligation securities pertaining to financing assistance for energy generating system projects. The bill amends the definition of "energy generating system project" in the Finance Authority of Maine Act to include energy generating systems owned, in whole or in part, by a limited liability company as well as the wires, cables and other equipment necessary to deliver electricity from the generating facility to the transmission system. Under the bill, the authority may not issue revenue obligation securities for either an energy distribution system project or an energy generating system project unless the authority has issued a certificate of approval for the project before January 1, 2020.



*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

This amendment was not adopted.

**Senate Amendment "B" (S-535)**

This amendment replaces the bill. It raises the minimum wage to \$8.50 per hour beginning July 1, 2016 and by \$0.50 per hour each year after that beginning October 1, 2017 until the minimum wage is \$10.00 per hour in 2019. It adds an emergency preamble and an emergency clause.

***Joint Standing Committee on Labor, Commerce, Research  
and Economic Development***

**SUBJECT INDEX**

**Bonds**

**Enacted**

LD 1474	An Act To Provide for the 2016 and 2017 Allocations of the State Ceiling on Private Activity Bonds	P & S 13 EMERGENCY
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**Business Regulation**

**Enacted**

LD 1559	An Act To Encourage Roller Derby	PUBLIC 454
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**Not Enacted**

LD 1300	An Act To Create and Sustain Jobs through Development of Cooperatives	Died On Adjournment
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**Economic Development-Agencies**

**Enacted**

LD 1538	An Act To Amend the Quorum Requirements That Apply to the Citizen Trade Policy Commission	PUBLIC 400
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LD 1686	An Act To Amend the Finance Authority of Maine Act	PUBLIC 504
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**Economic Development-Programs**

**Enacted**

LD 1471	Resolve, To Facilitate the Distribution of Food Harvested in Maine to Residents with Food Insecurity	RESOLVE 81
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LD 1480	An Act To Create and Sustain High-quality Maine Jobs	PUBLIC 415
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**Not Enacted**

LD 429	An Act To Modify the Disbursement from the Maine Economic Improvement Fund	ONTP
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**Employment Practices**

**Enacted**

LD 1389	An Act To Conform Maine Law to Federal Law Regarding Closings and Mass Layoffs and To Strengthen Employee Severance Pay Protections	PUBLIC 417
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**Not Enacted**

LD 1384	An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements	Died Between Houses
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## *Housing*

### Enacted

LD 1607	An Act To Implement the Recommendations of the Maine Affordable Housing Working Group	PUBLIC 424
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### Not Enacted

LD 249	An Act To Enable Seniors To Remain in Their Homes	Died On Adjournment
LD 1062	An Act To Support Housing for Homeless Veterans	Died On Adjournment

## *Individuals with Disabilities Employment*

### Enacted

LD 1549	An Act To Amend the Laws Governing Oversight of and Responsibility for the Kim Wallace Adaptive Equipment Loan Program Fund	PUBLIC 412
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### Not Enacted

LD 1240	An Act To Phase Out the Payment of Subminimum Wages to Workers with Disabilities	ONTP
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## *Occupational and Professional Regulation*

### Enacted

LD 690	An Act To Ensure the Safety of Home Birth	PUBLIC 502
LD 1596	An Act To Revise the Laws Regarding Dental Practices	PUBLIC 429
LD 1598	An Act To Amend Procedures for the Licensing of Architects and Foresters	PUBLIC 414 EMERGENCY

### Not Enacted

LD 1514	An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation	Veto Sustained
LD 1591	An Act To Amend the Maine Veterinary Practice Act	ONTP

## *Unemployment Compensation*

### Not Enacted

LD 1501	An Act To Amend the Law Regarding Disqualification for Unemployment Benefits during Stoppages of Work	Died Between Houses
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## *Wages*

### Not Enacted

LD 674	An Act To Support Maine's Working Families	Died On Adjournment
LD 1661	An Act To Raise the Minimum Wage	Died On Adjournment

LD 1695      An Act To Raise the Minimum Wage Incrementally to \$10 Per Hour in 2020      Died On Adjournment

**Workers' Compensation**

**Enacted**

LD 1553      An Act To Improve the Workers' Compensation System      PUBLIC 469

**Workforce Development**

**Not Enacted**

LD 1692      An Act To Amend and Clarify the Laws Governing the Brunswick Naval Air Station Job Increment Financing Fund      Veto Sustained

**Workforce Investment**

**Enacted**

LD 1137      An Act To Promote Workforce Development      PUBLIC 402  
EMERGENCY

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



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

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

May 2016

**MEMBERS:**

SEN. LINDA L. BAKER, CHAIR  
SEN. BRIAN D. LANGLEY  
SEN. DAVID R. MIRAMANT

REP. WALTER A. KUMIEGA III, CHAIR  
REP. MICHAEL G. DEVIN  
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REP. KEVIN J. BATTLE  
REP. STEPHANIE HAWKE  
REP. DAVID P. SAWICKI  
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*Joint Standing Committee on Marine Resources*

**LD 405      An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon in Downeast Rivers**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL B BURNS D	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to explore funding competitive grants to establish hatcheries supporting wild Atlantic salmon based on the success of and knowledge gained by the East Machias Aquatic Research Center.

**Committee Amendment "A" (H-561)**

This amendment is the minority report of the committee.

This amendment replaces the bill, which is a concept draft, with a resolve directing the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, in consultation with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, to inventory existing dams or other artificial obstructions within waters frequented by alewives, shad, salmon, sturgeon or other anadromous or migratory fish species and determine whether a fishway exists at each inventoried dam or artificial obstruction. The resolve directs the departments conducting the inventory study to jointly report their findings to the joint standing committees of the Legislature having jurisdiction over environment and natural resources, inland fisheries and wildlife and marine resources matters by March 15, 2017.

This amendment was not adopted.

**LD 427      Resolve, Directing Certain State Agencies To Consider the Effects of Marine Debris**

**RESOLVE 76**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M GERZOFKY S	OTP-AM ONTP	H-531

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to enact measures to address and mitigate plastic pollution in the marine environment, including but not limited to microdebris pollution. For the purpose of this resolve, "microdebris" means particles of plastic approximately 5 to 10 microns in length that may be ingested by filter-feeding organisms in the marine environment.

**Committee Amendment "A" (H-531)**

This amendment is the majority report of the committee. This amendment replaces the bill, which was a concept draft, with a resolve that directs the Department of Marine Resources, Department of Environmental Protection, Department of Inland Fisheries and Wildlife and Department of Agriculture, Conservation and Forestry to consider the potential for the generation, management, mitigation and effects of marine debris related to actions of those

# Joint Standing Committee on Marine Resources

agencies.

## Enacted Law Summary

Resolve 2016, chapter 76 directs the Department of Marine Resources, Department of Environmental Protection, Department of Inland Fisheries and Wildlife and Department of Agriculture, Conservation and Forestry to consider the potential for the generation, management, mitigation and effects of marine debris related to actions of those agencies.

### LD 493 An Act To Create the Ocean Acidification Council

ONTP

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes the Ocean Acidification Council to identify, study, prevent, remediate and mitigate the direct and indirect effects of coastal and ocean acidification on species that are commercially harvested and grown in the State's coastal and ocean environments.

It provides for sixteen council members, including two members of the Senate, three members of the House of Representatives, two representatives of an environmental or community group, three persons who fish commercially, including at least one aquaculturist, three scientists and the Commissioner of Marine Resources, the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry or those commissioners' designees.

The powers and duties of the council include, but are not limited to, the following:

1. Reviewing, analyzing and studying the existing scientific literature and data on coastal and ocean acidification and how it has directly or indirectly affected or may potentially affect commercially harvested and grown species along the coast of the State;
2. Identifying and monitoring the factors contributing to coastal and ocean acidification and identifying methods to mitigate acidification;
3. Working to implement the recommendations contained in the December 2014 report of the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown Along the Maine Coast established by Resolve 2013, chapter 110;
4. Advising state agencies, the Legislature, Maine's congressional delegation, the Governor and federal entities on matters of coastal and ocean acidification;
5. Assisting the Legislature and the Governor with pending legislation related to coastal and ocean acidification including giving testimony at a public hearing on legislation before a joint standing committee of the Legislature;
6. Identifying and promoting economic development opportunities afforded by ocean acidification through development and commercialization of new technologies and businesses;
7. Recommending or submitting legislation to the Legislature relating to coastal and ocean acidification matters; and

*Joint Standing Committee on Marine Resources*

8. Holding public hearings to receive testimony and recommendations from members of the public and qualified experts on matters related to coastal and ocean acidification.

This bill also requires the council to submit an annual report to the Legislature and authorizes the council to accept funding from outside sources and contains a provision repealing the laws establishing the council December 31, 2018.

**LD 1502 An Act To Provide Flexibility in the Administration of the Elver Fishery**

**PUBLIC 391  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W LANGLEY B	OTP-AM	H-530

This bill requires the Commissioner of Marine Resources to set by rule prior to the start of the elver fishing season the weekly 48-hour closed period for elver harvesting to increase fishing opportunities. It eliminates the provision of current law that provides a weekly closed period from noon Friday to noon Sunday.

**Committee Amendment "A" (H-530)**

This amendment is the majority report of the committee.

This amendment replaces the bill and changes the title.

This amendment allows a license holder in the elver fishery to choose which type of elver fishing gear the license holder employs.

This amendment allows the Commissioner of Marine Resources to enter into an agreement with a federally recognized Indian tribe that does not require allocation of individual quota, as long as all elvers caught by the tribe, nation or band with whom the commissioner has entered into the agreement are tracked using elver transaction cards and reporting requirements are met.

This amendment provides that, in the absence of an agreement between the commissioner and a federally recognized Indian tribe, individual allocations of elver fishing quota are required. This amendment provides that the commissioner may adopt emergency rules to close the elver fishery to a federally recognized Indian tribe if the commissioner finds that the tribe, nation or band has authorized fishing under a license issued under the Maine Revised Statutes, Title 12 that will cause the tribe, nation or band to exceed its overall annual elver fishing quota. This amendment extends the end of the elver fishing season from May 31st to June 7th. This amendment removes the provision of law that prohibits the taking of elvers from noon Friday to noon Sunday. It also removes the prohibition on the use of an elver fyke net to take elvers from the St. Croix River and its tributaries.

**Enacted Law Summary**

Public Law 2016, chapter 391 allows a license holder in the elver fishery to choose which type of elver fishing gear the license holder employs. Public Law 2016, chapter 391 permits the Commissioner of Marine Resources to enter into an agreement with a federally recognized Indian tribe that does not require allocation of individual quota, as long as all elvers caught by the tribe, nation or band with whom the commissioner has entered into the agreement are tracked using elver transaction cards and existing reporting requirements are met. In the absence of an agreement between the commissioner and a federally recognized Indian tribe, individual allocations of elver fishing quota are required within the tribe, nation or land. The commissioner may adopt emergency rules to close the elver fishery to a federally recognized Indian tribe if the commissioner finds that the tribe, nation or band has authorized fishing under a license issued under the Maine Revised Statutes, Title 12 that will cause the tribe, nation or band to exceed its overall annual elver fishing quota.

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The end of the elver fishing season is extended from May 31st to June 7th.

Public Law 2016, chapter 391 removes the provision of law that prohibits the taking of elvers from noon Friday to noon Sunday and removes the prohibition on the use of an elver fyke net to take elvers from the St. Croix River and its tributaries.

### **LD 1503     An Act To Amend Lobster and Crab Fishing License Laws**

**PUBLIC 428  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W LANGLEY B	OTP-AM	H-588 S-435    BAKER L H-610    KUMIEGA W

This bill creates a new Class II limited lobster and crab fishing license, which provides the same benefits as a Class II lobster and crab fishing license except that the holder may fish up to 300 traps instead of the 800 traps allowed under a Class II license. The fee for the new Class II limited lobster and crab fishing license is \$136 for residents and \$793 for nonresidents, which is less than the fee for a resident or nonresident Class II license. Beginning January 1, 2017, this bill requires that the Commissioner of Marine Resources adopt rules establishing that the exit ratio in limited-entry lobster and crab fishing zones be based upon retired licenses only, instead of upon either retired licenses or retired trap tags.

This bill provides that a participant in the apprentice program under 23 years of age may receive a Class I, Class II, Class II limited or Class III lobster and crab fishing license and enter a limited-entry zone if the participant has received a high school diploma or high school equivalency diploma prior to attaining 23 years of age.

This bill prohibits the adoption of rules that would require a participant in the apprentice program who has registered to enter an island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. This bill also reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

This bill removes the special licensing fees for applicants who are 70 years of age or older.

#### **Committee Amendment "A" (H-588)**

This amendment is the majority report of the committee.

This amendment replaces the bill.

This amendment provides that a person who is under 23 years of age is eligible for a student lobster and crab fishing license if the person is attending school in accordance with compulsory attendance requirements or is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution.

This amendment provides that a person who is under 20 years of age, has completed the apprentice program and has received a high school diploma or general equivalency diploma may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone. This amendment provides that a person who is under 23 years of age, has completed the apprentice program, is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution and has been eligible for a student lobster and crab fishing license continuously since before the person attained 18 years of age may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone.

This amendment, like the bill, provides that an apprentice program may not require a person registered to enter an

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established island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. This amendment, like the bill, reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

This amendment requires that, when calculating the number of trap tags retired for purposes of applying an exit ratio, the number of trap tags retired is considered to be the total of the greatest number of trap tags purchased in any prior year under each license that is not renewed, up to the zone maximum. This amendment allows a lobster management policy council to recommend that an exit ratio be based upon licenses that are not renewed or upon retired trap tags and, if the ratio is based upon retired trap tags, whether the exit ratio should be applied retroactively to a specific date.

This amendment provides that a lobster management policy council must post an agenda publicly at least seven days prior to the council meeting if the agenda includes items that would affect the ability of people who do not hold lobster and crab fishing licenses to participate in the lobster and crab fishing industry.

This amendment requires the Commissioner of Marine Resources to maintain, for persons who have requested to declare a limited-entry zone as their declared lobster zone, a waiting list of persons who did not hold a lobster and crab fishing license in the prior year and a separate waiting list of persons who did hold a lobster and crab fishing license in the prior year. The commissioner must adopt rules to administer entry of persons who held a license in the prior year into limited-entry zones.

This amendment requires the Commissioner of Marine Resources to verify at least every three years the waiting lists of persons wishing to enter a limited-entry zone. A person who does not respond to a verification request within 90 days is removed from the waiting list. This amendment provides the commissioner with the authority to place a person who does not respond back on a waiting list in the position where the person would have otherwise been when the person shows that the lack of response was due to being on active duty with the Armed Forces of the United States or the National Guard.

This amendment changes the date by which the Commissioner of Marine Resources must determine the number of new zone entrants in each limited-entry zone from February 1st to April 1st.

### **Senate Amendment "A" To Committee Amendment "A" (S-435)**

This amendment adds an emergency preamble and emergency clause.

### **House Amendment "A" To Committee Amendment "A" (H-610)**

This amendment amends Committee Amendment "A" by adding a provision to the requirement that a person under 23 years of age has logged time fishing in the apprentice program, in addition to other requirements, to be eligible to declare a limited-entry zone as that person's declared lobster zone to also require that the person log time prior to attaining 18 years of age.

### **Enacted Law Summary**

Public Law 2016, chapter 428 provides that a person who is under 23 years of age is eligible for a student lobster and crab fishing license if the person is attending school in accordance with compulsory attendance requirements or is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution.

Public Law 2016, chapter 428 provides that a person who is under 20 years of age, has completed the apprentice program and has received a high school diploma or general equivalency diploma may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone. A person who is under 23 years of age, has logged time fishing in the apprentice program prior to attaining 18 years of age and has completed the apprentice program, in addition to other requirements, is eligible to declare a limited-entry zone as that person's

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declared lobster zone.

Public Law 2016, chapter 428, like the bill, provides that an apprentice program may not require a person registered to enter an established island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. Public Law 2016, chapter 428, like the bill, reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

Public Law 2016, chapter 428 requires that, when calculating the number of trap tags retired for purposes of applying an exit ratio, the number of trap tags retired is considered to be the total of the greatest number of trap tags purchased in any prior year under each license that is not renewed, up to the zone maximum. Public Law 2016, chapter 428 allows a lobster management policy council to recommend that an exit ratio be based upon licenses that are not renewed or upon retired trap tags and, if the ratio is based upon retired trap tags, whether the exit ratio should be applied retroactively to a specific date.

Public Law 2016, chapter 428 provides that a lobster management policy council must post an agenda publicly at least seven days prior to the council meeting if the agenda includes items that would affect the ability of people who do not hold lobster and crab fishing licenses to participate in the lobster and crab fishing industry.

Public Law 2016, chapter 428 requires the Commissioner of Marine Resources to maintain, for persons who have requested to declare a limited-entry zone as their declared lobster zone, a waiting list of persons who did not hold a lobster and crab fishing license in the prior year and a separate waiting list of persons who did hold a lobster and crab fishing license in the prior year. The commissioner must adopt rules to administer entry of persons who held a license in the prior year into limited-entry zones.

Public Law 2016, chapter 428 requires the Commissioner of Marine Resources to verify at least every three years the waiting lists of persons wishing to enter a limited-entry zone. A person who does not respond to a verification request within 90 days is removed from the waiting list. The commissioner may place a person who does not respond back on a waiting list in the position where the person would have otherwise been when the person shows that the lack of response was due to being on active duty with the Armed Forces of the United States or the National Guard.

Public Law 2016, chapter 428 changes the date by which the Commissioner of Marine Resources must determine the number of new zone entrants in each limited-entry zone from February 1st to April 1st.

**LD 1550     An Act To Protect Shellfish Conservation Areas**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY S KUMIEGA W		

This bill was not referred to committee.

This bill specifies that a person with a recreational or commercial shellfish or marine worm license may not harvest shellfish or marine worms within a buffer zone of 10 feet around protective netting placed as part of a municipal shellfish conservation program.

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## **SUBJECT INDEX**

### ***Aquaculture, Shellfish and Marine Worms***

#### **Not Enacted**

LD 1550      An Act To Protect Shellfish Conservation Areas      INDEF PP

### ***Commercial Fisheries Management***

#### **Enacted**

LD 1502      An Act To Provide Flexibility in the Administration of the Elver Fishery      PUBLIC 391  
EMERGENCY

LD 1503      An Act To Amend Lobster and Crab Fishing License Laws      PUBLIC 428  
EMERGENCY

### ***Marine Environment and Ocean Acidification***

#### **Enacted**

LD 427      Resolve, Directing Certain State Agencies To Consider the Effects of  
Marine Debris      RESOLVE 76

#### **Not Enacted**

LD 493      An Act To Create the Ocean Acidification Council      ONTP

### ***Threatened and Endangered Species***

#### **Not Enacted**

LD 405      An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon  
in Downeast Rivers      Majority  
(ONTP) Report

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



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

**JOINT STANDING COMMITTEE ON STATE AND  
LOCAL GOVERNMENT**

May 2016

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**LD 6      Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-52
	ONTP	H-87    KRUGER C

This resolve was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This resolve implements the recommendations of the Government Oversight Committee stemming from two reports of the Office of Program Evaluation and Government Accountability: "Public Utilities Commission" and "Healthy Maine Partnerships' FY13 Contracts and Funding." The resolve directs the Department of Administrative and Financial Services to take certain steps to strengthen the ethics standards and practices for executive branch employees by developing a consolidated code based in part on recommendations contained in a December 2009 report to the Legislature from the Commission on Governmental Ethics and Election Practices entitled "Report on Ethics Laws for Executive Branch Employees." This resolve also requires the department to implement procedures for employees to seek guidance on ethics and to report potential ethics violations. The committee is also authorized to recommend to the Legislative Council a similar code of ethics and conduct for use by the Legislature.

**Committee Amendment "A" (H-52)**

This amendment is the majority report of the committee. It adds an appropriations and allocations section to the resolve.

**House Amendment "A" To Committee Amendment "A" (H-87)**

This amendment reduces from five to one the number of new positions authorized in the committee amendment and reduces the costs appropriated accordingly. This amendment also amends the reporting language to allow for the possibility that there may be implementation work going on beyond December 1, 2015.

**LD 166      An Act To Allow Counties To Better Provide Rescue Services      **Died Between Houses****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS R DUTREMBLE D	OTP-AM	H-513

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows York County Government to provide rescue services pursuant to the law governing counties' provision of ambulance services.

**Committee Amendment "B" (H-513)**

This amendment replaces the substance of the bill, which applies only to York County. It changes the title and removes language in current law that provides that a county may provide rescue services through the sheriff's department and instead provides that each county may provide rescue services to the entire county, omitting municipalities that ask to be excluded, or by municipal-county contracts to municipalities that enter into contracts as long as county tax revenues are not used to support the services. It also makes minor nonsubstantive technical

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changes to reflect current usage.

**LD 1190      An Act To Amend the Androscoggin County Charter      ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 and proposes to amend the Androscoggin County charter.

**LD 1206      An Act To Allow County Corrections Officers To Participate in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R PATRICK J	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows county corrections officers to participate in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program and renames the program and related fund accordingly.

**LD 1286      An Act To Ensure the Use of Environmentally Responsible Insulation Materials in Taxpayer-funded Building Projects      Died Between Houses**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill requires the use of insulation with a low global-warming potential for all state-funded new building construction and substantial renovations of existing buildings. This bill also specifies that school administrative units; the Department of Administrative and Financial Services, Bureau of General Services, Division of Purchases; University of Maine System; Maine Community College System; the Maine State Housing Authority; and the Efficiency Maine Trust must use or require to be used low global-warming potential insulation in any state-funded new building construction or substantial renovation or any building constructed for the purpose of leasing or the substantial renovation of a leased building.

**Committee Amendment "A" (S-386)**

This amendment is the majority report of the committee. The amendment adds a mandate preamble. It provides that the requirement in the bill for the installation of insulation with a global warming potential of 10 or less for state-funded new construction or substantial renovations begins on October 1, 2017. It also provides that the requirement in the bill for the installation of insulation with a global warming potential of 10 or less for any building constructed or substantially renovated that is leased or will be leased to the specific entities listed in the bill

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begins on October 1, 2017.

This amendment was not adopted.

**LD 1298    An Act Relating to the Creation of Public-private Facilities and Infrastructure**

**Died Between Houses**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill authorizes and establishes a framework for governmental entities to enter into agreements with private entities and persons to develop or operate qualifying projects, including, but not limited to, ferries, mass transit facilities, vehicle parking facilities, port facilities, power generation facilities, fuel supply facilities, oil or gas pipelines, water supply facilities, public works facilities, waste treatment facilities, hospitals, schools, medical facilities, nursing care facilities and recreational facilities.

**Committee Amendment "A" (H-575)**

This amendment is the minority report and strikes and replaces the bill. It changes the title and amends Maine's procurement laws instead of, as in the bill, establishing a framework for governmental entities to enter into agreements with private entities and persons to develop or operate qualifying projects.

This amendment expands what can be purchased cooperatively by the State for other public entities. It adds "goods" and "commodities" to the list of terms under the scope of the purchasing authority of the Department of Administrative and Financial Services, Bureau of General Services. It replaces the term "services" with "labor, time or effort" by a contractor or vendor and removes the definition of "services." It provides that the Director of the Bureau of General Services may enter into or participate in multistate agreements when it is in the best interests of the State. The director may also enter into or participate in competitively awarded agreements from the United States Government, other state and local governments or other public entities when the competitive process is similar to the State's.

The amendment updates language regarding reasons for which a waiver of competition can be granted by the bureau. The language provides consistency and updates current practices to better reflect current markets, including the addition of natural gas and electricity. It also increases from \$10,000 or less to \$25,000 or less the amount of expenditures under which the director may waive competitive bidding if procurement from a single source is the most economical, effective and appropriate.

The amendment expands what the bureau must consider when determining the best-value bidder for any goods or services to be consistent with competitive bidding documents. It clarifies how to remedy tie bids.

The amendment provides that rules of the State Purchasing Agent that govern the procedure for reviewing competitive bids include the requirement that written records of the evaluation of bids be kept.

This amendment was not adopted.

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**LD 1325 An Act To Ensure a Public Process When Discontinuing or Abandoning  
a Public Road**

**PUBLIC 464**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C VALENTINO L	OTP-AM	H-558 S-414 LIBBY N

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill changes the laws governing discontinued and abandoned roads.

Under current law, a presumption of abandonment exists if a municipality fails to keep a way passable for the use of motor vehicles at the expense of the municipality for a period of 30 or more years. This bill eliminates that presumption for ways that have not met that statutory requirement by January 1, 2020. Instead, for all other public ways, the bill provides a new discontinuance process, which is the only means for a municipality to actively terminate its interests in a public way. The new discontinuance process specifies five steps a municipality must follow to discontinue a road: the notification of proposed discontinuance to the abutting property owners; a meeting of municipal officers to discuss the proposed discontinuance and the filing of an order of discontinuance specifying whether or not there will be a public easement and any public use restrictions or municipal maintenance and liability responsibilities for the public easement; a public hearing on the discontinuance; approval of the order of discontinuance by the municipal legislative body; and the filing of the certificate of discontinuance by the municipal clerk in the registry of deeds and with the municipality. The bill requires the abutters of a public easement that is discontinued to be granted a right-of-way. The municipality may charge a reasonable fee to fulfill any request for records obtained by the municipality from the registry of deeds.

The bill continues to exempt a municipality from liability for nonperformance of a legal duty with respect to a town or county way that has not been kept passable for the use of motor vehicles at the expense of that municipality for a period of 30 or more years.

It requires that a public easement must be retained in a discontinued road if abutting property owners need to use it to access their property. It also provides that a public utility easement will be in place whenever a road is discontinued, regardless of whether a public easement is retained.

A way that is presumptively abandoned retains a public easement, as is the default position under current law. The bill does not modify common law abandonment.

The bill allows a municipality to prepare a list of all town ways in that municipality that are currently maintained with public funds; a list of all town ways that have been discontinued since 1965 and whether or not a public easement was retained, if known; and a list of all town ways that have been abandoned since 1965 and whether or not a public easement was retained, if known. If a municipality prepares a list, the municipality must publish the list on its publicly accessible website or make copies available at the municipal office, for which the municipality may charge a reasonable fee. The municipality must record the list at the county registry of deeds.

**Committee Amendment "A" (H-558)**

This amendment retains the new discontinuance process proposed in the bill for a municipality to actively terminate its interests in a public way. The bill requires that if a public easement is to be retained the municipal officers identify the extent of municipal maintenance and liability responsibilities and any restrictions on how the public may use the public easement. The amendment instead specifies that when filing an order of discontinuance the municipal officers must specify whether or not a public easement is retained, and, if this is not specified, the public easement is retained. The new discontinuance process proposed in the bill specifies steps a municipality must

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follow to discontinue a road: the notification of proposed discontinuance to the abutting property owners; a meeting of municipal officers to discuss the proposed discontinuance and the filing of an order of discontinuance; a public hearing on the discontinuance; approval of the order of discontinuance by the municipal legislative body; and the filing of the certificate of discontinuance by the municipal clerk in the registry of deeds and with the municipality. The amendment adds that the municipal clerk must provide a photocopy of the certificate to the Department of Transportation, Bureau of Maintenance and Operations and removes the requirement that the clerk file the certificate with the municipality.

The amendment removes from the bill the requirement that abutters of a public easement must be granted a right-of-way prior to the filing of a certificate of discontinuance if a discontinuance order is approved.

The amendment removes language in the bill that eliminates presumption of abandonment for ways that do not meet the statutory requirements by January 1, 2020. Statutory abandonment remains a means for a municipality to actively terminate its interests in a public way.

The amendment retains the provision of the bill that provides that a public utility easement is in place whenever a road is discontinued, regardless of whether a public easement is retained.

The amendment retains the provision of the bill that provides that a municipal clerk must file a record with the registry of deeds that a town way has been discontinued by abandonment if, either on their own or after being presented with evidence of abandonment, the municipal officers determine that a town way has been discontinued by abandonment. The amendment requires the municipal clerk to provide a copy of the document to the Department of Transportation, Bureau of Maintenance and Operations.

The amendment retains language in the bill regarding a cause of action for a property owner whose property abuts a discontinued or abandoned road with a public easement. The property owner may bring a civil action in Superior Court for damages and injunctive relief against a person who causes damage to the road. The amendment excludes from civil liability law enforcement officers and emergency responders who damage the road while responding to an emergency.

Instead of, as in the bill, allowing a municipality to prepare a list of all town ways in the municipality maintained with public funds, a list of all town ways discontinued since 1965 and whether or not a public easement was retained and a list of all town ways abandoned since 1965 and whether or not a public easement was retained, the amendment allows a municipality to develop or update publicly available inventories of all known town ways and former town ways or segments of town ways, that have been discontinued or discontinued by abandonment within its borders. Municipalities may include the following information on discontinued town ways: a description of the town way or former town way; any known judicial determination regarding the status of a public easement on the former town way; the date of the discontinuance; and the governmental entity effecting the discontinuance. Municipalities may include the following for town ways discontinued by abandonment: a description of the town way or former town way; any known judicial determination regarding the status of a public easement on the former town way; and the last known date of regular, publicly funded maintenance of the town way or former town way or segment of the town way. Municipalities may share their inventories with the Department of Transportation, Bureau of Maintenance and Operations.

The Department of Transportation is required to update the joint standing committee of the Legislature having jurisdiction over state and local government matters by November 1, 2018 on the status of any road inventories developed by municipalities.

The fiscal note on the amendment identifies a requirement in this amendment as a potential insignificant 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 provisions identified as a potential mandate do not require a local unit of government to

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expand or modify its activities so as to necessitate additional expenditures from local revenue.

The requirement in the amendment that a municipality make an appropriate filing in the registry of deeds if it makes a final determination that a road has been abandoned does not require an expansion or modification of activities so as to necessitate additional expenditures from local revenue since there is no requirement that a municipality abandon one of its roads or determine the road has been abandoned. The amendment requires only that a municipality take the appropriate legal step of recording a determination of abandonment if the municipality chooses to make such a determination.

**Senate Amendment "A" To Committee Amendment "A" (S-414)**

This amendment restores the mandate preamble.

**Enacted Law Summary**

Public Law 2015, chapter 464 outlines specific steps a municipality must follow to discontinue a road: the notification of proposed discontinuance to the abutting property owners; a meeting of municipal officers to discuss the proposed discontinuance and the filing of an order of discontinuance; a public hearing on the discontinuance; approval of the order of discontinuance by the municipal legislative body; and the filing of the certificate of discontinuance by the municipal clerk in the registry of deeds and with the municipality. It specifies that when filing an order of discontinuance the municipal officers must specify whether or not a public easement is retained, and, if this is not specified, the public easement is retained. Public Law 2015, chapter 464 requires the municipal clerk to provide a photocopy of the certificate of discontinuance to the Department of Transportation, Bureau of Maintenance and Operations.

Public Law 2015, chapter 464 provides that a public utility easement is in place whenever a road is discontinued, regardless of whether a public easement is retained.

Public Law 2015, chapter 464 provides that a municipal clerk must file a record with the registry of deeds that a town way has been discontinued by abandonment if, either on their own or after being presented with evidence of abandonment, the municipal officers determine that a town way has been discontinued by abandonment. It requires the municipal clerk to provide a copy of the document to the Department of Transportation, Bureau of Maintenance and Operations.

**LD 1328      An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A TEPLER D	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill creates the following provisions.

1. A municipality or its caretaker may access an ancient burying ground on privately owned land annually or as determined by the municipality or its designated caretaker.
2. A municipality or its designated caretaker may use photography, video recording, geographic positioning systems and transcription of grave marker inscriptions to document condition and preserve historic information in a burying ground.
3. A municipality or its designated caretaker may use ground-penetrating radar or other methods to determine the

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location of unmarked graves and cemetery boundaries.

4. A person who owns land that contains an ancient burying ground must provide a descendant or relative of a person buried in the ancient burying ground, or a descendant or relative's designated agent, access to the ancient burying ground for the purposes of protecting or preserving it.
5. A municipal clerk of the municipality where an ancient burying ground is located must notarize a document allowing access to an ancient burying ground on privately owned land to a descendant or relative of a person buried in an ancient burying ground or the designated agent of the descendant or relative by the person who owns the parcel of land.
6. A descendant or relative of a person buried in an ancient burying ground, or the agent of a descendant or relative, may use photography, video recording, geographic positioning systems and transcription of grave marker inscriptions to document condition and preserve historic information in the burying ground. A descendant or relative of a person buried in an ancient burying ground, or the designated agent of a descendant or relative, may also erect and repair fencing and repair gravestones.
7. A descendant or relative of a person buried in an ancient burying ground or the designated agent of a descendant or relative may employ a person to use ground-penetrating radar or other methods to determine the location of unmarked graves and cemetery boundaries.
8. The inability to locate a record of a burying ground at a registry of deeds in the county in which the burying ground is located or in the records of the municipal clerk of the municipality in which the burying ground is located does not negate ownership of the burying ground.
9. If a descendant or relative of a person buried in the burying ground, or the designated agent of a descendant or relative, a municipality or its designated agent, a historical society, a lineage society or the faculty of an educational institution is unable to locate records of a burying ground, that individual or entity may file a description of the location and boundaries of the burying ground, along with supporting documentation, with the municipal clerk of the municipality where the burying ground is located.
10. The inability to locate a record of a family burying ground at a registry of deeds of the county in which the family burying ground is located or in the records of the municipal clerk of the municipality in which the family burying ground is located does not negate ownership of a family burying ground by descendants or relatives of a person buried in the family burying ground.
11. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may file a description of the location and boundaries of the burying ground, along with supporting documentation, with the municipal clerk of the municipality where the burying ground is located. If a descendant or relative of a person buried in a family burying ground cannot be located, the municipality or its designated agent, a historical society, a lineage society or the faculty of an educational institution may file the description of the burying ground.
12. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may use photography, video recording, geographic positioning systems and transcription of grave marker inscriptions to document condition and preserve historic information in the burying ground. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may also erect and repair fencing and repair gravestones.
13. A descendant or relative of a person buried in a family burying ground, or the designated agent of a descendant or relative, may employ a person to use ground-penetrating radar or other methods to determine the location of unmarked graves and cemetery boundaries.

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14. A relative of a person interred in a family burying ground is given an easement to access the burying ground if a property surrounding the burying ground is conveyed in a way that makes it inaccessible from any public way. Current statute already gives this benefit to the spouse, ancestors and descendants of a person interred in a family burying ground. Under this bill, the easement may be used only during daylight hours, and the property owner must designate the direct route a person must use to access the family burying ground.

15. The property owner who gives access to the spouse, ancestors, descendants and relatives of a person interred in a family burying ground is not liable for any injuries sustained by a person accessing the burying ground by the designated direct route or within the boundaries of the burying ground.

**LD 1456      Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey Approximately 0.75 Acre of Land in Madrid Township to the Madrid Historical Society      RESOLVE 67**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-377

This resolve authorizes the Commissioner of Administrative and Financial Services to convey a parcel of land of about 0.75 acre that abuts the Madrid Historical Society to the Madrid Historical Society.

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

This amendment retains the substance of the resolve and adds the following provisions.

1. It defines "state property" and "commissioner" for the purposes of the resolve.
2. It makes a clarification regarding the ownership of a parcel of land abutting the parcel to be sold.
3. It clarifies that the State acquired the parcel of land upon the deorganization of the Town of Madrid.
4. It authorizes the Commissioner of Administrative and Financial Services to negotiate and execute purchase and sale agreements and provides that the title of the property must be transferred from the State by quitclaim deed without covenant or release deed to the Madrid Historical Society.
5. It exempts the transfer from any statutory or regulatory requirement that the property be offered to a state or local agency or offered through competitive bidding.
6. It specifies that any proceeds from a sale must be deposited in the Unorganized Territory Education and Services Fund.
7. It provides that the resolve is repealed five years after its effective date.

**Enacted Law Summary**

Resolve 2015, chapter 67 authorizes the Commissioner of Administrative and Financial Services to convey a parcel of land of about 0.75 acre that abuts the Madrid Historical Society to the Madrid Historical Society. It authorizes the Commissioner of Administrative and Financial Services to negotiate and execute purchase and sale agreements and provides that the title of the property must be transferred from the State by quitclaim deed without covenant or release deed to the Madrid Historical Society. Resolve 2015, chapter 67 exempts the transfer from any statutory or regulatory requirement that the property be offered to a state or local agency or offered through competitive bidding and specifies that any proceeds from a sale must be deposited in the Unorganized Territory Education and Services Fund. It also provides that the resolve is repealed five years after its effective date.

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**LD 1504 An Act To Establish November 1st as Veterans in the Arts and Humanities Day**

**PUBLIC 399**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R	OTP-AM	H-535

This bill establishes November 1st as Veterans in the Arts and Humanities Day to celebrate the significant contributions of veterans of the United States Armed Forces in the arts and humanities.

**Committee Amendment "A" (H-535)**

This amendment provides that the Governor may annually issue a proclamation urging the people of the State to observe Veterans in the Arts and Humanities Day with appropriate celebration and activity instead of requiring the Governor to do so as stated in the bill.

**Enacted Law Summary**

Public Law 2015, chapter 399 establishes November 1st as Veterans in the Arts and Humanities Day to celebrate the significant contributions of veterans of the United States Armed Forces in the arts and humanities. Public Law 2015, chapter 399 provides that the Governor may annually issue a proclamation urging the people of the State to observe Veterans in the Arts and Humanities Day with appropriate celebration and activity.

**LD 1525 An Act To Encourage the Purchase of Products Made in Maine and in the United States and To Give Preference to Maine Businesses When Awarding Contracts**

**Died Between Houses**

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

This bill requires that all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work made by a state department, agency, board, commission or institution contain a provision that the manufactured goods, including iron and steel, used or supplied in the performance of the contract or any subcontract under the contract must be manufactured in Maine or in the United States. This requirement does not apply to counties, municipalities or school administrative units.

The bill requires that, in the case of a manufactured good other than an iron or steel product, all of the manufacturing processes take place in Maine or in the United States and the origin of the manufactured good's components or subcomponents meet a minimum level of domestic content as established by rule.

The bill provides that a public agency 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 Maine or in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in Maine or 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 regarding this legislation, including rules to guide the waiver process and the process for public review and comment regarding requests for a waiver.

The bill requires that if the Department of Administrative and Financial Services has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a

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manufactured good or has intentionally violated any provision of this legislation, 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 gives preference in the awarding of contracts to businesses located in the State.

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.

**Committee Amendment "A" (S-459)**

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

1. It changes the title of the bill.
2. It amends the bill to clarify that the law's application must be consistent with all applicable trade obligations and not only with the State's international trade obligations.
3. It amends the bill to include the University of Maine System, the Maine Community College System and the Maine Maritime Academy in the definition of "public agency."
4. It establishes the seven-member Procurement Review Board, which must review proposals, bids, contract renewals and amendments to, extensions of and changes to existing contracts valued over \$1,000,000 and, upon a majority vote of the board, may review proposals, bids, contract renewals and amendments to, extensions of and changes to existing contracts valued under \$1,000,000. The Attorney General and Treasurer of State serve as nonvoting members of the board.
5. It requires the Procurement Review Board to meet at least twice per month in person and make records and minutes of meetings accessible to the public.
6. It sets out requirements for sole source contracts under review by the board.
7. It requires each applicable state department and agency to notify the board and applicable legislative committee of jurisdiction within three months of determining that a contract has resulted in a cost overrun.
8. It adds an appropriations and allocations section.

This amendment was not adopted.

**Committee Amendment "B" (S-460)**

This amendment is the minority report of the committee and strikes and replaces the bill. It changes the title and requires the use of scoring criteria on service contracts expected to exceed \$100,000 and printing service contracts expected to exceed \$5,000 to evaluate a bidder's economic impact on Maine's economy and state revenues.

This amendment was not adopted.

**LD 1560 An Act To Strengthen Intragovernment Communication**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R POULIOT M	OTP ONTP	

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This bill requires the commissioner or director of a state agency, which includes executive branch departments and quasi-independent agencies, to appear before a joint standing committee of the Legislature or a study commission or work group formed by legislative action and to participate in the hearing and work sessions of that committee, commission or work group. The committee, commission or work group must request the attendance of the commissioner or director in writing and provide the date and time of the hearing or work session.

**LD 1588      An Act To Require That Public Postsecondary Educational Institutions in the State Give Preference to Maine Producers When Entering into Contracts Related to Heating Fuel** **Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAUCIER R CUSHING A	OTP-AM ONTP	

This bill requires the University of Maine System, the Maine Maritime Academy and the Maine Community College System, when entering into a contract for heating fuel, to give preference to companies producing that type of heating fuel in the State.

**Committee Amendment "A" (H-564)**

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

This amendment was not adopted.

**LD 1600      An Act Regarding Consent to Land Transfers to the Federal Government** **PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	ONTP OTP-AM	H-571

This bill amends the laws governing the consent that is given by the State to the Federal Government to acquire land to require that such an acquisition include a reverter clause to apply in the event the Federal Government attempts to designate such land a national monument.

**Committee Amendment "A" (H-571)**

This amendment is the minority report of the committee. It removes the requirement for a reverter clause in a deed and conveyance or title papers in the event that land is given by the State to the Federal Government and the Federal Government attempts to designate such land a national monument. It adds language specifying that, in the case of designation of property as a national monument, the consent of the Legislature is not given to the Federal Government for the acquisition of land.

**Enacted Law Summary**

Public Law 2015, chapter 458 specifies that, in the case of designation of property as a national monument, the consent of the Legislature is not given to the Federal Government for the acquisition of land.

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**LD 1609 An Act To Designate the Maine Lobster as the State Crustacean**

**PUBLIC 426**

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

This bill designates the Maine lobster as the official state crustacean.

**Enacted Law Summary**

Public Law 2015, chapter 426 designates the Maine lobster as the official state crustacean.

**LD 1624 An Act To Eliminate Inactive Boards and Commissions**

**PUBLIC 491**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-598

This bill eliminates boards and commissions that have reported inactivity during 2014 and 2015. The boards and commissions eliminated for inactivity are:

1. The Aquaculture Advisory Council;
2. The ATV Trail Advisory Council;
3. The Citizens' Code of Conduct Working Group;
4. The Judicial Compensation Commission;
5. The Legislative Youth Advisory Council;
6. The Maine Agricultural Water Management Board;
7. The Maine Biomedical Research Board;
8. The Maine Quality Forum Advisory Council; and
9. The Tobacco Prevention and Control Advisory Council.

This bill is reported out by the Joint Standing Committee on State and Local Government pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2. As authorized by the law, and based on the Secretary of State's submission of recommendations regarding which boards and commissions to eliminate, the bill eliminates boards and commissions that have been inactive during the preceding 24 months.

**Committee Amendment "A" (H-598)**

This amendment removes from the bill the Aquaculture Advisory Council, the Judicial Compensation Commission, the Maine Agricultural Water Management Board, the Maine Biomedical Research Board, the Maine Quality Forum Advisory Council and the Tobacco Prevention and Control Advisory Council. This leaves the ATV Trail Advisory Council, the Citizens' Code of Conduct Working Group and the Legislative Youth Advisory Council to be eliminated

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for inactivity, as proposed in the bill.

This amendment also deappropriates savings related to the elimination of the Legislative Youth Advisory Council.

**Enacted Law Summary**

Public Law 2015, chapter 491 eliminates the following boards and commissions due to inactivity during 2014 and 2015: the ATV Trail Advisory Council, the Citizens' Code of Conduct Working Group and the Legislative Youth Advisory Council.

**LD 1633      An Act Authorizing the Deorganization of Cary Plantation      ONTP**

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

This bill provides for the deorganization of Cary Plantation in Aroostook County, subject to approval at local referendum.

**LD 1635      An Act Authorizing the Deorganization of Oxbow Plantation      P & S 17**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	OTP-AM	H-572

This bill provides for the deorganization of Oxbow Plantation in Aroostook County, subject to approval at local referendum and execution of a withdrawal agreement from School Administrative District No. 32, also known as Regional School Unit No. 32.

**Committee Amendment "A" (H-572)**

This amendment corrects the name in the bill of the deorganized township to Oxbow North Township.

**Enacted Law Summary**

Private and Special Law 2015, chapter 17 provides for the deorganization of Oxbow Plantation in Aroostook County, subject to approval at local referendum and execution of a withdrawal agreement from School Administrative District No. 32, also known as Regional School Unit No. 32. Upon successful deorganization, the former Oxbow Plantation will be identified as Oxbow North Township.

**LD 1637      An Act To Assist Maine Citizens Residing along Public Easements      Accepted Majority (ONTP) Report**

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

This bill requires a municipality that discontinues a town way but that retains a public easement on that town way to continue to maintain that public easement, at the expense of the municipality, so that it is reasonably passable by motor vehicles if there are legal residences on the property abutting the town way at the time of discontinuance. If a municipality discontinues a town way and specifically discontinues the public easement on that town way, the

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interests of the municipality pass to the abutting property owners to the center of the town way and the municipality is not required to keep the town way passable. As defined in current law, a town way includes a county way not discontinued prior to July 29, 1976.

This bill also requires a municipality to maintain a mail route located on a right-of-way held by the municipality to the standard required by United States Postal Service regulations.

**Committee Amendment "A" (H-607)**

This amendment is the minority report of the committee. This amendment removes the section of the bill relating to maintenance of public easements if retained or not retained at the time of discontinuance. It replaces "right-of-way" with "public easement" in the mail route section and retains current statutory language regarding the removal of snow fences by a municipality.

This amendment was not adopted.

**LD 1652 An Act Regarding Municipal Immigration Policies**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L BRAKEY E		

This bill was not referred to committee.

This bill provides that a municipality is ineligible to receive general purpose aid for local schools, municipal general assistance and state-municipal revenue sharing if that municipality prohibits or restricts, formally or informally, the exchange of information with the federal Immigration and Naturalization Service or any other federal, state or local government entity regarding the immigration status, lawful or unlawful, of any individual or the maintenance of such information.

This amendment was not adopted.

**LD 1658 An Act To Reform the Veteran Preference in State Hiring and Retention**

**PUBLIC 438**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANINGTON S CYRWAY S	OTP-AM	H-622

Current law provides that, in making appointments to positions in the classified service, preference in the form of points added to test scores must be given to honorably separated veterans of the Armed Forces of the United States and to the spouse of a disabled veteran, the widow or widower of a veteran and the parents of a deceased veteran who lost his or her life under honorable conditions while serving on active duty. This bill repeals that language and provides preference in the form of an interview to any person who has served on active duty in the United States Armed Forces including the Reserves of the United States Armed Forces and the National Guard and received a discharge other than dishonorable and who meets the minimum qualifications established for a position.

The bill also repeals the provision that authorizes certain veterans and certain family members of disabled or deceased veterans to file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement.

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**Committee Amendment "A" (H-622)**

This amendment expands the benefits in the bill for veterans to apply to gold star spouses. A gold star spouse is a widow or widower of a veteran who is eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

**Enacted Law Summary**

Public Law 2015, chapter 438 repeals statutory language regarding preference given to veterans in making appointments to positions in the classified service, preference in the form of points added to test scores that must be given to honorably separated veterans of the Armed Forces of the United States and to the spouse of a disabled veteran, the widow or widower of a veteran and the parents of a deceased veteran who lost his or her life under honorable conditions while serving on active duty. It also repeals the provision that authorizes certain veterans and certain family members of disabled or deceased veterans to file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement.

Public Law 2015, chapter 438 instead gives preference in the form of an interview to any person who has served on active duty in the United States Armed Forces, including the Reserves of the United States Armed Forces and the National Guard, and received a discharge other than dishonorable and who meets the minimum qualifications established for a position. The preference also applies to gold star spouses, widows or widowers of veterans who are eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

**LD 1663 An Act To Promote Recruitment and Retention of State Employees**

**Died Between Houses**

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

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

1. Current law provides that the laws governing the state civil service system are not intended to limit or restrict the rights of state employees to bargain collectively. This bill strikes that language and instead provides that the laws governing the state civil service system provide a framework under which collective bargaining can take place.
2. Current law provides that, except as provided in statute, a position may not be assigned a salary that is greater than the maximum or lower than the minimum rates fixed in the compensation plan. This bill repeals that prohibition.
3. It changes the law governing recruitment and retention adjustments to remove the requirement that, if applicable, the Director of Human Resources within the Department of Administrative and Financial Services obtain the agreement of the bargaining agent.
4. It amends the law governing the conditions that justify the payment of a recruitment and retention adjustment by adding the existence of other documentable recruitment and retention difficulties as a condition warranting the adjustment, and eliminating the existence of a clear, geographically definable labor market within which the State must compete as a condition warranting the adjustment.
5. It specifies that, if a subsequent review of any recruitment and retention adjustment results in an adjustment being decreased or discontinued, an affected employee may not be subject to a reduction in pay.
6. It eliminates the requirement that, if a funding request is necessary to implement an approved adjustment, the

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Director of Human Resources submit the cost items for inclusion in the Governor's next operating budget within 10 days after action on the report recommending the adjustment.

7. It specifies that salary increases within an established range must be based upon meritorious performance, which is defined as performance that exceeds satisfactory performance.

8. It provides that, in hiring an employee who has not been employed by the executive branch within the immediately preceding 12 months, an agency may offer and pay a one-time recruitment bonus to the new employee that is subject to the discretion of the agency and is removed from collective bargaining.

**LD 1664      An Act To Enable the State To Hire Qualified Applicants for Vital State Jobs** **Accepted Majority (ONTP) Report**

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

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

Current law provides that the Director of Human Resources within the Department of Administrative and Financial Services may establish policies and procedures to allow departments and agencies to administer the tests and to interview persons taking the tests. This bill provides that the director may establish policies and procedures to allow departments and agencies to administer tests and conduct interviews.

Current law provides that an application for a position in State Government may not be rejected solely because the applicant lacks educational qualifications and specifies that acceptable equivalent combinations of appropriate experience or education may be substituted for formal educational qualifications, except where the educational qualifications are reflected in necessary registrations or federal standards. This bill repeals that provision.

**LD 1668      An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System** **PUBLIC 442**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM	S-449

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

1. It specifies that, prior to implementing procedures regarding developing and implementing a system of registers of eligible persons, the Director of Human Resources within the Department of Administrative and Financial Services is required to meet and consult with collective bargaining representatives of affected employees.

2. Current law limits the length of time a person in a temporary position may remain in that temporary position to no more than one year. This bill removes that limitation.

3. It eliminates the requirement that the Director of Human Resources place the names of eligible persons on the register in order of their ratings.

4. It repeals language providing that a person may not be removed from the register of eligible persons for failure to respond in less than three months' time to a written inquiry of the Director of Human Resources or appointing authority regarding availability for appointment. It also repeals language providing that a person may not be

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removed from the register of eligible persons for failure to be appointed to a position following certification.

5. It specifies that the Director of Human Resources within the Department of Administrative and Financial Services may grant an extension of temporary employment beyond one year to a person in a temporary position when the extension is warranted by unusual circumstances.

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

This amendment specifies that the Director of Human Resources within the Department of Administrative and Financial Services may grant an extension of temporary employment beyond one year to a person in a temporary position when the extension is warranted by unusual circumstances.

**Enacted Law Summary**

Public law 2015, chapter 442 makes the following changes to the law relating to recruitment, hiring and retention of state employees.

1. It specifies that, prior to implementing procedures regarding developing and implementing a system of registers of eligible persons, the Director of Human Resources within the Department of Administrative and Financial Services is required to meet and consult with collective bargaining representatives of affected employees.
2. It specifies that the Director of Human Resources within the Department of Administrative and Financial Services may grant an extension of temporary employment beyond the one year limitation in current law to a person in a temporary position when the extension is warranted by unusual circumstances.
3. It eliminates the requirement that the Director of Human Resources place the names of eligible persons on the register in order of their ratings.
4. It repeals language providing that a person may not be removed from the register of eligible persons for failure to respond in less than three months' time to a written inquiry of the Director of Human Resources or appointing authority regarding availability for appointment. It also repeals language providing that a person may not be removed from the register of eligible persons for failure to be appointed to a position following certification.
5. It specifies that the Director of Human Resources within the Department of Administrative and Financial Services may grant an extension of temporary employment beyond one year to a person in a temporary position when the extension is warranted by unusual circumstances.

**LD 1679    An Act To Increase the Salary of the Governor and the Salary of Legislators upon Reduction in the Size of the Legislature**

**Accepted Majority (ONTP) Report**

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

This bill increases the Governor's salary from \$70,000 per year to \$150,000 per year beginning January 2019.

The bill also increases the salaries of members of the Senate and House of Representatives by 25% if the number of members of the Senate is reduced to 25 or fewer and the number of members of the House of Representatives is reduced to 100 or fewer.

**Committee Amendment "A" (H-646)**

This amendment is the minority report of the committee. It removes language from the bill that removes the



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## **SUBJECT INDEX**

### **Boards and Commissions**

#### **Enacted**

LD 1624      An Act To Eliminate Inactive Boards and Commissions      PUBLIC 491

### **Cemeteries**

#### **Not Enacted**

LD 1328      An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds      ONTP

### **County Government**

#### **Not Enacted**

LD 166      An Act To Allow Counties To Better Provide Rescue Services      Died Between Houses

LD 1190      An Act To Amend the Androscoggin County Charter      ONTP

LD 1206      An Act To Allow County Corrections Officers To Participate in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program      ONTP

### **Departments and Agencies of State Government**

#### **Enacted**

LD 1658      An Act To Reform the Veteran Preference in State Hiring and Retention      PUBLIC 438

LD 1668      An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System      PUBLIC 442

#### **Not Enacted**

LD 6      Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees      Died On Adjournment

LD 1525      An Act To Encourage the Purchase of Products Made in Maine and in the United States and To Give Preference to Maine Businesses When Awarding Contracts      Died Between Houses

LD 1560      An Act To Strengthen Intragovernment Communication      Died On Adjournment

LD 1663      An Act To Promote Recruitment and Retention of State Employees      Died Between Houses

LD 1664      An Act To Enable the State To Hire Qualified Applicants for Vital State Jobs      Majority (ONTP) Report

### **Discontinued and Abandoned Roads**

#### **Enacted**

LD 1325      An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road      PUBLIC 464

#### **Not Enacted**

LD 1637      An Act To Assist Maine Citizens Residing along Public Easements      Majority (ONTP) Report

### **Holidays**

#### **Enacted**

LD 1504      An Act To Establish November 1st as Veterans in the Arts and Humanities Day      PUBLIC 399

### **Legislature and Legislative Process**

#### **Not Enacted**

LD 1680      RESOLUTION, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF MAINE TO REDUCE THE NUMBER OF REPRESENTATIVES AND SENATORS IN THE LEGISLATURE      ONTP

### **Miscellaneous**

#### **Enacted**

LD 1600      An Act Regarding Consent to Land Transfers to the Federal Government      PUBLIC 458  
LD 1609      An Act To Designate the Maine Lobster as the State Crustacean      PUBLIC 426

#### **Not Enacted**

LD 1286      An Act To Ensure the Use of Environmentally Responsible Insulation Materials in Taxpayer-funded Building Projects      Died Between Houses  
LD 1298      An Act Relating to the Creation of Public-private Facilities and Infrastructure      Died Between Houses  
LD 1588      An Act To Require That Public Postsecondary Educational Institutions in the State Give Preference to Maine Producers When Entering into Contracts Related to Heating Fuel      Died Between Houses  
LD 1652      An Act Regarding Municipal Immigration Policies      Died On Adjournment  
LD 1679      An Act To Increase the Salary of the Governor and the Salary of Legislators upon Reduction in the Size of the Legislature      Majority (ONTP) Report  
LD 1681      An Act To Clarify the Appointment Process      Died Between Houses

**Municipalities and Quasi-Municipalities**

**Enacted**

LD 1635      An Act Authorizing the Deorganization of Oxbow Plantation      P & S 17

**Not Enacted**

LD 1633      An Act Authorizing the Deorganization of Cary Plantation      ONTP

**State Property**

**Enacted**

LD 1456      Resolve, Authorizing the Commissioner of Administrative and Financial  
Services To Convey Approximately 0.75 Acre of Land in Madrid  
Township to the Madrid Historical Society      RESOLVE 67

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



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

**JOINT STANDING COMMITTEE ON TAXATION**

May 2016

**STAFF:**

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***Joint Standing Committee on Taxation***

**LD 49      An Act To Exempt from Excise Tax Certain Vehicles Used by Persons with a Disability      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A LIBBY N	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

The bill provides a motor vehicle excise tax exemption for motor vehicles owned and designed for use by a person with a disability. This exemption is in addition to the sales tax exemption currently allowed for adaptive equipment installed on a vehicle.

**LD 281      Resolve, To Modify the State Valuation of the Towns of Madison, Skowhegan, East Millinocket and Jay To Reflect the Loss of Valuation of Major Taxpayers in Those Towns      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE J WHITTEMORE R	OTP-AM ONTP	H-478 H-500    MCCABE J

This resolve was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

The resolve provides that the 2015 state valuations for the Town of Madison and the Town of Skowhegan for the purposes of calculating state-municipal revenue-sharing funds and the distribution of general purpose aid for local schools must be based on a valuation that values the property of the Madison Paper Company in the Town of Madison at \$80,000,000 and the property of the S.D. Warren Company in the Town of Skowhegan at \$463,224,200.

It also provides that the 2015 state valuation for the Town of Madison for the purpose of calculating the distribution to Regional School Unit No. 59 of general purpose aid for local schools for the 3-year period from fiscal year 2015-16 to fiscal year 2017-18 must be based on a valuation that values the property of the Madison Paper Company in the Town of Madison at \$80,000,000, and the 2015 state valuation for the Town of Skowhegan for the purpose of calculating the distribution to Regional School Unit No. 54 of general purpose aid for local schools for the 3-year period from fiscal year 2015-16 to fiscal year 2017-18 must be based on a valuation that values the property of the S.D. Warren Company in the Town of Skowhegan at \$463,224,200.

**Committee Amendment "A" (H-478)**

This amendment, which was the majority report of the committee, establishes adjustments to state valuations for the towns of Madison, Skowhegan, East Millinocket and Jay for the purposes of state-municipal revenue sharing and education funding to reflect the effect of significant losses in valuation of major taxpayers due to declines in the paper industry.

**House Amendment "A" To Committee Amendment "A" (H-500)**

This amendment removes the emergency preamble and emergency clause.

This bill remained on the Special Appropriations Table and died on adjournment. Legislation to provide additional education funding to certain municipalities with significant reductions in state valuation was enacted in Public Law 2015, chapter 487, see LD 1699 under the Joint Standing Committee on Education and Cultural Affairs.

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**LD 365 An Act To Provide a Tax Reduction for Modifications To Make a Home More Accessible for a Person with a Disability**

**PUBLIC 503**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A	OTP-AM	H-277 S-490 HAMPER J

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

The bill is a concept draft pursuant to Joint Rule 208 and proposes to provide a means to offset the costs incurred by a person with a disability who modifies a residence, such as by installing ramps or stairlifts, widening entryways or remodeling, to make it more accessible for that person. The offset could be in the form of an income tax credit or an exemption from property taxes.

**Committee Amendment "A" (H-277)**

This amendment replaces the bill and creates an income tax credit for expenses incurred for certain modifications to make a homestead accessible to an individual with a disability or physical hardship who resides or will reside in the homestead if the taxpayer's federal adjusted gross income does not exceed \$55,000. The total amount of the credit that may be claimed annually is capped at \$1,000,000.

**Senate Amendment "A" To Committee Amendment "A" (S-490)**

This amendment changes the application of the tax credit to tax years beginning on or after January 1, 2017 and adjusts funding accordingly.

**Enacted Law Summary**

Public Law 2015, chapter 503 creates an income tax credit for tax years beginning on or after January 1, 2017 for expenses incurred for certain modifications to make a homestead accessible to an individual with a disability or physical hardship who resides or will reside in the homestead if the taxpayer's federal adjusted gross income does not exceed \$55,000. The total cost of the all credits granted is capped at \$1,000,000 annually.

**LD 498 An Act To Restore the Super Credit for Substantially Increased Research and Development**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING R MCCORMICK E	OTP-AM	H-96

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill restores the availability of the super credit for substantially increased research and development retroactive to January 1, 2014, restricts the carry-over period to five years and increases the limit on the credit to no more than 50% of the taxpayer's tax due after the allowance of other tax credits.

**Committee Amendment "A" (H-96)**

This amendment amends the definition of "super credit base amount" to provide that the base amount is reset if the taxpayer did not claim the super credit for three consecutive taxable years immediately prior to

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January 1, 2014.

**LD 646      An Act To Provide Incentives for Municipal Cooperation and Shared Services      ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

The bill provides an incentive for municipalities to enter into collaborative agreements to provide services jointly by sheltering a portion of the municipalities' equalized valuations dedicated to the financial support of the joint services. Sheltering of valuations would be likely to increase the municipalities' shares of General Purpose Aid to local schools and municipal revenue sharing and reduce the municipalities' shares of county taxes.

**LD 867      An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MALABY R	OTP-AM	S-178 S-505    HAMPER J

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill allows a taxpayer, either an individual or corporation, that operates a registered dispensary of medical marijuana pursuant to the Maine Medical Use of Marijuana Act to deduct from income the costs of operating that registered dispensary. The bill also allows a qualified patient to deduct from income the costs of medical marijuana purchased by that qualifying patient.

**Committee Amendment "A" (S-178)**

This amendment adds references to the United States Internal Revenue Code of 1986 to ensure proper administration of the deductions created by the bill. The amendment also adds an appropriations and allocations section.

**Senate Amendment "B" To Committee Amendment "A" (S-505)**

This amendment changes the application of the bill as amended by Committee Amendment "A" to apply to tax years beginning on or after January 1, 2016. It also transfers to the General Fund funds remaining in the Medical Use of Marijuana Fund after the expenses of the Department of Health and Human Services for the purpose of funding tax deductions for medical marijuana dispensary business expenses and for the cost of medical marijuana purchased by qualified patients under the Maine Medical Use of Marijuana Act. This amendment also changes the allocation of statutory provisions in the Maine Revised Statutes.

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**LD 898      An Act To Reduce Student Loan Debt through an Expansion of the Educational Opportunity Tax Credit**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J ALFOND J	OTP-AM	H-229

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

The bill allows students who are pursuing or have pursued a course of study available only at a public institution outside the State as part of the New England regional student program offered by the New England Board of Higher Education to be eligible for the educational opportunity tax credit, starting with the tax year beginning January 1, 2016.

**Committee Amendment "A" (H-229)**

This amendment extends to a graduate who pursued a course of study available only at a public institution outside the State as part of the New England regional student program offered by the New England Board of Higher Education the same allowance as is provided for graduates of Maine accredited institutions, which provides that a graduate is not disqualified if 30 or fewer of the graduate's credit hours were obtained from a nonqualifying non-Maine community college, college or university. The amendment also makes changes to the definition of "principal cap" in order to avoid misinterpretation.

This bill remained on the Special Appropriations Table and died on adjournment. Similar provisions were enacted in the First Regular Session in Public Law 2015, chapter 267, Part QQQ of the biennial budget bill LD 1019, summarized by the Joint Standing Committee on Appropriations and Financial Affairs.

**LD 973      An Act To Ensure That Nicotine Products Are Taxed Equally**

**ONTP**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill includes an electronic cigarette in the definition of "cigarette" for the purpose of assessing the cigarette tax and provides a definition of "electronic cigarette."

**LD 1000      An Act To Define Prosthetic and Orthotic Devices for Purposes of the Sales Tax Law**

**PUBLIC 495**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S ALFOND J	OTP-AM	H-110 S-494    HAMPER J

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

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The bill creates definitions for "prosthetic or orthotic device" and "prescription" within the sales tax exemption laws. It attempts to clarify the sales tax exemption for prosthetic devices and exempts orthotic devices sold by prescription.

### **Committee Amendment "A" (H-110)**

This amendment clarifies the term "health care practitioner" who may prescribe potentially exempt items under the bill by adding a cross reference to that definition in the Maine Revised Statutes, Title 24, section 2502.

### **Senate Amendment "A" (S-494)**

This amendment changes the effective date of this Act from October 1, 2015 to October 1, 2016.

### **Enacted Law Summary**

Public Law 2015, chapter 495 creates definitions for "prosthetic or orthotic device" and "prescription" within the sales tax exemption laws. It clarifies the term "health care practitioner" who may prescribe potentially exempt items by adding a cross reference to that definition in the Maine Revised Statutes, Title 24, section 2502.

### **LD 1004     An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State by Encouraging Visual Media Production**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J WHITTEMORE R	ONTP OTP-AM	H-326

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill makes the following changes to the visual media production certification process, reimbursement and credit.

1. It specifies that a visual media production expense must be for preproduction, production and postproduction work performed in Maine.
2. It increases the cap on wages that can be included as a visual media production expense from \$50,000 per individual to \$250,000 per individual.
3. It requires the applicant for visual media production certification to agree to pay an administrative fee before being reimbursed. The administrative fee is 0.2% of the reimbursement amount, except that the minimum amount of the fee may not be less than \$200 and the maximum amount of the fee may not exceed \$5,000.
4. It specifies that the reimbursement for certified production wages is only for wages paid to below-the-line personnel, which includes nonstarring cast members and the technical production and postproduction staff of a visual media production company.
5. It increases the reimbursement rate from 12% to 25% of certified production wages that are paid to Maine residents and from 10% to 15% for certified production wages paid to non-Maine residents.
6. It repeals the certified visual media production tax credit and instead provides for the reimbursement of 25% of nonwage visual media production expenses as long as the company has at least \$30,000 in visual media production expenses from the certified production.

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7. It specifies that, in order to be eligible for either the certified production wage reimbursement or the nonwage visual media production expense reimbursement, at least 50% of the below-the-line personnel, not including extras, must be Maine residents, unless the company certifies that it cannot meet this requirement due to an insufficient number of qualified Maine residents, and either the visual media production expenses exceed 50% of the total production expenses or at least 50% of the total principle photography days occur in Maine.

8. It specifies that a person claiming the Pine Tree Development Zone tax credit is not eligible to get the visual media production reimbursement.

**Committee Amendment "A" (H-326)**

This amendment, the minority report of the committee, removes the emergency preamble and emergency clause from the bill and adds provisions establishing a refundable income tax credit for a major visual media production, which is defined as a visual media production with an overall budget that is greater than \$1,000,000. The credit applies to tax years beginning on or after January 1, 2015. The amendment also requires the joint standing committee of the Legislature with jurisdiction over taxation matters to review by December 1, 2021 the reimbursements and tax credits for visual media production companies and make a recommendation to the Legislature with regard to retention, repeal or modification of the provisions. The amendment also adds an appropriations and allocations section.

This bill remained on the Special Appropriations Table and died on adjournment.

**LD 1142 An Act Regarding the Taxation of Out-of-state Pensions**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B BURNS D	OTP-AM	H-340

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

The bill avoids 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.

**Committee Amendment "A" (H-340)**

This amendment provides that the proposed income tax exemption for certain income from out-of-state pensions applies only to the extent the income is included in federal adjusted gross income and not deducted under the general pension deduction. The amendment also adds a definition of "another jurisdiction."

This bill remained on the Special Appropriations Table and died on adjournment.

**LD 1421 Resolve, Directing the Treasurer of State To Study the Most Effective Options for Maine Residents To Participate in Tax-advantaged Savings Accounts for Persons with Disabilities**

**RESOLVE 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M LIBBY N	OTP-AM	H-509

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This bill was carried over from the First Regular Session of the 127th Legislature.

The bill establishes the ABLE ME Savings Program, based on the federal Achieving a Better Life Experience Act of 2014 (ABLE), to allow individuals with disabilities to establish savings accounts to be used for qualified disability expenses. Distributions from the account for qualified disability expenses, as well as the earnings of the account, are tax exempt. Eligibility standards and qualified disability expenses are defined under the federal Act. The program is administered by the Treasurer of State in compliance with the federal Act. The Treasurer of State is authorized to contract with financial organizations to serve as depositories or managers of the program and may establish fees to cover the cost of administration.

### **Committee Amendment "A" (H-509)**

This amendment changes the bill to a resolve directing the Treasurer of State to review the experience of other states in implementing tax-advantaged qualified savings programs for qualified individuals with disabilities under the federal ABLE Act and to report the results of the Treasurer of State's research and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters of the 128th Legislature by January 15, 2017. The committee is authorized to submit a related bill to the First Regular Session of the 128th Legislature.

### **Enacted Law Summary**

Resolve 2015, chapter 57 directs the Treasurer of State to review the experience of other states in implementing tax-advantaged qualified savings programs for qualified individuals with disabilities under the federal ABLE Act and to report the results of the Treasurer of State's research and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters of the 128th Legislature by January 15, 2017. The committee is authorized to submit a related bill to the First Regular Session of the 128th Legislature.

**LD 1457      Resolve, Authorizing the State Tax Assessor To Convey the Interest of  
the State in Certain Real Estate in the Unorganized Territory**

**RESOLVE 59  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK E	OTP-AM	S-361

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 for nonpayment of property taxes.

### **Committee Amendment "A" (S-361)**

This amendment incorporates a fiscal note.

### **Enacted Law Summary**

The bill 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 for nonpayment of property taxes.

Resolve 2015, chapter 59 was finally passed as an emergency measure effective March 10, 2016.

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**LD 1481     An Act To Protect Maine's Natural Resources Jobs by Exempting from Sales Tax Fuel Used in Commercial Farming, Fishing and Forestry** **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P BLACK R	OTP-AM	S-385 S-529    HAMPER J

This bill provides a sales tax refund or exemption for products sold or used to propel an internal combustion engine for use in commercial agricultural production, commercial fishing, commercial aquacultural production or commercial wood harvesting including oil or other lubricant classified for use in an internal combustion engine or transmission or other systems.

### **Committee Amendment "A" (S-385)**

This amendment strikes the bill and instead extends the current sales tax exemption or refund for fuel used in commercial fishing vessels to include all fuel used in commercial fishing and fuel used in commercial agricultural production, aquacultural production and wood harvesting.

The amendment also adds an emergency preamble and emergency clause to allow the legislation to take effect July 1, 2016.

### **Senate Amendment "A" To Committee Amendment "A" (S-529)**

This amendment removes the emergency preamble and emergency clause.

**LD 1505     An Act To Facilitate Student Loan Repayment by Allowing Graduates To Claim Educational Opportunity Tax Credits on Eligible Portions of Consolidated Loans** **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J LANGLEY B	OTP-AM	H-512

This bill provides that the change made by Public Law 2015, chapter 267 permitting the educational opportunity tax credit to be claimed for tax years beginning on or after January 1, 2016 for the eligible portion of consolidated student loans also applies to tax years beginning on or after January 1, 2015.

### **Committee Amendment "A" (H-512)**

This amendment changes the availability of the educational opportunity tax credit for a consolidated loan by:

1. Retaining the purpose of the bill to allow the portion of the consolidated loan that is a qualifying educational loan to be eligible for the tax credit beginning with tax year 2015; and
2. Providing that only a qualifying educational loan that is consolidated with a nonqualifying educational loan is eligible.

This bill remained on the Special Appropriations Table and died on adjournment. The provisions of this bill were included in LD 1657 and enacted in Public Law 2015, chapter 482.

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**LD 1506 An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation Concerning Pension Income**

**PUBLIC 382  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K	OTP-AM	H-510

This bill makes the following changes to the Maine tax laws.

1. It corrects a change made by Public Law 2015, chapter 267 to the individual income tax pension deduction for tax years beginning in 2014 and 2015 to ensure that military pensions will not be offset by social security benefits and railroad retirement benefits received by the taxpayer during the taxable year. This change is retroactive to June 30, 2015, the effective date of Public Law 2015, chapter 267.
2. It clarifies the offset of social security and railroad retirement benefits in calculating the pension income deduction for tax years beginning on or after January 1, 2016.
3. It removes an incorrect reference to "tax years beginning in 2014" that appears in the individual income tax pension deduction provision that applies to tax years beginning after 2015.
4. It updates references to the statutory provisions governing the pension deduction in order to reflect recent changes.

**Committee Amendment "A" (H-510)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

The bill makes the following changes to the Maine tax laws.

1. It corrects a change made by Public Law 2015, chapter 267 to the individual income tax pension deduction for tax years beginning in 2014 and 2015 to ensure that military pensions will not be offset by social security benefits and railroad retirement benefits received by the taxpayer during the taxable year. This change is retroactive to June 30, 2015, the effective date of Public Law 2015, chapter 267.
2. It clarifies the offset of social security and railroad retirement benefits in calculating the pension income deduction for tax years beginning on or after January 1, 2016.
3. It removes an incorrect reference to "tax years beginning in 2014" that appears in the individual income tax pension deduction provision that applies to tax years beginning after 2015.
4. It updates references to the statutory provisions governing the pension deduction in order to reflect recent changes.

Public Law 2015, chapter 382 was enacted as an emergency measure effective March 1, 2016.



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MaineCare program resulting from the exemption of Appendix C, Private Non-Medical Institution Services from the service provider tax.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 1551     An Act To Make Additional Technical Changes to Recently Enacted Tax  
Legislation**

**PUBLIC 390  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK E GOODE A	OTP	

This bill makes the following changes to the Maine tax law.

1. It removes an obsolete reference to the Circuitbreaker Program and updates references to the recently enacted individual income tax rate schedules that apply to tax years beginning on or after January 1, 2017.
2. It revises, for purposes of simplification, the municipal reimbursement and state valuation calculations for the homestead property tax exemption.
3. It clarifies the application of the Maine sales tax exclusion with respect to the rental or lease of equipment associated with the provision of cable services, satellite television services and satellite radio services.
4. It eliminates, beginning with the 2016 tax year, the credits for employer-assisted day care and employer-provided long-term care benefits to bring the insurance premiums tax law in line with the elimination of the same credits in the income tax law by the biennial budget, Public Law 2015, chapter 267. Carry-over of unused credit amounts is still allowed.
5. It specifies that, in calculating the pension income deduction for tax years beginning on or after January 1, 2016, the offset is limited to social security and railroad retirement benefits, rather than also applying the offset to a taxpayer's retirement plan benefits.
6. It specifies that Maine itemized deductions are capped at \$28,350 for tax years beginning in 2015. The cap is adjusted annually for inflation for tax years beginning after 2015. It further clarifies that the annual cost-of-living adjustment is based on the most recently published Chained Consumer Price Index, which is published monthly by the United States Department of Labor, Bureau of Labor Statistics, at the time the annual cost-of-living adjustment is required to be made.

### **Enacted Law Summary**

The bill makes the following changes to the Maine tax laws.

1. It removes an obsolete reference to the Circuitbreaker Program and updates references to the recently enacted individual income tax rate schedules that apply to tax years beginning on or after January 1, 2017.
2. It revises, for purposes of simplification, the municipal reimbursement and state valuation calculations for the homestead property tax exemption.
3. It clarifies the application of the Maine sales tax exclusion with respect to the rental or lease of equipment associated with the provision of cable services, satellite television services and satellite radio services.
4. It eliminates, beginning with the 2016 tax year, the credits for employer-assisted day care and employer-provided long-term care benefits to bring the insurance premiums tax law in line with the elimination of the same credits in

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the income tax law by the biennial budget, Public Law 2015, chapter 267. Carry-over of unused credit amounts is still allowed.

5. It specifies that, in calculating the pension income deduction for tax years beginning on or after January 1, 2016, the offset is limited to social security and railroad retirement benefits, rather than also applying the offset to a taxpayer's retirement plan benefits.

6. It specifies that Maine itemized deductions are capped at \$28,350 for tax years beginning in 2015. The cap is adjusted annually for inflation for tax years beginning after 2015. It further clarifies that the annual cost-of-living adjustment is based on the most recently published Chained Consumer Price Index, which is published monthly by the United States Department of Labor, Bureau of Labor Statistics, at the time the annual cost-of-living adjustment is required to be made.

Public Law 2015, chapter 390 was enacted as an emergency measure effective March 10, 2016.

### LD 1564 An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK E GOODE A	OTP-AM OTP-AM	

This bill updates the date of conformity 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, 2015, for tax years beginning on or after January 1, 2015 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended.

#### Committee Amendment "A" (S-351)

This amendment, which is the majority report of the Committee and was adopted in the Senate, repeals, for taxable years beginning on or after January 1, 2016, the addition modification that decouples Maine's individual income tax law from the federal deduction for qualified tuition and related expenses under the United States Internal Revenue Code of 1986, Section 222.

This amendment decouples the Maine individual and corporate income taxes from the federal bonus depreciation deductions for taxable years beginning on or after January 1, 2015. In addition, it provides a Maine capital investment credit for taxable years beginning on or after January 1, 2015 with respect to depreciable property placed in service in Maine. The credit is equal to 9% of the amount of the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the United States Internal Revenue Code of 1986, Section 168(k) with respect to property placed in service in the State during the taxable year for taxable corporations; for individuals the credit is 8% of such amount for tax years beginning in 2015 and is 7% for tax years beginning on or after January 1, 2016.

The substance of this amendment was included in LD 1583 and enacted as Public Law 2015, chapter 388. LD 1583 is summarized under the Joint Standing Committee on Appropriations and Financial Affairs.

#### Committee Amendment "B" (S-352)

This amendment is the minority report of the committee and was adopted in the House of Representatives. It provides conformity with the Internal Revenue Code of 1986 in the same manner as the Committee Amendment "A" (S-351) but only for tax years beginning in 2015 and makes the following exceptions.

This amendment decouples the Maine individual and corporate income taxes from the federal bonus depreciation

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deductions for taxable years beginning on or after January 1, 2015. In addition, it provides a Maine capital investment credit for taxable years beginning in 2015 with respect to depreciable property placed in service in Maine. The credit is equal to 9% of the amount of the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the United States Internal Revenue Code of 1986, Section 168(k) with respect to property placed in service in the State during the taxable year for taxable corporations; for individuals the credit is 8% of such amount for tax years beginning in 2015.

The amendment decouples Maine's individual and corporate income tax from the Code, Section 179 expensing deductions for tax years beginning on or after January 1, 2016. It enacts addition and subtraction modifications to reverse any increase allowed at the federal level for the first year the property is placed in service, and then to allow depreciation deductions for the remainder of the asset's life.

The amendment decouples Maine's individual income tax from the teacher expense deduction under the Code, Section 62(a)(2)(D) by requiring an addition modification in the amount of the federal deduction. The amendment disallows for Maine itemized deduction purposes the federal deduction for mortgage insurance premiums treated as qualified residence interest.

For taxable years beginning after 2017, the amendment decouples the Maine earned income tax credit from the increased federal 45% earned income tax credit rate for taxpayers with three or more qualifying children and from the higher phase-out thresholds for married individuals filing joint returns.

See also LD 1583, enacted as Public Law 2015, chapter 388. LD 1583 is summarized under the Joint Standing Committee on Appropriations and Financial Affairs.

### **LD 1587     An Act Regarding the Educational Opportunity Tax Credit**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T BLACK R	OTP-AM	S-397

This bill allows a resident of Maine who is employed in a position outside of Maine on a vessel at sea to qualify for the educational opportunity tax credit, which is currently available only to residents who are employed by an employer in Maine or who are deployed for military service.

#### **Committee Amendment "A" (S-397)**

This amendment incorporates a fiscal note.

This bill was placed on the Special Appropriations Table and died on adjournment. The provisions of this bill were included in LD 1657 and enacted in Public Law 2015, chapter 482.

### **LD 1590     An Act To Exempt from the Sales and Use Tax Sales to Certain Veterans' Organizations Funding Direct Supportive Services to Veterans and Their Families**

**INDEF PP**

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

## *Joint Standing Committee on Taxation*

This bill provides a sales tax exemption for sales to incorporated nonprofit veterans' organizations that fund a full-time position at the United States Department of Veterans Affairs hospital at Togus to provide support to veterans and their families.

### **Committee Amendment "A" (H-552)**

This amendment, which was adopted in the House, replaces the sales tax exemption provided in the bill with a sales tax exemption to all federally chartered veterans' service organizations.

The provisions of this bill, as amended by Committee Amendment "A," were included in LD 1612, summarized under the Joint Standing Committee on Veterans and Legal Affairs and enacted in Public Law 2015, chapter 465, Part C.

### **LD 1613     An Act To Exclude from Sales Tax Certain Sales by Civic, Religious and Fraternal Organizations**

**HELD BY  
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T WHITE D	OTP-AM	S-430 S-544    KATZ R

This bill provides an exemption from the sales and use tax for meals served by an incorporated nonprofit organization, including a regularly organized church or house of religious worship, when the proceeds of the sale of the meals are used to fund the purpose of the organization.

### **Committee Amendment "A" (S-430)**

This amendment replaces the bill and includes within the definition of "casual sale," which is a sale that is not subject to sales tax, a transaction in connection with a meal provided by a civic, religious or fraternal organization. The amendment also removes the provision that prohibits such an organization from being exempt if it is a registered retailer.

### **Senate Amendment "B" To Committee Amendment "A" (S-544)**

This amendment replaces the Committee Amendment and provides a sales tax exemption for sales of prepared food by a civic, religious or fraternal organization, including an auxiliary of such an organization, at a public or member-only event, except when alcoholic beverages are available for sale at the event, for up to 23 days during a calendar year.

### **LD 1622     An Act To Eliminate the Maine Estate Tax**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SEAVEY H MCCORMICK E	OTP-AM ONTP	

This bill eliminates the Maine estate tax for estates of decedents dying on or after January 1, 2017.

### **Committee Amendment "A" (H-567)**

This amendment incorporates a fiscal note.

*Joint Standing Committee on Taxation*

**LD 1623     An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2016-17**

**PUBLIC 432  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-562

This bill establishes the amount to be raised by property tax in fiscal year 2016-17 in the unorganized territory to cover the cost of municipal services provided in that jurisdiction by state agencies and counties.

**Committee Amendment "A" (H-562)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

The bill establishes the amount to be raised by property tax in fiscal year 2016-17 in the unorganized territory to cover the cost of municipal services provided in that jurisdiction by state agencies and counties.

Public Law 2015, chapter 432, was enacted as an emergency measure and took effect April 6, 2016 without the Governor's signature.

**LD 1634     An Act To Provide Tax Revenue To Offset Transfers to the Maine Clean Election Fund**

**Died Between  
Houses**

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

This bill is reported by the committee pursuant to the Maine Revised Statutes, Title 36, section 199-E, as enacted by Initiated Bill 2015, chapter 1.

This bill offsets the annual transfer of \$3,000,000 in General Fund revenue to the Maine Clean Election Fund by requiring 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 double deduction of income. The State Tax Assessor is also required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding whether jurisdictions should be added to or deleted from the list of tax havens based on specified criteria.

**Committee Amendment "A" (H-540)**

This amendment, which was adopted in the Senate, replaces the bill and changes the title. The amendment restores the offset for transfers of General Fund revenues to the Maine Clean Election Fund to reductions within the administrative divisions of the legislative branch and executive branch agencies and repeals the requirement that the Joint Standing Committee on Taxation report out to the Legislature a bill eliminating corporate tax expenditures totaling \$6,000,000 per biennium.

*Joint Standing Committee on Taxation*

**LD 1657    An Act To Simplify and Expand the Educational Opportunity Tax Credit**

**PUBLIC 482  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND J	OTP-AM	S-438 S-509    VALENTINO L S-533    HAMPER J

This bill makes the following changes to the educational opportunity tax credit.

1. It allows a qualified individual receiving an associate or bachelor's degree from January 1, 2007 to December 31, 2015 to be eligible for the credit regardless of the number of transfer hours earned out of state.
2. It permits a Maine resident employed on a vessel at sea to be eligible. This provision was originally included in LD 1587.
3. It expands the credit for employers who pay student loans for employees to receive the credit for the actual payment made for a qualified employee rather than being limited to the principal cap.

**Committee Amendment "A" (S-438)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-509)**

This amendment changes the availability of the educational opportunity tax credit for a consolidated loan by allowing the portion of the consolidated loan that is a qualifying educational loan to be eligible for the tax credit beginning with tax year 2015 and providing that only a qualifying educational loan that is consolidated with a nonqualifying educational loan is eligible. This provision was originally included in LD 1505.

**Senate Amendment "A" To Senate Amendment "A" (S-533)**

This amendment adds an emergency preamble and clause and funds the changes to the educational opportunity tax credit by deappropriating funds from the Maine Historic Preservation Commission and the Office of the Treasurer of State in fiscal year 2015-16 to reflect savings in program All Other costs and debt service.

**Enacted Law Summary**

The bill makes the following changes to the educational opportunity tax credit.

1. It allows a qualified individual receiving an associate or bachelor's degree from January 1, 2007 to December 31, 2015 to be eligible for the credit regardless of the number of transfer hours earned out of state.
2. It permits a Maine resident employed on a vessel at sea to be eligible.
3. It expands the credit for employers who pay student loans for employees to receive the credit for the actual payment made for a qualified employee rather than being limited to the principal cap.
4. It allows the portion of the consolidated loan that is a qualifying educational loan to be eligible for the tax credit beginning with tax year 2015 and provides that only a qualifying educational loan that is consolidated with a nonqualifying educational loan is eligible.

## Joint Standing Committee on Taxation

Public Law 2015, chapter 482, which was enacted as an emergency measure effective April 16, 2016.

**LD 1667**     **An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held for Conservation or Public Access Purposes**     **ONTP**

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

This bill provides that the property tax exemption for land held for benevolent and charitable purposes does not apply to land held primarily for conservation or public access purposes. The change applies to property tax years beginning on or after April 1, 2017.

**LD 1670**     **An Act To Attract Investment to Loring Commerce Centre**     **PUBLIC 486**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J EDGECOMB P	OTP-AM	H-634 H-682    MARTIN J

This bill increases the amount of employment tax increment paid to the Loring Job Increment Financing Fund of the Loring Development Authority from 50% to 100% of adjusted state income tax withholding taxes attributed to employees within the area of the former Loring Air Force base above the base level of employment in 1996 and makes administrative changes to the payment process.

### **Committee Amendment "A" (H-634)**

This amendment changes the schedule by which payment of the employment tax increment to the Loring Job Increment Financing Fund must be made. Instead of paying 100% of the employment tax increment to the fund in December of each year as the bill proposes, this amendment requires that 50% of the employment tax increment be paid to the fund in December of each year and the remaining 50% be paid to the fund in July of the following year. The amendment also limits the payment of the increased employment tax increment amounts to five years and requires a report from the Loring Development Authority of Maine to the joint standing committee of the Legislature having jurisdiction over taxation matters in 2021. The committee is authorized to submit a bill to the First Regular Session of the 130th Legislature regarding the report.

### **House Amendment "A" To Committee Amendment "A" (H-682)**

This amendment limits the payment of the increased employment tax increment to one year instead of five years as proposed in the committee amendment. This amendment also eliminates the report required of the Loring Development Authority of Maine.

### **Enacted Law Summary**

Public Law 2015, chapter 486 increases the amount of employment tax increment paid in fiscal year 2016-17 to the Loring Job Increment Financing Fund of the Loring Development Authority from 50% to 100% of adjusted state income tax withholding taxes attributed to employees within the area of the former Loring Air Force base above the base level of employment in 1996 and makes administrative changes to the payment process. The payment is made in 2 annual transfers, one in December 2016 and one in July 2017.

*Joint Standing Committee on Taxation*

**LD 1672    An Act To Improve Priority of Tax Liens and the Collection of Sales Taxes**

**ONTP**

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

This bill makes several changes to facilitate the collection of taxes.

1. The bill clarifies that a tax lien arises at the time an assessment is made rather than the time when an assessment becomes final.
2. The bill provides that the liability for payment of sales and use tax is on the party responsible for collection of the tax whether or not the taxes are actually collected.
3. The bill changes the date for filing an income tax information return from February 28th to January 31st.
4. The bill relocates language providing for the phase-out of standard and itemized deductions to avoid a statutory anomaly. There is no substantive change.

**LD 1691    An Act To Improve the Maine Tree Growth Tax Law Program**

**ONTP**

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

This bill makes the following changes to the Tree Growth Tax Law.

1. It adds “harvesting” to the list of purposes of the Tree Growth Tax Law.
2. It removes Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material or cones or other seed products from the list of forest products that qualify as having “commercial value.”
3. It removes eligibility for:
  - A. Parcels with less than 25 acres first enrolled on or after April 1, 2017. Parcels between 10 and 25 acres enrolled before April 1, 2017 may continue to be enrolled; and
  - B. Parcels for which any portion of the land is within 10 miles of the Atlantic Ocean regardless of when first enrolled.
4. It reduces withdrawal penalties by providing that parcels withdrawn due to becoming statutorily ineligible may enroll in the open space program or pay a penalty similar to the constitutional minimum penalty of five years back taxes with interest.
5. It authorizes the Bureau of Forestry to review forest management plans and actual management of the land and to require a municipality to withdraw any parcel found to be not in “substantial compliance” with the plan. The landowner is provided 120 days to come into substantial compliance. The State Tax Assessor is prohibited from paying tree growth program reimbursement to a municipality that fails to remove a parcel from enrollment following notification from the Bureau of Forestry.

## *Joint Standing Committee on Taxation*

6. It provides an income tax credit to an individual who “directly” owns more than 25 but less than 100 acres of land in the aggregate regardless of where located or whether enrolled in TGT program. The credit is equal to 8% of the gain associated with cutting timber on the taxpayer’s land.

# *Joint Standing Committee on Taxation*

## **SUBJECT INDEX**

### **Administration of Tax Laws**

#### **Enacted**

LD 1506	An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation Concerning Pension Income	PUBLIC 382 EMERGENCY
LD 1551	An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation	PUBLIC 390 EMERGENCY

#### **Not Enacted**

LD 1672	An Act To Improve Priority of Tax Liens and the Collection of Sales Taxes	ONTP
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### **Income Tax - General**

#### **Not Enacted**

LD 1564	An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes	INDEF PP
LD 1634	An Act To Provide Tax Revenue To Offset Transfers to the Maine Clean Election Fund	Died Between Houses

### **Income Tax Credits, Exemptions, Deductions and Incentives**

#### **Enacted**

LD 365	An Act To Provide a Tax Reduction for Modifications To Make a Home More Accessible for a Person with a Disability	PUBLIC 503
LD 1421	Resolve, Directing the Treasurer of State To Study the Most Effective Options for Maine Residents To Participate in Tax-advantaged Savings Accounts for Persons with Disabilities	RESOLVE 57
LD 1657	An Act To Simplify and Expand the Educational Opportunity Tax Credit	PUBLIC 482 EMERGENCY

#### **Not Enacted**

LD 498	An Act To Restore the Super Credit for Substantially Increased Research and Development	Died On Adjournment
LD 867	An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act	Veto Sustained
LD 898	An Act To Reduce Student Loan Debt through an Expansion of the Educational Opportunity Tax Credit	Died On Adjournment
LD 1004	An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State by Encouraging Visual Media Production	Died On Adjournment

LD 1142	An Act Regarding the Taxation of Out-of-state Pensions	Died On Adjournment
LD 1505	An Act To Facilitate Student Loan Repayment by Allowing Graduates To Claim Educational Opportunity Tax Credits on Eligible Portions of Consolidated Loans	Died On Adjournment
LD 1519	An Act To Amend the Tax Laws To Strengthen Charitable Institutions, Encourage Home Ownership and Manage Medical Expenses	ONTP
LD 1587	An Act Regarding the Educational Opportunity Tax Credit	Died On Adjournment

### **Motor Vehicle Excise Tax**

#### **Not Enacted**

LD 49	An Act To Exempt from Excise Tax Certain Vehicles Used by Persons with a Disability	ONTP
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### **Other Taxes**

#### **Not Enacted**

LD 973	An Act To Ensure That Nicotine Products Are Taxed Equally	ONTP
LD 1530	An Act To Exempt MaineCare Appendix C Private Nonmedical Institutions from the Service Provider Tax	Died On Adjournment
LD 1622	An Act To Eliminate the Maine Estate Tax	Died Between Houses

### **Property Tax - Current Use**

#### **Not Enacted**

LD 1691	An Act To Improve the Maine Tree Growth Tax Law Program	ONTP
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### **Property Tax - Exemptions**

#### **Not Enacted**

LD 1667	An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held for Conservation or Public Access Purposes	ONTP
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### **Property Tax - Valuation**

#### **Not Enacted**

LD 281	Resolve, To Modify the State Valuation of the Towns of Madison, Skowhegan, East Millinocket and Jay To Reflect the Loss of Valuation of Major Taxpayers in Those Towns	Died On Adjournment
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### **Sales Tax Exemptions, Exclusions or Refunds**

#### **Enacted**

LD 1000	An Act To Define Prosthetic and Orthotic Devices for Purposes of the Sales Tax Law	PUBLIC 495
LD 1521	An Act To Create Equity among Essential Nonprofit Health Care Providers in Relation to the Sales Tax and the Service Provider Tax	PUBLIC 510

#### **Not Enacted**

LD 1481	An Act To Protect Maine's Natural Resources Jobs by Exempting from Sales Tax Fuel Used in Commercial Farming, Fishing and Forestry	Died On Adjournment
LD 1590	An Act To Exempt from the Sales and Use Tax Sales to Certain Veterans' Organizations Funding Direct Supportive Services to Veterans and Their Families	INDEF PP
LD 1613	An Act To Exclude from Sales Tax Certain Sales by Civic, Religious and Fraternal Organizations	HELD BY GOVERNOR

### **Tax Increment Financing**

#### **Enacted**

LD 1670	An Act To Attract Investment to Loring Commerce Centre	PUBLIC 486
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#### **Not Enacted**

LD 646	An Act To Provide Incentives for Municipal Cooperation and Shared Services	ONTP
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### **Unorganized Territory**

#### **Enacted**

LD 1457	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	RESOLVE 59 EMERGENCY
LD 1623	An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2016-17	PUBLIC 432 EMERGENCY

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



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

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

May 2016

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*Joint Standing Committee on Transportation*

**LD 227      An Act To Remove Barriers to Job Opportunities for Young Truck Drivers      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W COLLINS R	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows the Department of Public Safety, Bureau of State Police to create a program of limited duration for truck drivers 18 to 21 years of age under an exemption from federal regulations concerning transporting hazardous materials adopted by the bureau that encourages the drivers to enter the commercial trucking profession and reduces the regulatory barriers for and monitors and records the skills and driving records of the drivers.

**LD 287      An Act To Improve Traffic Safety during Political Campaign Seasons      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 127th Legislature.

Current law allows political signs to be erected and maintained within the public right-of-way without a license or permit. This bill repeals that law.

**LD 687      An Act To Expand Classification Categories for Motor Vehicles in the State      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to revisit the motor vehicle classification of autocycle, which was defined in the Maine Revised Statutes, Title 29-A, section 101, former subsection 6-B as an enclosed motorcycle with up to three wheels. The definition was a temporary measure that self-repealed in 2013. This bill proposes reviewing various types and models of enclosed motor vehicles with three wheels or fewer that are existing or under development for the purpose of registration and possibly creating a new motor vehicle classification for registration under the State's motor vehicle laws.

**LD 845      An Act To Address Unmet Public Transportation Needs      Died On Adjournment**

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

## *Joint Standing Committee on Transportation*

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill provides an ongoing General Fund appropriation to the Department of Transportation of \$3,000,000 beginning in fiscal year 2015-16. The bill also requires the State Controller to transfer, beginning June 1, 2016 and every June 1st thereafter, \$500,000 from the Multimodal Transportation Fund program, Other Special Revenue Funds account within the Department of Transportation, to the Multimodal Transit Fund program, Other Special Revenue Funds account within the Department of Transportation. The funds must be distributed to public transportation providers statewide to better meet the need for such services.

**LD 1110      *Resolve, To Study Transportation Funding Reform***

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM	H-563

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to modernize current state road user fee funding mechanisms to promote equity and sustainability and to yield the predictable funding levels needed to support a safe and reliable highway and bridge system that supports economic opportunity.

In order to attain these goals, the bill proposes to require some or all of the following:

1. A review and revision, if necessary, of the funding levels, including any anticipated shortfalls, necessary to achieve the highway and bridge capital goals enumerated in the Maine Revised Statutes, Title 23, section 73, subsection 7, paragraphs A to D;
2. A mechanism to address the erosion of Highway Fund receipts that is caused in part by higher automobile fuel efficiency such as registration fee surcharges on electric or hybrid cars or the establishment of a voluntary vehicle miles traveled program that allows a user to self-report the miles traveled and pay a tax based on those miles;
3. A method of placing a more equitable share of the costs of the highway system on nonresidents such as reducing baseline fuel tax rates and adding a seasonal gasoline tax surcharge or imposing seasonal electronic tolling;
4. Reducing baseline fuel tax rates and adding a wholesale tax component;
5. Fuel tax surcharges that are tied to fuel prices or federal fuel taxes and that would be reduced or eliminated as fuel prices or the federal tax increases; and
6. The dedication of a portion of sales tax receipts from sales of transportation-related products, such as vehicles and tires, for transportation needs.

**Committee Amendment "A" (H-563)**

This amendment replaces the concept draft with a resolve directing the Joint Standing Committee on Transportation to study how to reform and adequately supplement funding for the State's transportation infrastructure to promote equity, sustainability and predictability in a manner that allows the State to responsibly provide a safe and reliable transportation system. The committee is authorized to meet for this purpose up to four times when the Legislature is not in session, and the committee's report must be submitted by November 2, 2016. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit legislation to the First Regular Session of

## *Joint Standing Committee on Transportation*

the 128th Legislature relating to the subject matter of the report. The amendment adds an emergency preamble and emergency clause.

**LD 1468      Resolve, To Improve the Safety of Ferries in the State**

**RESOLVE 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D KINNEY J	OTP-AM	S-374 S-483    COLLINS R

This bill amends the membership of the Maine State Ferry Advisory Board and requires the board to review Department of Transportation policies related to the Maine State Ferry Service prior to implementation. The bill requires the Department of Transportation to implement recommendations contained in the "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report" dated April 4, 2008. The bill also requires the Department of Transportation to adopt rules in connection with the Maine State Ferry Service regarding staffing levels and duties, transportation of hazardous materials, transportation of medical samples, customer service and crew stations and duties.

### **Committee Amendment "A" (S-374)**

This amendment, which replaces the bill with a resolve, strikes from the bill provisions amending the membership of the Maine State Ferry Advisory Board within the Department of Transportation.

The amendment also strikes from the bill the requirement that the Department of Transportation implement recommendations contained in the report titled "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report" and dated April 4, 2008. Instead, the amendment requires the Department of Transportation to execute a peer review assessment of Maine State Ferry Service processes to evaluate safety procedures and marine operations of the Maine State Ferry Service. The amendment requires the Department of Transportation to submit a report with the results of the peer review assessment to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

The amendment revises the provisions in the bill relating to rulemaking. The amendment strikes the requirement that the Department of Transportation adopt rules relating to the Maine State Ferry Service regarding staffing levels and duties, transportation of hazardous materials and standard operating procedures relating to crew stations and duties. The amendment retains the requirement that the Department of Transportation adopt rules relating to the Maine State Ferry Service regarding transportation of medical samples and customer service and adds training to the rule-making requirement. The amendment requires the Department of Transportation to report on the progress of its rulemaking to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-483)**

This amendment strikes and replaces the appropriations and allocations section and increases the allocations from the Island Ferry Services Fund.

### **Enacted Law Summary**

Resolve 2015, chapter 86 requires the Department of Transportation to execute a peer review assessment of Maine State Ferry Service processes to evaluate safety procedures and marine operations of the Maine State Ferry Service. This law requires the Department of Transportation to submit a report with the results of the peer review assessment to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

## *Joint Standing Committee on Transportation*

This law also requires that the Department of Transportation adopt rules relating to the Maine State Ferry Service regarding customer service, training and transportation of medical samples. It requires the Department of Transportation to report on the progress of its rulemaking to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

**LD 1483     An Act To Amend Maine's Motor Vehicle Laws**

**PUBLIC 473  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R MCLEAN A	OTP-AM	S-367 S-512    HAMPER J

This bill amends the motor vehicle laws as follows.

1. It clarifies that a combination vehicle may include a truck-trailer configuration.
2. It allows municipal agents to issue registrations for pickup trucks up to 10,000 pounds rather than the current 9,000-pound limit.
3. It amends the vehicle registration laws to require registration information on a motor vehicle's motive power for vehicles that do not use motor fuels, such as electric vehicles.
4. It makes clear that a registration plate may not be obscured by a plate frame or covering or other device that prevents the plate from being read.
5. It repeals the authorization for truck and truck tractor lobster registration plates and farm truck agriculture education registration plates.
6. It removes the word "commercial" from the laws regarding registration of trucks and truck tractors so as to include trucks and truck tractors that are used privately.
7. It removes an obsolete requirement that an agent who issues temporary registered gross weight increases be either a municipal tax collector or town or city manager.
8. It corrects a discrepancy regarding the maximum length of time for which a permanent disability parking placard may be issued. The limit is six years.
9. It requires antique autos and antique motorcycles manufactured after 1991 to be subject to a biennial inspection.
10. It removes the word "commercial" from the laws regarding the operation of a vehicle exceeding its registered weight.
11. It amends the definition of "related entity" to include a domestic partner in the provision regarding suspension or revocation of the license or authority to engage in a business or commercial activity under the motor vehicle major offenses laws.
12. It removes the requirement for a noncommercial driver education school to obtain a surety bond if the school offers driver education as a course credit and does not charge a fee for the driver education course.
13. It repeals the provision of law that allows a person who is at least 15 years of age to obtain a special restricted license under certain conditions without having held a permit for a period of six months.

## *Joint Standing Committee on Transportation*

14. It changes the motorcycle driver education requirement from an eight-hour block of instruction to classroom and hands-on instruction.

### **Committee Amendment "A" (S-367)**

This amendment strikes the provision of the bill that clarifies that a registration plate may not be obscured by a plate frame or covering or other device that prevents the plate from being read visually or electronically.

The amendment strikes from the bill the repeal of the provision of law that allows a person who has reached 15 years of age to obtain a special restricted license based on educational, employment or medical need without having held a learner's permit for a period of six months. Under current law, a person who is 15 years of age to 20 years of age can obtain a special restricted license. The amendment instead limits the special restricted license only to a person who is 15 years of age.

Current law provides that a person seeking to qualify for a special restricted license based on educational or employment need must complete a minimum of 70 hours of driving, including 10 hours of night driving. The amendment increases the minimum driving time required of a person who is seeking to qualify for a special restricted license based on medical need from 35 hours to 70 hours, including 10 hours of night driving instead of the current five hours. The amendment gives the Secretary of State discretion to reduce the required minimum hours of driving for a person seeking to qualify for a special restricted license based on medical need.

The amendment also strikes from the bill the provisions that require antique autos and antique motorcycles manufactured after 1991 to be subject to biennial inspection.

The amendment strikes the requirement in current law that the Secretary of State may not issue a certificate of title or certificate of salvage for a vehicle reported stolen or converted until the Secretary of State learns of that vehicle's recovery or that the report of theft or conversion was erroneous. This is an obsolete requirement as the Department of the Secretary of State, Bureau of Motor Vehicles works with insurance companies and salvage companies when issuing certificates on vehicles reported stolen.

The amendment changes the year the Department of Transportation is reviewed pursuant to the State Government Evaluation Act from 2015 to 2017.

Current law provides that the excise tax on a motor vehicle owned by a nonresident with no temporary or occasional residing place in the State must be paid to the Secretary of State. This amendment provides that the excise tax paid to the Secretary of State by a nonresident with no temporary or occasional residing place in the State must be credited to the Highway Fund.

The amendment clarifies that the term "IFTA governing documents" under the Special Fuel Tax Act refers to International Fuel Tax Agreement documents amended as of July 15, 2015 rather than December 31, 2011.

The amendment also adds an appropriations and allocations section and an emergency preamble and emergency clause.

### **Senate Amendment "A" To Committee Amendment "A" (S-512)**

This amendment amends Committee Amendment "A" to remove the section that provides that the excise tax paid to the Secretary of State by a nonresident with no temporary or occasional residing place in the State must be credited to the Highway Fund.

### **Enacted Law Summary**

## *Joint Standing Committee on Transportation*

Public Law 2015, chapter 473 does the following.

1. It clarifies that a combination vehicle may include a truck-trailer configuration.
2. It allows municipal agents to issue registrations for pickup trucks up to 10,000 pounds rather than the current 9,000-pound limit.
3. It amends the vehicle registration laws to require registration information on a motor vehicle's motive power for vehicles that do not use motor fuels, such as electric vehicles.
4. It repeals the authorization for truck and truck tractor lobster registration plates and farm truck agriculture education registration plates.
5. It removes the word "commercial" from the laws regarding registration of trucks and truck tractors so as to include trucks and truck tractors that are used privately.
6. It removes an obsolete requirement that an agent who issues temporary registered gross weight increases be either a municipal tax collector or town or city manager.
7. It corrects a discrepancy regarding the maximum length of time for which a permanent disability parking placard may be issued. The limit is six years.
8. It removes the word "commercial" from the laws regarding the operation of a vehicle exceeding its registered weight.
9. It amends the definition of "related entity" to include a domestic partner in the provision regarding suspension or revocation of the license or authority to engage in a business or commercial activity under the motor vehicle major offenses laws.
10. It removes the requirement for a noncommercial driver education school to obtain a surety bond if the school offers driver education as a course credit and does not charge a fee for the driver education course.
11. It provides that only a person who is 15 years of age may obtain a special restricted license based on educational, employment or medical need without having held a learner's permit for a period of six months.
12. It increases the minimum driving time required of a person who is seeking to qualify for a special restricted license based on medical need to 70 hours of driving, including 10 hours of night driving. The law also gives the Secretary of State discretion to reduce the required minimum hours of driving for a person seeking to qualify for a special restricted license based on medical need.
13. It changes the motorcycle driver education requirement from an eight-hour block of instruction to classroom and hands-on instruction.
14. It strikes the requirement that the Secretary of State may not issue a certificate of title or certificate of salvage for a vehicle reported stolen or converted until the Secretary of State learns of that vehicle's recovery or that the report of theft or conversion was erroneous.
15. It changes the year the Department of Transportation is reviewed pursuant to the State Government Evaluation Act from 2015 to 2017.
16. It clarifies that the term "IFTA governing documents" under the Special Fuel Tax Act refers to International Fuel Tax Agreement documents amended as of July 15, 2015 rather than December 31, 2011.

*Joint Standing Committee on Transportation*

Public Law 2015, chapter 473 was enacted as an emergency measure effective April 15, 2016.

**LD 1507      An Act To Authorize a Person Whose Operator's License Is Suspended Due to Failure To Pay Child Support To Drive to and from a Place of Employment      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY M EDGECOMB P	ONTP	

Current law requires the Secretary of State to suspend the driver's license of a person who violates a court order of financial support upon certification of that violation by the Commissioner of Health and Human Services. A person may request the commissioner issue a conditional release to the Secretary of State, who may provide the person with a temporary license valid for a period not to exceed 120 days.

This bill allows a person to request a work-restricted license, similar to that issued when a person has been convicted of operating under the influence, to allow the person to operate a motor vehicle between the person's residence and a place of employment or in the scope of employment, or both. The work-restricted license may be issued only if there is no other means of transportation available to the person and the person's license to operate has not been suspended for operating under the influence within the prior 10-year period.

**LD 1546      An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2017      P & S 15**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-518

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, 2017 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**Committee Amendment "A" (H-518)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2015, chapter 15 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, 2017 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**LD 1567      An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway      PUBLIC 413 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAUCIER R PATRICK J	OTP-AM	H-541

## *Joint Standing Committee on Transportation*

This bill allows the Commissioner of Transportation to permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways in areas of new construction. It also permits the operation of all-terrain vehicles and snowmobiles on those trail segments.

### **Committee Amendment "A" (H-541)**

This amendment clarifies that the Department of Transportation or the board of directors of the Maine Turnpike Authority, whichever has jurisdiction, may approve trail segments and permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways being constructed on or after January 1, 2016.

The amendment prohibits funding the construction of those all-terrain vehicle and snowmobile trails from the Highway Fund.

### **Enacted Law Summary**

Public Law 2015, chapter 413 allows the Department of Transportation or the board of directors of the Maine Turnpike Authority, whichever has jurisdiction, to approve trail segments and permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways being constructed on or after January 1, 2016. It also permits the operation of all-terrain vehicles and snowmobiles on those trail segments. The law also prohibits funding the construction of those all-terrain vehicle and snowmobile trails from the Highway Fund.

Public Law 2015, chapter 413 was enacted as an emergency measure effective March 29, 2016.

<b>LD 1571</b>	<b>Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge</b>	<b>RESOLVE 56</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P FREDETTE K	OTP	

This resolve directs the Department of Transportation to name the bridge on Stagecoach Road crossing the Piscataquis River between the towns of Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge in honor of the late Captain Brainard, who was killed in action in Afghanistan during Operation Enduring Freedom in 2012. It also directs the department to erect appropriate signs on both sides of the bridge.

### **Enacted Law Summary**

Resolve 2015, chapter 56 directs the Department of Transportation to name the bridge on Stagecoach Road crossing the Piscataquis River between the towns of Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge in honor of the late Captain Brainard, who was killed in action in Afghanistan during Operation Enduring Freedom in 2012.

<b>LD 1582</b>	<b>Resolve, To Name the Naples Bay Bridge on U.S. Route 302 in the Town of Naples the Robert Neault Memorial Bridge</b>	<b>RESOLVE 68</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS C DIAMOND G	OTP	

This resolve directs the Department of Transportation to designate the Naples Bay bridge on U.S. Route 302 that crosses over Chutes River in the Town of Naples the Robert Neault Memorial Bridge.

*Joint Standing Committee on Transportation*

**Enacted Law Summary**

Resolve 2015, chapter 68 directs the Department of Transportation to designate the Naples Bay bridge on U.S. Route 302 that crosses over Chutes River in the Town of Naples the Robert Neault Memorial Bridge.

**LD 1589      Resolve, To Name the Essex Street Overpass Bridge in Bangor the Brent Cross Bridge      RESOLVE 69**

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

This resolve directs the Department of Transportation to designate the Essex Street overpass bridge in the City of Bangor that crosses over Interstate 95 the Brent Cross Bridge.

**Enacted Law Summary**

Resolve 2015, chapter 69 directs the Department of Transportation to designate the Essex Street overpass bridge in the City of Bangor that crosses over Interstate 95 the Brent Cross Bridge.

**LD 1592      An Act To Amend the Maine Traveler Information Services Laws      PUBLIC 403**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-380

This bill was reported by the committee pursuant to joint order, S.P. 628 and then referred back to the committee for processing in the normal course.

The intent of the bill is to address a recent United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015), relating to categorical signs within a public right-of-way.

The bill makes the following changes to the Maine traveler information services laws.

1. It clarifies the definition of "erect" to also mean display.
2. It adds a definition of "temporary sign" to mean a sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time.
3. It corrects a typographical error in the provision relating to types and arrangements of signs.
4. It removes the following signs from the provisions relating to categorical signs within the public right-of-way: signs showing the place and time of service or meetings of religious and civic organizations; memorial signs or tablets; signs bearing political messages relating to an election, primary or referendum; signs erected by a producer that directs travelers to the location where farm and food products are grown, produced and sold; and signs erected for a farmers' market that are directional in nature. Instead, the bill creates a broader category of temporary signs within the public right-of-way in order to regulate signs within a public right-of-way in a content-neutral manner per the United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015). It provides that a temporary sign may be placed within the public right-of-way for a maximum of six weeks per calendar year during the time period from May 1st to November 15th. It provides that a temporary sign may not be placed within the public right-of-way within 200 feet of another temporary sign bearing the same or substantially the same message.

## *Joint Standing Committee on Transportation*

It also provides that a temporary sign may not exceed four feet by eight feet in size. Finally, it provides that a temporary sign must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way.

5. It repeals the provision of law regarding categorical signs outside the public right-of-way. Instead, the bill provides that, except as provided by current law relating to on-premises signs, a sign may be erected outside the public right-of-way as long as it does not exceed 50 square feet in size.

6. It repeals the provision of law relating to unlawful removal of political signs. Instead, it provides that the unlawful removal of temporary signs from the public right-of-way is a civil violation for which a fine of up to \$250 may be adjudged.

### **Committee Amendment "A" (S-380)**

This amendment strikes the restriction that a temporary sign may be placed within the public right-of-way only during the time period from May 1st to November 15th. It provides that a temporary sign may not be placed within the public right-of-way within 30 feet, instead of 200 feet as proposed in the bill, of another temporary sign bearing the same or substantially the same message.

### **Enacted Law Summary**

Public Law 2015, chapter 403 makes the following changes to the Maine traveler information services laws to address United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015), relating to categorical signs within a public right-of-way.

1. It clarifies the definition of "erect" to also mean display.
2. It adds a definition of "temporary sign" to mean a sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time.
3. It removes the following signs from the provisions relating to categorical signs within the public right-of-way: signs showing the place and time of service or meetings of religious and civic organizations; memorial signs or tablets; signs bearing political messages relating to an election, primary or referendum; signs erected by a producer that directs travelers to the location where farm and food products are grown, produced and sold; and signs erected for a farmers' market that are directional in nature. Instead, the law creates a broader category of temporary signs within the public right-of-way in order to regulate signs within a public right-of-way in a content-neutral manner per the United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015). The law provides that a temporary sign may be placed within the public right-of-way for a maximum of six weeks per calendar year. It provides that a temporary sign may not be placed within the public right-of-way within 30 feet of another temporary sign bearing the same or substantially the same message. It also provides that a temporary sign may not exceed four feet by eight feet in size. Finally, the law provides that a temporary sign must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way.
4. It repeals the provision of law regarding categorical signs outside the public right-of-way. It provides that, except as provided by current law relating to on-premises signs, a sign may be erected outside the public right-of-way as long as it does not exceed 50 square feet in size.
5. It repeals the provision of law relating to unlawful removal of political signs. Instead, it provides that the unlawful removal of temporary signs from the public right-of-way is a civil violation for which a fine of up to \$250 may be adjudged.

***Joint Standing Committee on Transportation***

**LD 1602      Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans To Address the Transportation Needs of Maine's Veterans**

**RESOLVE 77**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-574

This resolve was reported by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2015, chapter 48 and then referred to the Transportation Committee for processing in the normal course.

This resolve implements the recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans. It requires the Department of Transportation, in conjunction with the Department of Defense, Veterans and Emergency Management, the Department of Health and Human Services and the Department of Labor, to develop and establish a pilot project to provide transportation for veterans in order to improve access to essential programs and services for veterans and to inform potential future development of a long-term transportation policy designed to enable the delivery of cost-effective, sustainable and veteran-focused transportation services to meet the current and future needs of veterans in the State.

**Committee Amendment "A" (H-574)**

This amendment replaces the resolve and requires the Department of Transportation, in conjunction with the Department of Defense, Veterans and Emergency Management, the Department of Health and Human Services and the Department of Labor, to conduct a study, using available federal funds, to determine the need for locally available transportation services that convey veterans to and from employment or employment-related services, medical appointments, mental health services, social services and community activities. The purpose of the study is to inform the development of a pilot project to provide transportation for veterans in order to improve access to essential programs and services for veterans and to inform potential future development of a long-term transportation policy designed to enable the delivery of cost-effective, sustainable and veteran-focused transportation services to meet the current and future needs of veterans in the State.

This amendment also provides \$40,000 in one-time funding for the study.

**Enacted Law Summary**

Resolve 2015, chapter 77 requires the Department of Transportation, in conjunction with the Department of Defense, Veterans and Emergency Management, the Department of Health and Human Services and the Department of Labor, to conduct a study to determine the need for locally available transportation services that convey veterans to and from employment or employment-related services, medical appointments, mental health services, social services and community activities. The purpose of the study is to inform the development of a pilot project to provide transportation for veterans in order to improve access to essential programs and services for veterans and to inform potential future development of a long-term transportation policy designed to enable the delivery of cost-effective, sustainable and veteran-focused transportation services to meet the current and future needs of veterans in the State. It also provides \$40,000 in one-time funding for the study.

**LD 1608      An Act To Allow the Placement of Road Signs Advertising Events That Benefit Certain Organizations and Allow Free Admission to Military Personnel**

**ONTP**

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

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



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

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

May 2016

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REP. WAYNE R. PARRY  
REP. JAMES S. GILLWAY  
REP. BRADLEE THOMAS FARRIN  
REP. BRIAN D. HOBART

*Joint Standing Committee on Transportation*

**LD 227      An Act To Remove Barriers to Job Opportunities for Young Truck Drivers      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W COLLINS R	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill allows the Department of Public Safety, Bureau of State Police to create a program of limited duration for truck drivers 18 to 21 years of age under an exemption from federal regulations concerning transporting hazardous materials adopted by the bureau that encourages the drivers to enter the commercial trucking profession and reduces the regulatory barriers for and monitors and records the skills and driving records of the drivers.

**LD 287      An Act To Improve Traffic Safety during Political Campaign Seasons      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 127th Legislature.

Current law allows political signs to be erected and maintained within the public right-of-way without a license or permit. This bill repeals that law.

**LD 687      An Act To Expand Classification Categories for Motor Vehicles in the State      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to revisit the motor vehicle classification of autocycle, which was defined in the Maine Revised Statutes, Title 29-A, section 101, former subsection 6-B as an enclosed motorcycle with up to three wheels. The definition was a temporary measure that self-repealed in 2013. This bill proposes reviewing various types and models of enclosed motor vehicles with three wheels or fewer that are existing or under development for the purpose of registration and possibly creating a new motor vehicle classification for registration under the State's motor vehicle laws.

**LD 845      An Act To Address Unmet Public Transportation Needs      Died On Adjournment**

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

## *Joint Standing Committee on Transportation*

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill provides an ongoing General Fund appropriation to the Department of Transportation of \$3,000,000 beginning in fiscal year 2015-16. The bill also requires the State Controller to transfer, beginning June 1, 2016 and every June 1st thereafter, \$500,000 from the Multimodal Transportation Fund program, Other Special Revenue Funds account within the Department of Transportation, to the Multimodal Transit Fund program, Other Special Revenue Funds account within the Department of Transportation. The funds must be distributed to public transportation providers statewide to better meet the need for such services.

**LD 1110      *Resolve, To Study Transportation Funding Reform***

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM	H-563

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to modernize current state road user fee funding mechanisms to promote equity and sustainability and to yield the predictable funding levels needed to support a safe and reliable highway and bridge system that supports economic opportunity.

In order to attain these goals, the bill proposes to require some or all of the following:

1. A review and revision, if necessary, of the funding levels, including any anticipated shortfalls, necessary to achieve the highway and bridge capital goals enumerated in the Maine Revised Statutes, Title 23, section 73, subsection 7, paragraphs A to D;
2. A mechanism to address the erosion of Highway Fund receipts that is caused in part by higher automobile fuel efficiency such as registration fee surcharges on electric or hybrid cars or the establishment of a voluntary vehicle miles traveled program that allows a user to self-report the miles traveled and pay a tax based on those miles;
3. A method of placing a more equitable share of the costs of the highway system on nonresidents such as reducing baseline fuel tax rates and adding a seasonal gasoline tax surcharge or imposing seasonal electronic tolling;
4. Reducing baseline fuel tax rates and adding a wholesale tax component;
5. Fuel tax surcharges that are tied to fuel prices or federal fuel taxes and that would be reduced or eliminated as fuel prices or the federal tax increases; and
6. The dedication of a portion of sales tax receipts from sales of transportation-related products, such as vehicles and tires, for transportation needs.

**Committee Amendment "A" (H-563)**

This amendment replaces the concept draft with a resolve directing the Joint Standing Committee on Transportation to study how to reform and adequately supplement funding for the State's transportation infrastructure to promote equity, sustainability and predictability in a manner that allows the State to responsibly provide a safe and reliable transportation system. The committee is authorized to meet for this purpose up to four times when the Legislature is not in session, and the committee's report must be submitted by November 2, 2016. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit legislation to the First Regular Session of

## *Joint Standing Committee on Transportation*

the 128th Legislature relating to the subject matter of the report. The amendment adds an emergency preamble and emergency clause.

**LD 1468      Resolve, To Improve the Safety of Ferries in the State**

**RESOLVE 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D KINNEY J	OTP-AM	S-374 S-483    COLLINS R

This bill amends the membership of the Maine State Ferry Advisory Board and requires the board to review Department of Transportation policies related to the Maine State Ferry Service prior to implementation. The bill requires the Department of Transportation to implement recommendations contained in the "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report" dated April 4, 2008. The bill also requires the Department of Transportation to adopt rules in connection with the Maine State Ferry Service regarding staffing levels and duties, transportation of hazardous materials, transportation of medical samples, customer service and crew stations and duties.

### **Committee Amendment "A" (S-374)**

This amendment, which replaces the bill with a resolve, strikes from the bill provisions amending the membership of the Maine State Ferry Advisory Board within the Department of Transportation.

The amendment also strikes from the bill the requirement that the Department of Transportation implement recommendations contained in the report titled "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report" and dated April 4, 2008. Instead, the amendment requires the Department of Transportation to execute a peer review assessment of Maine State Ferry Service processes to evaluate safety procedures and marine operations of the Maine State Ferry Service. The amendment requires the Department of Transportation to submit a report with the results of the peer review assessment to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

The amendment revises the provisions in the bill relating to rulemaking. The amendment strikes the requirement that the Department of Transportation adopt rules relating to the Maine State Ferry Service regarding staffing levels and duties, transportation of hazardous materials and standard operating procedures relating to crew stations and duties. The amendment retains the requirement that the Department of Transportation adopt rules relating to the Maine State Ferry Service regarding transportation of medical samples and customer service and adds training to the rule-making requirement. The amendment requires the Department of Transportation to report on the progress of its rulemaking to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-483)**

This amendment strikes and replaces the appropriations and allocations section and increases the allocations from the Island Ferry Services Fund.

### **Enacted Law Summary**

Resolve 2015, chapter 86 requires the Department of Transportation to execute a peer review assessment of Maine State Ferry Service processes to evaluate safety procedures and marine operations of the Maine State Ferry Service. This law requires the Department of Transportation to submit a report with the results of the peer review assessment to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

## *Joint Standing Committee on Transportation*

This law also requires that the Department of Transportation adopt rules relating to the Maine State Ferry Service regarding customer service, training and transportation of medical samples. It requires the Department of Transportation to report on the progress of its rulemaking to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than February 1, 2017.

**LD 1483      An Act To Amend Maine's Motor Vehicle Laws**

**PUBLIC 473  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R MCLEAN A	OTP-AM	S-367 S-512    HAMPER J

This bill amends the motor vehicle laws as follows.

1. It clarifies that a combination vehicle may include a truck-trailer configuration.
2. It allows municipal agents to issue registrations for pickup trucks up to 10,000 pounds rather than the current 9,000-pound limit.
3. It amends the vehicle registration laws to require registration information on a motor vehicle's motive power for vehicles that do not use motor fuels, such as electric vehicles.
4. It makes clear that a registration plate may not be obscured by a plate frame or covering or other device that prevents the plate from being read.
5. It repeals the authorization for truck and truck tractor lobster registration plates and farm truck agriculture education registration plates.
6. It removes the word "commercial" from the laws regarding registration of trucks and truck tractors so as to include trucks and truck tractors that are used privately.
7. It removes an obsolete requirement that an agent who issues temporary registered gross weight increases be either a municipal tax collector or town or city manager.
8. It corrects a discrepancy regarding the maximum length of time for which a permanent disability parking placard may be issued. The limit is six years.
9. It requires antique autos and antique motorcycles manufactured after 1991 to be subject to a biennial inspection.
10. It removes the word "commercial" from the laws regarding the operation of a vehicle exceeding its registered weight.
11. It amends the definition of "related entity" to include a domestic partner in the provision regarding suspension or revocation of the license or authority to engage in a business or commercial activity under the motor vehicle major offenses laws.
12. It removes the requirement for a noncommercial driver education school to obtain a surety bond if the school offers driver education as a course credit and does not charge a fee for the driver education course.
13. It repeals the provision of law that allows a person who is at least 15 years of age to obtain a special restricted license under certain conditions without having held a permit for a period of six months.

## *Joint Standing Committee on Transportation*

14. It changes the motorcycle driver education requirement from an eight-hour block of instruction to classroom and hands-on instruction.

### **Committee Amendment "A" (S-367)**

This amendment strikes the provision of the bill that clarifies that a registration plate may not be obscured by a plate frame or covering or other device that prevents the plate from being read visually or electronically.

The amendment strikes from the bill the repeal of the provision of law that allows a person who has reached 15 years of age to obtain a special restricted license based on educational, employment or medical need without having held a learner's permit for a period of six months. Under current law, a person who is 15 years of age to 20 years of age can obtain a special restricted license. The amendment instead limits the special restricted license only to a person who is 15 years of age.

Current law provides that a person seeking to qualify for a special restricted license based on educational or employment need must complete a minimum of 70 hours of driving, including 10 hours of night driving. The amendment increases the minimum driving time required of a person who is seeking to qualify for a special restricted license based on medical need from 35 hours to 70 hours, including 10 hours of night driving instead of the current five hours. The amendment gives the Secretary of State discretion to reduce the required minimum hours of driving for a person seeking to qualify for a special restricted license based on medical need.

The amendment also strikes from the bill the provisions that require antique autos and antique motorcycles manufactured after 1991 to be subject to biennial inspection.

The amendment strikes the requirement in current law that the Secretary of State may not issue a certificate of title or certificate of salvage for a vehicle reported stolen or converted until the Secretary of State learns of that vehicle's recovery or that the report of theft or conversion was erroneous. This is an obsolete requirement as the Department of the Secretary of State, Bureau of Motor Vehicles works with insurance companies and salvage companies when issuing certificates on vehicles reported stolen.

The amendment changes the year the Department of Transportation is reviewed pursuant to the State Government Evaluation Act from 2015 to 2017.

Current law provides that the excise tax on a motor vehicle owned by a nonresident with no temporary or occasional residing place in the State must be paid to the Secretary of State. This amendment provides that the excise tax paid to the Secretary of State by a nonresident with no temporary or occasional residing place in the State must be credited to the Highway Fund.

The amendment clarifies that the term "IFTA governing documents" under the Special Fuel Tax Act refers to International Fuel Tax Agreement documents amended as of July 15, 2015 rather than December 31, 2011.

The amendment also adds an appropriations and allocations section and an emergency preamble and emergency clause.

### **Senate Amendment "A" To Committee Amendment "A" (S-512)**

This amendment amends Committee Amendment "A" to remove the section that provides that the excise tax paid to the Secretary of State by a nonresident with no temporary or occasional residing place in the State must be credited to the Highway Fund.

### **Enacted Law Summary**

## *Joint Standing Committee on Transportation*

Public Law 2015, chapter 473 does the following.

1. It clarifies that a combination vehicle may include a truck-trailer configuration.
2. It allows municipal agents to issue registrations for pickup trucks up to 10,000 pounds rather than the current 9,000-pound limit.
3. It amends the vehicle registration laws to require registration information on a motor vehicle's motive power for vehicles that do not use motor fuels, such as electric vehicles.
4. It repeals the authorization for truck and truck tractor lobster registration plates and farm truck agriculture education registration plates.
5. It removes the word "commercial" from the laws regarding registration of trucks and truck tractors so as to include trucks and truck tractors that are used privately.
6. It removes an obsolete requirement that an agent who issues temporary registered gross weight increases be either a municipal tax collector or town or city manager.
7. It corrects a discrepancy regarding the maximum length of time for which a permanent disability parking placard may be issued. The limit is six years.
8. It removes the word "commercial" from the laws regarding the operation of a vehicle exceeding its registered weight.
9. It amends the definition of "related entity" to include a domestic partner in the provision regarding suspension or revocation of the license or authority to engage in a business or commercial activity under the motor vehicle major offenses laws.
10. It removes the requirement for a noncommercial driver education school to obtain a surety bond if the school offers driver education as a course credit and does not charge a fee for the driver education course.
11. It provides that only a person who is 15 years of age may obtain a special restricted license based on educational, employment or medical need without having held a learner's permit for a period of six months.
12. It increases the minimum driving time required of a person who is seeking to qualify for a special restricted license based on medical need to 70 hours of driving, including 10 hours of night driving. The law also gives the Secretary of State discretion to reduce the required minimum hours of driving for a person seeking to qualify for a special restricted license based on medical need.
13. It changes the motorcycle driver education requirement from an eight-hour block of instruction to classroom and hands-on instruction.
14. It strikes the requirement that the Secretary of State may not issue a certificate of title or certificate of salvage for a vehicle reported stolen or converted until the Secretary of State learns of that vehicle's recovery or that the report of theft or conversion was erroneous.
15. It changes the year the Department of Transportation is reviewed pursuant to the State Government Evaluation Act from 2015 to 2017.
16. It clarifies that the term "IFTA governing documents" under the Special Fuel Tax Act refers to International Fuel Tax Agreement documents amended as of July 15, 2015 rather than December 31, 2011.

*Joint Standing Committee on Transportation*

Public Law 2015, chapter 473 was enacted as an emergency measure effective April 15, 2016.

**LD 1507      An Act To Authorize a Person Whose Operator's License Is Suspended Due to Failure To Pay Child Support To Drive to and from a Place of Employment      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY M EDGECOMB P	ONTP	

Current law requires the Secretary of State to suspend the driver's license of a person who violates a court order of financial support upon certification of that violation by the Commissioner of Health and Human Services. A person may request the commissioner issue a conditional release to the Secretary of State, who may provide the person with a temporary license valid for a period not to exceed 120 days.

This bill allows a person to request a work-restricted license, similar to that issued when a person has been convicted of operating under the influence, to allow the person to operate a motor vehicle between the person's residence and a place of employment or in the scope of employment, or both. The work-restricted license may be issued only if there is no other means of transportation available to the person and the person's license to operate has not been suspended for operating under the influence within the prior 10-year period.

**LD 1546      An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2017      P & S 15**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-518

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, 2017 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**Committee Amendment "A" (H-518)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2015, chapter 15 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, 2017 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**LD 1567      An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway      PUBLIC 413 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAUCIER R PATRICK J	OTP-AM	H-541

## *Joint Standing Committee on Transportation*

This bill allows the Commissioner of Transportation to permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways in areas of new construction. It also permits the operation of all-terrain vehicles and snowmobiles on those trail segments.

### **Committee Amendment "A" (H-541)**

This amendment clarifies that the Department of Transportation or the board of directors of the Maine Turnpike Authority, whichever has jurisdiction, may approve trail segments and permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways being constructed on or after January 1, 2016.

The amendment prohibits funding the construction of those all-terrain vehicle and snowmobile trails from the Highway Fund.

### **Enacted Law Summary**

Public Law 2015, chapter 413 allows the Department of Transportation or the board of directors of the Maine Turnpike Authority, whichever has jurisdiction, to approve trail segments and permit the construction of all-terrain vehicle and snowmobile trails within the right-of-way limits of controlled access highways being constructed on or after January 1, 2016. It also permits the operation of all-terrain vehicles and snowmobiles on those trail segments. The law also prohibits funding the construction of those all-terrain vehicle and snowmobile trails from the Highway Fund.

Public Law 2015, chapter 413 was enacted as an emergency measure effective March 29, 2016.

<b>LD 1571</b>	<b>Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge</b>	<b>RESOLVE 56</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P FREDETTE K	OTP	

This resolve directs the Department of Transportation to name the bridge on Stagecoach Road crossing the Piscataquis River between the towns of Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge in honor of the late Captain Brainard, who was killed in action in Afghanistan during Operation Enduring Freedom in 2012. It also directs the department to erect appropriate signs on both sides of the bridge.

### **Enacted Law Summary**

Resolve 2015, chapter 56 directs the Department of Transportation to name the bridge on Stagecoach Road crossing the Piscataquis River between the towns of Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge in honor of the late Captain Brainard, who was killed in action in Afghanistan during Operation Enduring Freedom in 2012.

<b>LD 1582</b>	<b>Resolve, To Name the Naples Bay Bridge on U.S. Route 302 in the Town of Naples the Robert Neault Memorial Bridge</b>	<b>RESOLVE 68</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS C DIAMOND G	OTP	

This resolve directs the Department of Transportation to designate the Naples Bay bridge on U.S. Route 302 that crosses over Chutes River in the Town of Naples the Robert Neault Memorial Bridge.

*Joint Standing Committee on Transportation*

**Enacted Law Summary**

Resolve 2015, chapter 68 directs the Department of Transportation to designate the Naples Bay bridge on U.S. Route 302 that crosses over Chutes River in the Town of Naples the Robert Neault Memorial Bridge.

**LD 1589      Resolve, To Name the Essex Street Overpass Bridge in Bangor the Brent Cross Bridge      RESOLVE 69**

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

This resolve directs the Department of Transportation to designate the Essex Street overpass bridge in the City of Bangor that crosses over Interstate 95 the Brent Cross Bridge.

**Enacted Law Summary**

Resolve 2015, chapter 69 directs the Department of Transportation to designate the Essex Street overpass bridge in the City of Bangor that crosses over Interstate 95 the Brent Cross Bridge.

**LD 1592      An Act To Amend the Maine Traveler Information Services Laws      PUBLIC 403**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-380

This bill was reported by the committee pursuant to joint order, S.P. 628 and then referred back to the committee for processing in the normal course.

The intent of the bill is to address a recent United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015), relating to categorical signs within a public right-of-way.

The bill makes the following changes to the Maine traveler information services laws.

1. It clarifies the definition of "erect" to also mean display.
2. It adds a definition of "temporary sign" to mean a sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time.
3. It corrects a typographical error in the provision relating to types and arrangements of signs.
4. It removes the following signs from the provisions relating to categorical signs within the public right-of-way: signs showing the place and time of service or meetings of religious and civic organizations; memorial signs or tablets; signs bearing political messages relating to an election, primary or referendum; signs erected by a producer that directs travelers to the location where farm and food products are grown, produced and sold; and signs erected for a farmers' market that are directional in nature. Instead, the bill creates a broader category of temporary signs within the public right-of-way in order to regulate signs within a public right-of-way in a content-neutral manner per the United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015). It provides that a temporary sign may be placed within the public right-of-way for a maximum of six weeks per calendar year during the time period from May 1st to November 15th. It provides that a temporary sign may not be placed within the public right-of-way within 200 feet of another temporary sign bearing the same or substantially the same message.

## *Joint Standing Committee on Transportation*

It also provides that a temporary sign may not exceed four feet by eight feet in size. Finally, it provides that a temporary sign must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way.

5. It repeals the provision of law regarding categorical signs outside the public right-of-way. Instead, the bill provides that, except as provided by current law relating to on-premises signs, a sign may be erected outside the public right-of-way as long as it does not exceed 50 square feet in size.

6. It repeals the provision of law relating to unlawful removal of political signs. Instead, it provides that the unlawful removal of temporary signs from the public right-of-way is a civil violation for which a fine of up to \$250 may be adjudged.

### **Committee Amendment "A" (S-380)**

This amendment strikes the restriction that a temporary sign may be placed within the public right-of-way only during the time period from May 1st to November 15th. It provides that a temporary sign may not be placed within the public right-of-way within 30 feet, instead of 200 feet as proposed in the bill, of another temporary sign bearing the same or substantially the same message.

### **Enacted Law Summary**

Public Law 2015, chapter 403 makes the following changes to the Maine traveler information services laws to address United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015), relating to categorical signs within a public right-of-way.

1. It clarifies the definition of "erect" to also mean display.
2. It adds a definition of "temporary sign" to mean a sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time.
3. It removes the following signs from the provisions relating to categorical signs within the public right-of-way: signs showing the place and time of service or meetings of religious and civic organizations; memorial signs or tablets; signs bearing political messages relating to an election, primary or referendum; signs erected by a producer that directs travelers to the location where farm and food products are grown, produced and sold; and signs erected for a farmers' market that are directional in nature. Instead, the law creates a broader category of temporary signs within the public right-of-way in order to regulate signs within a public right-of-way in a content-neutral manner per the United States Supreme Court decision, *Reed v. Town of Gilbert*, No. 13-502 (2015). The law provides that a temporary sign may be placed within the public right-of-way for a maximum of six weeks per calendar year. It provides that a temporary sign may not be placed within the public right-of-way within 30 feet of another temporary sign bearing the same or substantially the same message. It also provides that a temporary sign may not exceed four feet by eight feet in size. Finally, the law provides that a temporary sign must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way.
4. It repeals the provision of law regarding categorical signs outside the public right-of-way. It provides that, except as provided by current law relating to on-premises signs, a sign may be erected outside the public right-of-way as long as it does not exceed 50 square feet in size.
5. It repeals the provision of law relating to unlawful removal of political signs. Instead, it provides that the unlawful removal of temporary signs from the public right-of-way is a civil violation for which a fine of up to \$250 may be adjudged.

***Joint Standing Committee on Transportation***

**LD 1602      Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans To Address the Transportation Needs of Maine's Veterans**

**RESOLVE 77**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-574

This resolve was reported by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2015, chapter 48 and then referred to the Transportation Committee for processing in the normal course.

This resolve implements the recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans. It requires the Department of Transportation, in conjunction with the Department of Defense, Veterans and Emergency Management, the Department of Health and Human Services and the Department of Labor, to develop and establish a pilot project to provide transportation for veterans in order to improve access to essential programs and services for veterans and to inform potential future development of a long-term transportation policy designed to enable the delivery of cost-effective, sustainable and veteran-focused transportation services to meet the current and future needs of veterans in the State.

**Committee Amendment "A" (H-574)**

This amendment replaces the resolve and requires the Department of Transportation, in conjunction with the Department of Defense, Veterans and Emergency Management, the Department of Health and Human Services and the Department of Labor, to conduct a study, using available federal funds, to determine the need for locally available transportation services that convey veterans to and from employment or employment-related services, medical appointments, mental health services, social services and community activities. The purpose of the study is to inform the development of a pilot project to provide transportation for veterans in order to improve access to essential programs and services for veterans and to inform potential future development of a long-term transportation policy designed to enable the delivery of cost-effective, sustainable and veteran-focused transportation services to meet the current and future needs of veterans in the State.

This amendment also provides \$40,000 in one-time funding for the study.

**Enacted Law Summary**

Resolve 2015, chapter 77 requires the Department of Transportation, in conjunction with the Department of Defense, Veterans and Emergency Management, the Department of Health and Human Services and the Department of Labor, to conduct a study to determine the need for locally available transportation services that convey veterans to and from employment or employment-related services, medical appointments, mental health services, social services and community activities. The purpose of the study is to inform the development of a pilot project to provide transportation for veterans in order to improve access to essential programs and services for veterans and to inform potential future development of a long-term transportation policy designed to enable the delivery of cost-effective, sustainable and veteran-focused transportation services to meet the current and future needs of veterans in the State. It also provides \$40,000 in one-time funding for the study.

**LD 1608      An Act To Allow the Placement of Road Signs Advertising Events That Benefit Certain Organizations and Allow Free Admission to Military Personnel**

**ONTP**

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

## *Joint Standing Committee on Transportation*

This bill allows a public, civic, philanthropic, charitable or religious organization to erect signs in the public right-of-way that announce a fund-raising event for that organization at which military personnel, active and retired, and the families of military personnel are permitted entry free of charge.

# *Joint Standing Committee on Transportation*

## **SUBJECT INDEX**

### **Bridges**

#### **Enacted**

LD 1571	Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge	RESOLVE 56
LD 1582	Resolve, To Name the Naples Bay Bridge on U.S. Route 302 in the Town of Naples the Robert Neault Memorial Bridge	RESOLVE 68
LD 1589	Resolve, To Name the Essex Street Overpass Bridge in Bangor the Brent Cross Bridge	RESOLVE 69

### **Highway Fund**

#### **Not Enacted**

LD 1110	Resolve, To Study Transportation Funding Reform	Died On Adjournment
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### **Marine Transportation**

#### **Enacted**

LD 1468	Resolve, To Improve the Safety of Ferries in the State	RESOLVE 86
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### **Motor Carriers**

#### **Not Enacted**

LD 227	An Act To Remove Barriers to Job Opportunities for Young Truck Drivers	ONTP
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### **Motor Vehicles**

#### **Enacted**

LD 1483	An Act To Amend Maine's Motor Vehicle Laws	PUBLIC 473 EMERGENCY
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#### **Not Enacted**

LD 687	An Act To Expand Classification Categories for Motor Vehicles in the State	ONTP
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### **Operator's License**

#### **Not Enacted**

LD 1507	An Act To Authorize a Person Whose Operator's License Is Suspended Due to Failure To Pay Child Support To Drive to and from a Place of Employment	ONTP
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**Public Transportation**

**Not Enacted**

LD 845	An Act To Address Unmet Public Transportation Needs	Died On Adjournment
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**Signs**

**Enacted**

LD 1592	An Act To Amend the Maine Traveler Information Services Laws	PUBLIC 403
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**Not Enacted**

LD 287	An Act To Improve Traffic Safety during Political Campaign Seasons	ONTP
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LD 1608	An Act To Allow the Placement of Road Signs Advertising Events That Benefit Certain Organizations and Allow Free Admission to Military Personnel	ONTP
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**Transportation Department**

**Enacted**

LD 1567	An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway	PUBLIC 413 EMERGENCY
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LD 1602	Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans To Address the Transportation Needs of Maine's Veterans	RESOLVE 77
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**Turnpike Authority**

**Enacted**

LD 1546	An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2017	P & S 15
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# *Joint Standing Committee on Transportation*

## **SUBJECT INDEX**

### **Bridges**

#### **Enacted**

LD 1571	Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge	RESOLVE 56
LD 1582	Resolve, To Name the Naples Bay Bridge on U.S. Route 302 in the Town of Naples the Robert Neault Memorial Bridge	RESOLVE 68
LD 1589	Resolve, To Name the Essex Street Overpass Bridge in Bangor the Brent Cross Bridge	RESOLVE 69

### **Highway Fund**

#### **Not Enacted**

LD 1110	Resolve, To Study Transportation Funding Reform	Died On Adjournment
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### **Marine Transportation**

#### **Enacted**

LD 1468	Resolve, To Improve the Safety of Ferries in the State	RESOLVE 86
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### **Motor Carriers**

#### **Not Enacted**

LD 227	An Act To Remove Barriers to Job Opportunities for Young Truck Drivers	ONTP
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### **Motor Vehicles**

#### **Enacted**

LD 1483	An Act To Amend Maine's Motor Vehicle Laws	PUBLIC 473 EMERGENCY
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#### **Not Enacted**

LD 687	An Act To Expand Classification Categories for Motor Vehicles in the State	ONTP
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### **Operator's License**

#### **Not Enacted**

LD 1507	An Act To Authorize a Person Whose Operator's License Is Suspended Due to Failure To Pay Child Support To Drive to and from a Place of Employment	ONTP
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**Public Transportation**

**Not Enacted**

LD 845	An Act To Address Unmet Public Transportation Needs	Died On Adjournment
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**Signs**

**Enacted**

LD 1592	An Act To Amend the Maine Traveler Information Services Laws	PUBLIC 403
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**Not Enacted**

LD 287	An Act To Improve Traffic Safety during Political Campaign Seasons	ONTP
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LD 1608	An Act To Allow the Placement of Road Signs Advertising Events That Benefit Certain Organizations and Allow Free Admission to Military Personnel	ONTP
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**Transportation Department**

**Enacted**

LD 1567	An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway	PUBLIC 413 EMERGENCY
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LD 1602	Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans To Address the Transportation Needs of Maine's Veterans	RESOLVE 77
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**Turnpike Authority**

**Enacted**

LD 1546	An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2017	P & S 15
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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON VETERANS AND LEGAL  
AFFAIRS**

May 2016

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REP. SHELDON MARK HANINGTON  
REP. HENRY JOHN BEAR

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 742      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Require That Signatures on a Direct Initiative of Legislation Come  
from Each Congressional District** **Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM ONTP	S-356

This resolution was carried over from the First Regular Session of the 127th Legislature.

This bill proposes to amend the Constitution of Maine to require that at least 5% of the number of signatures required on a petition to directly initiate legislation be of electors registered to vote in each of the 16 counties.

**Committee Amendment "A" (S-129)**

The resolution proposes to amend the Constitution of Maine to require that signatures on a petition to directly initiate legislation be of voters from every county of the State. This amendment instead proposes to amend the Constitution of Maine to require that the number of signatures on a petition to directly initiate legislation be of voters from each of the State's 2 congressional districts in an amount not less than 10% of the total votes for Governor cast in that congressional district in the previous gubernatorial election.

This amendment was not adopted.

**Committee Amendment "B" (S-356)**

This amendment proposes to amend the Constitution of Maine to require that the signatures on a petition to directly initiate legislation be of voters from each of the State's two congressional districts and that the number of signatures from each congressional district be not less than ten percent of the total votes for Governor cast in that congressional district in the previous gubernatorial election. This amendment provides that, if the required votes are cast in favor of the proposed amendment to the Constitution, the proposed amendment becomes part of the Constitution on March 1, 2017 instead of on the date of the Governor's proclamation.

**LD 805      Resolve, Authorizing Certain Individuals To Bring Suit against the  
Department of Health and Human Services** **Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH R DUTREMBLE D	OTP-AM ONTP	H-524

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve authorizes Sara Bachelder individually and on behalf of her two minor children; Danielle and Christopher Pouliot individually and on behalf of their minor child; Hannah and Brett Williams individually and on behalf of their minor child; Tonya Later and Albert Sico III individually and on behalf of their minor child; and Michelle Tapley individually and on behalf of her minor child to bring suit against the Department of Health and Human Services for damages in connection with actions taken by the Department of Health and Human Services and constitutes a waiver of the State's defense of sovereign immunity.

**Committee Amendment "A" (H-524)**

This amendment, which is the majority report of the Joint Standing Committee on Veterans and Legal Affairs,

*Joint Standing Committee on Veterans and Legal Affairs*

amends the resolve by stipulating that the total amount of all damages, including costs, combined in all actions brought pursuant to the authority granted in the resolve may not exceed \$400,000. The amendment also clarifies that the resolve does not restrict the named individuals to bringing a single action but that multiple individual actions may be brought, subject to the total damages cap of \$400,000.

**LD 904      An Act To Increase Fairness in Campaign Financing**

**Died Between  
Houses**

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

This bill was carried over from the First Regular Session of the 127th Legislature.

Current law limits the amount individuals, political committees, political action committees and other entities may contribute to a candidate for Governor to \$1,500 in any primary, general or special election. The limit for a legislative candidate is \$350 per election. This bill provides that individuals, political committees, political action committees and other entities may contribute a total of \$3,000 to a candidate for Governor, including a maximum of \$1,500 for a primary election, and a total of \$750 to a legislative candidate, including a maximum of \$375 for a primary election.

**Committee Amendment "A" (H-568)**

This amendment replaces the bill and was presented in response to the United States District Court decision in *Woodhouse, et al. v. Maine Commission on Governmental Ethics and Election Practices, et al.*, United States District Court, District of Maine, Docket No. 1:14-CV-266-DBH.

The amendment provides that contributions received by a candidate for a primary election must be segregated from those received for the general election. The amendment allows a candidate who is unopposed in a primary election to use, in the general election, contributions received for the primary election prior to the deadline by which primary candidates must submit petitions to take part in a primary election. Contributions carried forward from the primary election to the general election are subject to the dollar limits that apply to contributions made to a candidate by a single donor.

The amendment permits a candidate who defeats a primary opponent to carry forward, to the general election, unspent contributions received for the primary election. Regardless of whether the candidate was opposed in a primary election, if the sum of a primary election contribution and a general election contribution from the same donor exceeds contribution limits, the candidate must return at least the excess amount to the donor.

The amendment specifies that contributions received for the purpose of supporting a candidate in a primary election may not be used primarily to support the candidate's general election.

The amendment repeals the limit of \$25,000 per calendar year on an individual's aggregate contributions to all political candidates.

The amendment delays the effective date until December 1, 2016 and also makes technical, cross-reference changes.

This amendment was not adopted.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 997      Resolve, Authorizing Legislation To Streamline the Laws Governing the  
Licensing and Conduct of Beano and Games of Chance**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM	H-554

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to streamline licensing and registration requirements for veterans' organizations and the method of payments by those veterans' organizations.

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

This amendment strikes the bill, which is a concept draft, and directs the Joint Standing Committee on Veterans and Legal Affairs to meet to develop proposals to streamline the laws governing beano and games of chance with the purpose of simplifying licensure, maximizing revenue to licensed charitable organizations and easing the administrative and enforcement burdens of the Chief of the State Police. The amendment requires the chief to provide certain information to the committee.

**LD 1279      An Act To Authorize Advance Deposit Wagering for Horse Racing**

**PUBLIC 499**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J	OTP-AM ONTP	H-614

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes a framework for the conduct of advance deposit wagering on harness and thoroughbred racing. The bill provides that commercial tracks and established off-track betting facilities are eligible for a license to accept wagers made by telephone or electronic communication using advance deposit wagering. Advance deposit wagering is a form of pari-mutuel wagering in which a bettor establishes an account from which wagers on horse races are made and into which prizes are deposited. An advance deposit wager licensee receives a percentage of each wager made using advance deposit wagering. Advance deposit wagering licenses are issued by the State Harness Racing Commission. The bill prescribes the duties of the commission with regard to enforcement and administration of laws and rules that govern advance deposit wagering. The bill also authorizes multijurisdictional account wagering providers from outside the State to provide advance deposit wagering.

**Committee Amendment "A" (H-614)**

This amendment replaces the bill and is the majority report of the committee. The amendment establishes a competitive bid process, administered by the Department of Public Safety, Gambling Control Board, to authorize one entity to be licensed to conduct advance deposit wagering in the State on horse racing. The board is charged with adopting rules to govern the conduct of advance deposit wagering in addition to administering the licensing process and enforcement of the laws and rules governing the gambling activity.

Advance deposit wagering is a method of wagering on horse racing in which bets are made electronically, by telephone or in person. A bettor establishes an account with the licensee from which the licensee makes

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withdrawals to place bets on behalf of the account holder and into which the licensee deposits income from winning bets.

Under the amendment, a person is eligible to submit a bid to become the single advance deposit wagering licensee in the State if the person is a commercial track or off-track betting facility licensed in the State or if the person is an entity already licensed to conduct advance deposit wagering in another state. The person is required to execute a contract with the board. The contract will govern the amount of the net commission of advance deposit wagers that will be distributed by the board to recipients such as commercial tracks, the Sire Stakes Fund, the Agricultural Fair Support Fund, off-track betting facilities, harness racing purses and the General Fund. The amendment provides the percentages of the net commission that must be distributed by the board to these recipients.

**Enacted Law Summary**

Public Law 2015, chapter 499 establishes a competitive bid process, to be administered by the Department of Public Safety, Gambling Control Board, to authorize one entity to be licensed to conduct advance deposit wagering in the State on horse racing. The board is charged with adopting rules to govern the conduct of advance deposit wagering in addition to administering the licensing process and enforcement of the laws and rules governing the gambling activity. Advance deposit wagering is a method of wagering on horse racing in which bets are made electronically, by telephone or in person. A bettor establishes an account with the licensee from which the licensee makes withdrawals to place bets on behalf of the account holder and into which the licensee deposits income from winning bets.

Under chapter 499, a person is eligible to submit a bid to become the single advance deposit wagering licensee in the State if the person is a commercial track or off-track betting facility licensed in the State or if the person is an entity already licensed to conduct advance deposit wagering in another state. The person is required to execute a contract with the board. The contract will govern the amount of the net commission of advance deposit wagers that will be distributed by the board to recipients such as commercial tracks, the Sire Stakes Fund, the Agricultural Fair Support Fund, off-track betting facilities, harness racing purses and the General Fund. Finally, this law provides the percentages of the net commission that must be distributed by the board to these recipients.

**LD 1280 An Act To Provide Income Tax Relief by Expanding Gaming Opportunities**

**Accepted Report B (ONTP)**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W COLLINS R	OTP-AM ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes the Independent Facility Location Commission to solicit bids for the operation of a casino to be located in Cumberland County or York County. The commission must select the best-value bidder to be issued a casino operator license by the Department of Public Safety, Gambling Control Board for an initial license fee of \$5,000,000. The winning bidder must construct a destination resort gaming facility with harness racing, slot machines and table games and a resort that includes a hotel, spa, pool, multiple dining options, entertainment venue, retail space and harness racing track. The casino must be approved by the voters of the county in which it is to be located and by the municipal officers or municipality in which the casino is to be located. The casino operator must enter into an agreement with the municipality where the slot machines are located that provides for revenue sharing or other compensation of at least three percent of the net slot machine income. The limit on the number of slot machines that may be registered in the State is raised from 3,000 to 7,500.

The bill establishes the Income Tax Relief Fund. Allocations from the fund must be made to provide income tax

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relief to the citizens of this State.

The casino operator must distribute 46% of net slot machine income and 16% of net table game income to the Gambling Control Board for distribution by the board as follows:

1. 2.5% to the General Fund for the administrative expenses of the Gambling Control Board and for the Gambling Addiction Prevention and Treatment Fund;
2. 20% to supplement harness racing purses;
3. 5% to the Sire Stakes Fund;
4. 8.5% to the Agricultural Fair Support Fund;
5. 3% to the municipality in which the slot machines and table games are located;
6. 5% to the county in which the slot machines and table games are located;
7. 2% percent to the municipalities that abut the municipality in which the slot machines and table games are located;
8. 2.5% to the Fund to Stabilize Off-track Betting Facilities;
9. 1.5% to the Coordinated Veterans Assistance Fund; and
10. 50% to the Income Tax Relief Fund.

### **Committee Amendment "E" (H-580)**

This amendment replaces the bill and is the majority report of the committee. The amendment establishes a competitive bid process for the operation of a resort-style casino in either York County or Cumberland County. The amendment establishes the Casino Development Commission, which is an independent board of five members appointed by the Governor and confirmed by the Senate. The commission's purpose is to develop a request for proposals for the privilege to submit an application to the Department of Public Safety, Gambling Control Board for a casino operator license. Prior to submitting a request for proposals, either York County or Cumberland County, or both, would have to hold a referendum vote asking voters to allow the operation of a casino in their county. The referendum must be held on the same date as a statewide election no sooner than June 1, 2017 and no later than July 1, 2018. The fee to submit a bid is \$250,000. The amendment provides for specific supporting information to be submitted by the bidder and considered by the commission including the bidder's ability to make a minimum \$250,000,000 capital investment in the resort-style casino and information regarding job creation, economic development, plans to mitigate negative infrastructure impacts and the bidder's support of the harness racing industry. Under the amendment, the commission is directed to develop a point system for the factors to be considered in evaluating proposals and give priority to proposals that create jobs, promote economic development, increase tourism and support a casino that fits the character of the State. The winning bidder must enter into a contract with the commission that obligates the casino operator to abide by the proposals made in the winning bid. Failure to abide by the terms of the contract could result in financial penalties to the casino operator.

The license fee for a casino under the amendment is \$55,000,000, of which \$5,000,000 is deposited into the General Fund to be used for administrative expenses of the Gambling Control Board. The remaining \$50,000,000 is deposited into an account to be used to mitigate the impact of lost revenue on the municipalities and a county in which casinos are currently located. The Gambling Control Board will distribute money from the account to the municipalities and county based on distributions the municipalities and county had been receiving from the casino.

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If a person initially licensed to operate the casino surrenders the license or the license is revoked, a subsequent licensee may operate the casino only for the remainder of the license term and is subject to a \$500,000 transfer fee. A subsequent licensee is subject to the contract executed when the casino in either York County or Cumberland County was initially licensed.

The amendment sets the distribution of net slot machine revenue at 40% and the distribution of net table game revenue at 16% for the resort-style casino. It directs the Gambling Control Board to withhold distributions of slot and table game revenues from the existing casinos upon the commencement of operation of the casino authorized by this amendment until the required distributions are established at those rates for all casinos by the Legislature. The amendment provides for various recipients of slot machine revenue and requires table game revenue to be deposited to the Fund to Reform Veterans Services. Allocations from the fund are made through grants to support the needs of veterans as governed by the policies and objectives of the Maine Veterans Assistance Council, which is established by this amendment.

The amendment requires the executive director of the State Harness Racing Commission to submit a report to the joint standing committees of the Legislature having jurisdiction over casino matters and agricultural matters. The executive director is required to consult with the commission and members of the harness racing industry to make recommendations that will increase the number of breeders in the Sire Stakes Fund program and structure distributions so that the money is not concentrated among a small percentage of breeders.

The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

### **Committee Amendment "F" (H-581)**

This amendment replaces the bill and is a minority report of the committee. The amendment establishes a competitive bid process for the operation of a resort-style casino in either York County or Cumberland County. The amendment establishes the Casino Development Commission, which is an independent board of five members appointed by the Governor and confirmed by the Senate. The commission's purpose is to develop a request for proposals for the privilege to submit an application to the Department of Public Safety, Gambling Control Board for a casino operator license. The fee to submit a bid is \$250,000. The amendment provides for specific supporting information to be submitted by the bidder and considered by the commission including the bidder's ability to make a minimum \$250,000,000 capital investment in the resort-style casino and information regarding job creation, economic development and plans to mitigate negative infrastructure impacts. Under the amendment, the commission is directed to develop a point system for the factors to be considered and give priority to factors that create jobs, promote economic development, increase tourism and support a casino that fits the character of the State, with job creation and economic development being the highest priorities. The winning bidder must enter into a contract with the commission that obligates the casino operator to abide by the proposals made in the winning bid. The contract includes a commitment of the casino operator to make annual reinvestments in the facility of an amount no less than three percent but no greater than 4 percent of net gambling revenue. Failure to abide by the terms of the contract could result in financial penalties to the operator.

The license fee for a casino under the amendment is \$10,000,000, which is deposited into the General Fund. The amendment sets the distribution of net slot machine revenue at 35% and the distribution of net table game revenue at 16% for the resort-style casino. Upon operation of slot machines at the resort-style casino, the board will hold distributions required of existing casinos until the Legislature establishes a single distribution structure that would apply to all casinos in the State that establishes a distribution of 35% of net slot machine revenue and 16% of net table game revenue.

Finally, the amendment makes enactment of this bill contingent upon the approval of the voters of the State at a statewide referendum election.

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This amendment was not adopted.

**LD 1331 An Act To Provide Enhanced Enforcement of the Laws Governing Alcoholic Beverages**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L CYRWAY S	OTP-AM	H-373

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill provides a definition of "liquor inspector" and provides that the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services may require liquor inspectors to receive law enforcement training as a condition of employment. The bill also requires the director to ensure that no less than 1/3 of the liquor inspector positions under the bureau include a requirement that the liquor inspector must complete law enforcement training.

**LD 1343 An Act To Increase Access to Postsecondary Education for Maine National Guard Members**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K WHITTEMORE R	OTP-AM	H-364

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table.

This bill provides for a tuition waiver for 100% of tuition costs at any state postsecondary education institution for qualified members of the Maine National Guard.

This bill, as amended, was incorporated into LD 1612, which was enacted as Public Law 2015, chapter 465.

**LD 1461 An Act To Allow All Manufacturers Licensed by the Bureau of Alcoholic Beverages and Lottery Operations To Provide Samples of Products to Retail Licensees**

**PUBLIC 386**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-353

This bill allows any person licensed as a manufacturer by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to give a retail licensee samples of malt liquor and wine. Current law restricts this practice to small breweries, small wineries and wholesalers.

**Committee Amendment "A" (S-353)**

The bill authorizes any person licensed as a manufacturer of malt liquor or wine by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to give a retail licensee samples of malt liquor and wine. This amendment clarifies that the authorized manufacturer is licensed to

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manufacture malt liquor or wine.

### Enacted Law Summary

Public Law 2015, chapter 386 authorizes any person licensed as a manufacturer of malt liquor or wine by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to give a retail licensee samples of malt liquor and wine.

#### **LD 1462 An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	ONTP OTP-AM	S-355

Current law allows a manufacturer of spirits, wine or malt liquor that obtains a retail license to sell the manufacturer's products as well as other liquor on the premises of that manufacturer.

This bill allows a manufacturer with a retail license to also sell its products for consumption off the premises of that manufacturer without the licensed premises being physically separated for on-premises and off-premises sales and without physically separating the inventory, as long as adequate records are maintained. This bill also allows breweries, small breweries, wineries, small wineries, distilleries or small distilleries under common ownership to transfer products from one premises to another and sell or serve those transferred products.

#### **Committee Amendment "A" (S-355)**

This amendment replaces the bill. This amendment clarifies existing law that permits a person that is licensed to manufacture malt liquor, wine or spirits at a facility in the State to sell the product that person produces from the manufacturing facility for off-premises consumption without having to get a separate off-premises retail license.

The amendment specifies that the location of the manufacturing facility where off-premises sales of the manufacturer's product occur is not required to be accessed by a separate entrance from the area of the facility that is licensed to serve alcoholic beverages for on-premises consumption.

The amendment clarifies that distilleries and small distilleries are subject to the existing law that requires spirits sold at retail to first be listed for sale and distributed by the State.

Finally, the amendment adds a provision reflecting federal law that permits a manufacturer who manufactures at multiple licensed locations to transport the manufacturer's own product between those locations.

#### **LD 1466 An Act Regarding Sales Representatives Employed by Licensed Wholesalers**

**PUBLIC 387**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK J LUCHINI L		S-357

This bill exempts from licensing by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations a sales representative who is employed by a distributor and who does not participate in product sampling or tasting events with the public.

#### **Committee Amendment "A" (S-357)**

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This amendment replaces the bill and changes the title. The amendment provides a definition of "sales representative" as it applies to licensed wholesalers. It clarifies that the provision in current law that requires liquor sales representatives to be licensed by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations applies to sales representatives employed by licensed wholesalers.

### Enacted Law Summary

Public Law 2015, chapter 387 provides a definition of "sales representative" as it applies to licensed wholesalers. And clarifies a provision in current law that requires liquor sales representatives employed by wholesalers to be licensed by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.

### LD 1467 An Act Regarding Maine Spirits

**PUBLIC 430  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R KINNEY J	OTP-AM	S-394

Under current law, on-premises retailers are required to report their liquor purchases from reselling agents to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. This bill instead requires reselling agents to report sales of spirits to on-premises retail licensees. This bill further provides that sales of spirits to on-premises retail licensees reported to the bureau from reselling agents are not confidential except for the names of the reselling agents.

### Committee Amendment "A" (S-394)

This amendment replaces the bill. As in the bill, the amendment establishes a requirement that reselling agents report sales of spirits made to establishments licensed to sell spirits for on-premises consumption. Under the amendment, spirits sales data is required to be reported monthly beginning October 15, 2016. The amendment repeals the requirement in current law that on-premises licensees report retail spirits sales data to the bureau. It amends the section of law that governs the responsibilities of the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to include a requirement that the director implement a spirits sales reporting system. The reporting system is facilitated by a trade association representing states that control the sale and distribution of spirits.

The amendment directs the bureau to adopt rules to help mitigate the costs incurred by those reselling agents licensed and selling spirits to on-premises licensees as of July 1, 2016.

### Enacted Law Summary

Public Law 2015, chapter 430 establishes a requirement that reselling agents report sales of spirits made to establishments licensed to sell spirits for on-premises consumption. It amends the section of law that governs the responsibilities of the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to include a requirement that the director implement a spirits sales reporting system. The reporting system is facilitated by a trade association representing states that control the sale and distribution of spirits. The spirits sales data is required to be reported monthly beginning October 15, 2016.

Chapter 430 repeals the requirement in current law that on-premises licensees report retail spirits sales data to the bureau.

This law also requires the bureau to adopt rules to help mitigate the costs incurred by those reselling agents licensed and selling spirits to on-premises licensees as of July 1, 2016.

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Public Law 2015, chapter 430 was enacted as an emergency measure effective April 5, 2016.

### LD 1484 An Act Regarding the Election Laws

**PUBLIC 447  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S LUCHINI L	OTP-AM	S-350 S-359 CYRWAY S

This bill makes the following changes to the election laws.

1. It adds a restriction that a registrar may not serve during an election when an immediate family member of the registrar is a candidate for federal office and clarifies the language regarding compensation. The current restriction applies only to candidates for state, local or county offices.
2. It removes provisions regarding the use of a supplemental incoming voting list.
3. It clarifies the requirements for how a voter's name and prior voting residence address must be provided on a voter registration application.
4. It updates the list of the outside agencies that must provide voter registration pursuant to the National Voter Registration Act of 1993.
5. It clarifies that an individual or organization is entitled to obtain voter registration data if that individual or organization is engaged in a "get out the vote" effort for a specific campaign.
6. It provides that when there is no candidate for a primary election office who has qualified by primary petition or as a declared write-in candidate, the Secretary of State is not required to list that office on the primary ballot.
7. It provides that the written acceptance for a replacement candidate must include a place for the registrar in the candidate's municipality of residence to certify the candidate's registration and enrollment status.
8. It changes the deadline for a candidate to withdraw and be replaced from 60 days to 70 days before the primary or general election.
9. It clarifies that a candidate may withdraw and be replaced if the candidate is incapacitated by a condition or injury and requires a certificate signed by a single licensed physician to accompany the withdrawal request. Current law provides only for incapacitation due to an illness and requires a certificate signed by two licensed physicians.
10. It changes the deadline for a nonparty candidate for Vice President to withdraw and be replaced from 60 days to 70 days before the general election.
11. It provides that if a candidate or nominee for a federal or gubernatorial office withdraws less than 70 days before any election, the Secretary of State is not required to produce new ballots.
12. It adds the restriction that a municipal clerk may not serve as the supervisor of an election when a member of the municipal clerk's immediate family is a candidate for federal, state, county or local office.
13. It changes from 30 to 60 days prior to an election the date by which the municipal clerk must file a report that includes the voting place location, the poll opening time and the number of voting booths to be used.
14. It clarifies the voting procedure by combining the steps of checking voter names on the incoming voting list and

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giving the ballot to the voter in the same provision of law. It prohibits the practice of handing out the ballot at a separate location from the incoming voting list.

15. It clarifies that it is a violation of law to display, as well as distribute, campaign materials within 250 feet of the entrance to either the voting place or the registrar's office.

16. It provides that the Secretary of State may send a courier to a municipality that is late in filing an election return after the election and that the municipality must provide a certified copy of the return to the courier and reimburse the Secretary of State for the costs of the courier.

17. It extends the deadlines after an election by which the municipal clerk and the registrar of voters must complete updates to the central voter registration system.

18. It changes the filing deadline for a declaration of write-in candidacy from 45 days to 60 days before the election.

19. It allows the Secretary of State, in agreement with the parties involved in a recount of a statewide office or referendum or an office or referendum that encompasses more than one county, to retrieve the ballots and conduct the recount in stages.

20. It clarifies the provision of law that provides that an apparent winning candidate may request a recount if the official tabulation of the vote communicated to the Governor shows that candidate as the losing candidate.

21. It lowers the threshold for requiring a deposit of \$500 in order for a candidate to request a recount.

22. It provides that a municipality may opt to process absentee ballots as early as the fourth day before the election. It also authorizes the Secretary of State to make available high-speed ballot tabulators for absentee ballots and to allow a municipality to bring absentee ballots to a state-designated central location for tabulating by the high-speed ballot tabulators as long as security guidelines are properly followed.

23. It imposes a deadline of 5:00 p.m. on election day for a uniformed service or overseas voter to submit a voter registration application or absentee ballot request in order to qualify for a ballot for that election.

### **Committee Amendment "A" (S-350)**

The bill adds a restriction that a registrar may not serve during an election when an immediate family member of the registrar is a candidate for federal office. This amendment provides that in addition to the bill's changes a registrar may not serve as registrar when the registrar is a candidate for federal, state, local or county office. This amendment removes a provision in the bill that limits the representation of a voter's legal name on a voter registration application to only one middle name or one middle initial. The amendment adds language that provides that the Secretary of State is not required to print a primary ballot if there are no offices for which a candidate has qualified either by petition or as a write-in candidate. Finally, the amendment strikes the provision in the bill pertaining to when a municipal clerk is ineligible to serve as the supervisor of elections.

### **Senate Amendment "A" (S-359)**

This amendment removes the provision of the bill that allows a municipality to process absentee ballots as early as the fourth day before the election and authorizes the Secretary of State to make available high-speed ballot tabulators for absentee ballots and to allow a municipality to bring absentee ballots to a state-designated central location for tabulating by the high-speed ballot tabulators as long as security guidelines are properly followed.

### **Enacted Law Summary**

Public Law 2015, chapter 447 makes the following changes to the election laws.

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1. It adds a restriction that a registrar may not serve during an election when an immediate family member of the registrar is a candidate for federal office. Under current law, this limitation for a registrar serving during an election already applies when an immediate family member is a candidate for state, local or county office. Under chapter 447, this restriction also applies if the registrar is a candidate for federal, state local, or county office.
2. It removes provisions regarding the use of a supplemental incoming voting list because implementation of the central voter registration system has eliminated the need for generating a supplemental list.
3. It clarifies the requirements for how a voter's name and prior voting residence address must be provided on a voter registration application. The requirements still permit the use of more than one middle name or middle initial on the application.
4. It updates the list of the outside agencies that must provide voter registration pursuant to the National Voter Registration Act of 1993.
5. It clarifies that an individual or organization is entitled to obtain voter registration data if that individual or organization is engaged in a "get out the vote" effort when that effort is targeted towards a specific campaign.
6. It provides that when there is no candidate for a primary election office who has qualified by primary petition or as a declared write-in candidate, the Secretary of State is not required to list that office on the primary ballot. Under this law, the Secretary of State is not required to print a primary ballot at all if there are no offices on that ballot for which a candidate has qualified by primary petition or as a declared write-in candidate.
7. It provides that the written acceptance for a replacement candidate must include a place for the registrar in the candidate's municipality of residence to certify the candidate's registration and enrollment status.
8. It changes the deadline for a candidate to withdraw and be replaced from 60 days to 70 days before the primary or general election.
9. It clarifies that a candidate may withdraw and be replaced if the candidate is incapacitated by a condition or injury and requires a certificate signed by a single licensed physician to accompany the withdrawal request. Current law provides only for incapacitation due to an illness and requires a certificate signed by two licensed physicians.
10. It changes the deadline for a nonparty candidate for Vice President to withdraw and be replaced from 60 days to 70 days before the general election.
11. It provides that if a candidate or nominee for a federal or gubernatorial office withdraws less than 70 days before any election, the Secretary of State is not required to produce new ballots.
12. It changes from 30 to 60 days prior to an election the date by which the municipal clerk must file a report that includes the voting place location, the poll opening time and the number of voting booths to be used.
13. It clarifies the voting procedure by combining the steps of checking voter names on the incoming voting list and giving the ballot to the voter in the same provision of law. It prohibits the practice of handing out the ballot at a separate location from the incoming voting list.
14. It clarifies that it is a violation of law to display, as well as distribute, campaign materials within 250 feet of the entrance to either the voting place or the registrar's office.
15. It provides that the Secretary of State may send a courier to a municipality that is late in filing an election return after the election and that the municipality must provide a certified copy of the return to the courier and reimburse the Secretary of State for the costs of the courier.

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- 16. It extends the deadlines after an election by which the municipal clerk and the registrar of voters must complete updates to the central voter registration system.
- 17. It changes the filing deadline for a declaration of write-in candidacy from 45 days to 60 days before the election.
- 18. It allows the Secretary of State, in agreement with the parties involved in a recount of a statewide office or referendum or an office or referendum that encompasses more than one county, to retrieve the ballots and conduct the recount in stages.
- 19. It clarifies the provision of law that provides that an apparent winning candidate may request a recount if the official tabulation of the vote communicated to the Governor shows that candidate as the losing candidate.
- 20. It lowers the threshold for requiring a deposit of \$500 in order for a candidate to request a recount.
- 21. It imposes a deadline of 5:00 p.m. on election day for a uniformed service or overseas voter to submit a voter registration application or absentee ballot request in order to qualify for a ballot for that election.

Public Law 2015, chapter 447 was enacted as an emergency measure effective April 10, 2016.

**LD 1508      An Act Regarding the Distribution and Off-site Storage of Spirits by  
Licensed Reselling Agents** **PUBLIC 434**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L THIBODEAU M	OTP OTP-AM	H-570

This bill amends current law governing a licensed reselling agent's licensed off-site facility. The bill authorizes a licensed reselling agent to sell spirits to an on-premises licensee at the reselling agent's liquor store location or at the licensed off-site facility.

**Committee Amendment "A" (H-570)**

This amendment, which is the minority report of the committee, maintains the provision in the bill that permits a reselling agent to process sales of spirits to on-premises licensees from the agent's licensed off-site facility but provides that the off-site facility must be located within five miles of the reseller's agency store location. Current law states that the off-site facility may be located up to 30 miles from the agency store.

**Enacted Law Summary**

Public Law 2015, chapter 434 permits a reselling agent to process sales of spirits to on-premises licensees from the agent's licensed off-site facility but provides that the off-site facility, must be located within five miles of the reseller's agency store location. Prior to this law being enacted, an off-site facility could be located within 30 miles of the reseller's agency store.

**LD 1509      An Act To Simplify the Filing of Campaign Independent Expenditure  
and 24-hour Reports** **ONTP**

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

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This bill narrows the requirement for political action committees, ballot question committees and party committees to disclose within 24 hours expenditures greater than \$1,000 made in the last 13 days before an election. The 24-hour reporting requirement is limited to expenditures for communications to voters to influence a ballot measure, expenditures for polling activities and expenditures in the form of contributions to a political action committee, party committee, ballot question committee or candidate.

The bill permits organizations making independent expenditures to affirm in writing or electronically that the expenditure was made independently of candidates in the race without requiring that the statement be made under oath.

### **LD 1510     An Act To Improve the Disclosure of Financial Activities by Political Action Committees and Ballot Question Committees**

**PUBLIC 408**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	H-527

This bill amends the law governing campaign financing and reporting by:

1. Clarifying that the definition of "political action committee" does not apply to an individual;
2. Requiring political action committees to register with the Commission on Governmental Ethics and Election Practices within seven days of receiving contributions totaling more than the applicable threshold of \$1,500 or \$5,000;
3. Requiring ballot question committees to register with the Commission on Governmental Ethics and Election Practices in a manner similar to political action committees, including appointing a principal officer who would be jointly liable with the committee and the committee treasurer for penalties assessed against the committee;
4. Establishing a uniform threshold of \$100 for both political action committees and ballot question committees regarding political contributions in campaign finance reports; and.
5. Modifying the criteria for when a political action committee must report a contribution made for the purpose of influencing a candidate or ballot question election.

#### **Committee Amendment "A" (H-527)**

This amendment removes the provisions in the bill that increase the threshold for itemizing expenditures for political action committees from \$50 to \$100. Under the amendment both political action committees and ballot question committees are required to itemize expenditures exceeding \$50. The amendment also removes the provision in the bill that establishes a framework for reporting by political action committees and ballot question committees of contributions received from multipurpose organizations for the purpose of influencing a candidate election or ballot question.

#### **Enacted Law Summary**

Public Law 2015, chapter 408 amends the law governing campaign financing and reporting. It clarifies that the definition of "political action committee" does not apply to an individual and requires political action committees to register with the Commission on Governmental Ethics and Election Practices within seven days of receiving contributions totaling more than the applicable threshold of \$1,500 or \$5,000.

Chapter 408 also requires ballot question committees to register with the Commission on Governmental Ethics and Election Practices in a manner similar to political action committees, including appointing a principal officer who

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would be jointly liable with the committee and the committee treasurer for penalties assessed against the committee.

Finally, this law establishes a uniform threshold of \$50 for both political action committees and ballot question committees regarding reporting political contributions in campaign finance reports.

### **LD 1511 An Act To Allow Retailers To Return Promotional Alcoholic Beverages to Wholesalers** **ONTP**

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

This bill changes the liquor laws to allow an off-premises retail licensee to return promotional alcoholic beverages to a licensed wholesaler.

### **LD 1520 An Act To Amend Maine's Military Bureau Laws** **ONTP**

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

This bill adds the office of the state judge advocate to the definition of "criminal justice agency." It also amends the laws regarding rights and liabilities of state military forces members by providing members with immunity for the use of deadly force under certain conditions and by providing that Army National Guard and Air National Guard military police officers and security forces have certain rights of law enforcement officers.

### **LD 1524 An Act To Update the Laws Governing the Maine Veterans' Homes** **PUBLIC 397**

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

This bill updates the laws governing the Maine Veterans' Homes and repeals outdated provisions. It removes references to specific veterans' home locations. It increases the borrowing authority of the Maine Veterans' Homes from \$15,000,000 to \$50,000,000. It repeals a requirement that the Maine Veterans' Homes develop and implement a geriatric training program. It changes the title of the position of the person who administers the homes from administrator to chief executive officer. It repeals a requirement relating to payment of costs by veterans admitted to the homes. It repeals a requirement that excess funds be transferred to the General Fund. It repeals a provision relating to the use of stipend funds. It makes changes to an annual reporting requirement. It also makes technical changes to provide consistent reference to the Maine Veterans' Homes.

#### **Committee Amendment "A" (S-368)**

This amendment, which is the minority report, maintains existing law that prescribes the number of beds at various Maine Veterans' Homes locations but strikes the provisions that establish the number of beds that certain facilities may not exceed. The amendment maintains the requirement that some facilities have a specific number of beds dedicated to dementia patients. The bill proposes to remove any specific requirements for the number of beds at any facility and for the location of the facilities, which have already been constructed.

This amendment was not adopted.

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### Enacted Law Summary

Public Law 2015, chapter 397 updates the laws governing the Maine Veterans' Homes and repeals outdated provisions, including removing reference to specific veterans' home locations. It increases the borrowing authority of the Maine Veterans' Homes from \$15,000,000 to \$50,000,000. It repeals a requirement that the Maine Veterans' Homes develop and implement a geriatric training program and changes the title of the position of the person who administers the homes from administrator to chief executive officer. It repeals a requirement relating to payment of costs by veterans admitted to the homes. Chapter 397 repeals a requirement that excess funds be transferred to the General Fund and provisions relating to the use of stipend funds. Finally, this law makes changes to an annual reporting requirement.

#### LD 1539 An Act To Expand the Early Processing of Absentee Ballots

**PUBLIC 406  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B	OTP-AM	H-560

This bill provides that a municipality may opt to process absentee ballots as early as the fourth day before the election. It also authorizes the Secretary of State to make available high-speed tabulators for absentee ballots and to allow a municipality to bring absentee ballots to a central location for tabulating by the high-speed tabulators as long as security guidelines are properly followed.

#### Committee Amendment "A" (H-560)

This amendment provides that a municipality may opt to process absentee ballots on the third day prior to election day, unlike the bill, which permits absentee ballot processing on the third and fourth days. The amendment clarifies that any person may request an opportunity to inspect ballots subject to early processing if that person provides notice by 9:00 a.m. on the day the ballots will be processed. This amendment strikes the portion of the bill that allows municipalities to use a high-speed tabulator at a central location for counting absentee ballots.

Finally, this amendment adds an emergency preamble and emergency clause to the bill.

### Enacted Law Summary

Public Law 2015, chapter 406 provides that a municipality may opt to process absentee ballots on the third day prior to election day. It also clarifies that any person may request an opportunity to inspect ballots subject to early processing if that person provides notice by 9:00 a.m. on the day the ballots will be processed.

Public Law 2015, chapter 406 was enacted as an emergency measure effective March 24, 2016.

#### LD 1557 An Act To Establish Ranked-choice Voting

**INDEF PP**

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

This bill was not referred to committee.

This initiated bill provides for the establishment of ranked-choice voting for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative for elections held on or after January 1, 2018. Ranked-choice voting is a method of casting and tabulating votes in which voters rank

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candidates in order of preference, tabulation proceeds in rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.

**LD 1574     An Act To Protect Maine Voters from Intimidating Video Recording at  
the Polls**

**PUBLIC 422**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND G VEROW A	OTP-AM ONTP	S-366 S-431    DIAMOND G

This bill provides that videotaping in the voting place must be located outside the guardrail enclosure a minimum of 15 feet away from a voter being videotaped, including a voter at a location where a person is collecting voters' signatures.

**Committee Amendment "A" (S-366)**

This amendment, which is the majority report of the committee, replaces the term "videotaping" with "video recording." It also clarifies that video recording a voter in violation of the 15-foot buffer established by the bill may result in the person's being removed from the voting place at the direction of the warden.

**Senate Amendment "A" To Committee Amendment "A" (S-431)**

The bill, as amended by Committee Amendment "A," authorizes the warden to remove from the voting place a person who is video recording closer than 15 feet from a voter being recorded. This amendment instead provides that it is the municipal clerk, at the recommendation of the warden, who is authorized to remove such a person.

**Enacted Law Summary**

Public Law 2015, chapter 422 provides that video recording in the voting place must be located outside the guardrail enclosure a minimum of 15 feet away from a voter being video recorded, including a voter at a location where a person is collecting voters' signatures. Recording a voter in violation of the 15-foot buffer may result in the person being removed from the voting place by a municipal clerk at the recommendation of the warden.

**LD 1610     An Act To Clarify the Laws Governing Certain Benefits Provided to  
Veterans and Military Service Members**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-583

This bill was reported by the committee pursuant to Resolve 2015, chapter 19 and then referred back to the committee for processing in the normal course.

This bill implements the recommendations of a subcommittee established to streamline the criteria for the delivery and administration of state-established services and benefits to veterans and military service members in the State. The bill repeals the definition of "wartime veteran" with regard to small business loans administered by the Finance Authority of Maine. It provides an alternative to license plates as a method of showing eligibility for free day-use admission to state parks by disabled veterans by directing the Secretary of State to provide for a sticker to be placed on the veteran's driver's license or state identification card. The bill also provides that a person with a veterans registration plate that is also a vanity plate is not required to pay the annual service fee for the vanity plate after an initial \$25 fee is paid. The bill clarifies references to veterans and military service members in the law governing the application of veteran preferences for rental housing administered through municipal housing authorities. Finally, the bill codifies in statute a provision currently in rule that requires the Adjutant General to issue an annual

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report on the expenditures made from the Maine Military Family Relief Fund.

**Committee Amendment "A" (H-583)**

This amendment provides that free day use passes to state parks and historic sites granted to veterans and active military service members are extended to their spouses and children 21 years of age and younger. It also provides for alternative methods to demonstrate eligibility for free admission for veterans, disabled veterans and active military service members. The amendment makes a technical change to the provision requiring reporting on expenditures made from the Maine Military Family Relief Fund and provides that the report is only required every odd-numbered year. The amendment also adds an appropriations and allocations section.

**LD 1611     An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Establishing an Interagency Council To Coordinate Services for Homeless Veterans**

**INDEF PP**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported by the committee pursuant to Resolve 2015, chapter 48 and then referred back to the committee for processing in the normal course.

This bill implements certain recommendations made by the Commission To Strengthen and Align the Services Provided to Maine's Veterans. The bill establishes an interagency council to address homelessness among veterans by maximizing existing services, enhancing communication among providers and improving access to services that support permanent and stable housing for veterans.

This bill, as amended, was incorporated into LD 1612, which was enacted as Public Law 2015, chapter 465.

**Committee Amendment "A" (H-582)**

This amendment replaces the bill. Like the bill, the amendment implements a recommendation of the Commission To Strengthen and Align Services Provided to Maine's Veterans regarding homelessness among veterans by requiring coordination of agencies that provide services to veterans to maximize resources available to support stable, permanent housing for veterans at risk of homelessness. The bill establishes a new interagency council under the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services. The amendment requires an existing entity, the Statewide Homeless Council, to develop a strategic plan similar to the plan in the bill. The amendment also requires that the Director of the Bureau of Maine Veterans' Services report annually to the joint standing committee of the Legislature having jurisdiction over veterans affairs regarding the implementation of the plan and its effect on homelessness among veterans.

The amendment also establishes an additional Veterans Service Officer position responsible in part for coordinating efforts to address homelessness among veterans in the State. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

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**LD 1612 An Act To Improve the Delivery of Services and Benefits to Maine's Veterans and Provide Tuition Assistance to Members of the Maine National Guard**

**PUBLIC 465**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-584 H-626 KINNEY J

This bill was reported by the committee pursuant to Resolve 2015, chapter 48 and then referred back to the committee for processing in the normal course.

This bill implements certain recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans. The bill requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to include marketing and outreach objectives as a core function of the bureau. The marketing and outreach objectives are intended to identify residents in the State who are veterans and also to maximize awareness of benefits and services available to veterans and family members of veterans. The bill also directs the bureau to acquire and implement an electronic records management system to create efficiencies and improve customer service to veterans seeking assistance from the bureau. The bill clarifies that the bureau's purpose includes serving as the primary source of information for veterans regarding the services, benefits and honors provided to veterans. The bill requires a veterans' service organization that receives funds from the Coordinated Veterans Assistance Fund to provide the Director of the Bureau of Maine Veterans' Services with data demonstrating that the funds are being used to assist veterans in filing claims with the United States Department of Veterans Affairs.

**Committee Amendment "A" (H-584)**

This amendment specifies the agencies with which the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management is authorized to enter into memoranda of understanding to help achieve the marketing and outreach program objectives outlined in the bill. The amendment specifies that the records management system is intended to help the bureau meet certain outcomes. The bill states that the system itself must be capable of meeting those outcomes. It also removes the requirement that the records management system be capable of identifying burial locations on maps of the Maine Veterans' Memorial Cemetery System. The amendment strikes the provision in the bill that requires a veterans' service organization that receives funds from the Coordinated Veterans Assistance Fund to provide the Director of the Bureau of Maine Veterans' Services with data demonstrating that the funds are being used to assist veterans in filing claims with the United States Department of Veterans Affairs. It also strikes the provision in the bill that requires the director to regularly conduct an assessment of the number and geographic distribution of veteran service officers employed by the bureau. Finally, the amendment adds an appropriations and allocations section that provides for funding for the records management system required by the bill, two additional veterans service officers to be employed by the bureau and funding to make permanent the position of Veterans Outreach Specialist, which is currently a two year contracted position.

**House Amendment "C" To Committee Amendment "A" (H-626)**

Like the bill, this amendment implements recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans. This amendment also combines proposals from five bills LDs: 1343, 1590, 1611, 1612 and 1625, which improve the delivery of services and benefits to Maine veterans and provide tuition assistance to members of the Maine National Guard.

Part A requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to include marketing and outreach objectives as a core function of the bureau. The marketing and outreach objectives are intended to identify residents in the State who are veterans and also to

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maximize awareness of benefits and services available to veterans and family members of veterans. Part A also directs the bureau to acquire and implement an electronic records management system to create efficiencies and provide timely and effective customer service to veterans seeking assistance from the bureau. The bureau is required to serve as the primary source of information for veterans regarding the services, benefits and honors provided to veterans. Part A requires the director to employ two additional veteran service officers who are not assigned to a particular region but who will be directed to where the service needs of veterans are greatest and makes a current temporary position of outreach coordinator permanent.

Part B proposes changes to current law to address homelessness among veterans by requiring coordination of agencies that provide services to veterans to maximize resources available to support stable, permanent housing for veterans at risk of homelessness. Part B requires that the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management be appointed to an existing entity, the Statewide Homeless Council. Part B requires the Statewide Homeless Council to develop a strategic plan to maximize existing services, enhance communication among providers and improve access to services that support permanent and stable housing for veterans. The director is required to report annually to the joint standing committee of the Legislature having jurisdiction over veterans affairs regarding the implementation of the plan and its effect on homelessness among veterans. Part B authorizes the director to employ a veteran service officer whose duties include working on tasks relative to homelessness among veterans.

Part C provides a sales tax exemption to all federally chartered veterans' service organizations, beginning August 1, 2016.

Part D establishes the Maine National Guard Postsecondary Fund to provide for a 100% tuition waiver at any state postsecondary education institution for qualified members of the Maine National Guard. Part D also transfers funds to the new fund for the costs of the tuition waiver program.

Part E directs the University of Maine System and the Maine Community College System to identify the needs of student-veterans on their campuses, including needs related to admission, degree completion, transitioning to civilian life and meeting personal and financial obligations, and directs the University of Maine System and the Maine Community College System to identify existing services that meet the needs identified, assess the effectiveness of those services, determine what services are not being offered that, if offered, would meet those needs and propose services and solutions that fulfill those needs across campuses that are based upon best practices.

Part F provides for allocations to fund the initiatives proposed in this amendment including deappropriating debt service funds from the University of Maine in order to fund the tuition waiver for qualified members of the Maine National Guard and transferring funds from the Gambling Control Board necessary to offset the costs of the other initiatives.

### **Enacted Law Summary**

Public Law 2015, chapter 465 implements recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans and incorporates proposals included in various bills regarding veterans and members of the Maine National Guard. It combines proposals from five LDs: 1343, 1590, 1611, 1612 and 1625, which improve the delivery of services and benefits to Maine veterans and provide tuition assistance to members of the Maine National Guard.

Chapter 465 makes several changes to the law with regard to the Bureau of Veterans Services. It requires the Director of the Bureau of Maine Veterans' Services to include marketing and outreach objectives as a core function of the bureau. The marketing and outreach objectives are intended to identify residents in the State who are veterans and also to maximize awareness of benefits and services available to veterans and family members of veterans. Chapter 465 also directs the bureau to acquire and implement an electronic records management system to create efficiencies and provide timely and effective customer service to veterans seeking assistance from the bureau. The bureau is required to serve as the primary source of information for veterans regarding the services, benefits

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and honors provided to veterans. Under this law, the director is required to employ two additional veteran service officers who are not assigned to a particular region but who will be directed to where the service needs of veterans are greatest and makes a current temporary position of outreach coordinator permanent.

Public Law 2015, chapter 48 includes changes to current law to address homelessness among veterans by requiring coordination of agencies that provide services to veterans to maximize resources available to support stable, permanent housing for veterans at risk of homelessness. Under this law, the Director of the Bureau of Maine Veterans' Services is appointed to an existing entity, the Statewide Homeless Council. Chapter 465 requires the Statewide Homeless Council to develop a strategic plan to maximize existing services, enhance communication among providers and improve access to services that support permanent and stable housing for veterans. The director is required to report annually to the joint standing committee of the Legislature having jurisdiction over veterans affairs regarding the implementation of the plan and its effect on homelessness among veterans. Additionally, the law authorizes the director to employ a veteran service officer whose duties include working on tasks relative to homelessness among veterans.

Chapter 465 provides a sales tax exemption to all federally-chartered veterans' service organizations, beginning August 1, 2016.

This law establishes the Maine National Guard Postsecondary Fund to provide for a 100% tuition waiver at any state postsecondary education institution for qualified members of the Maine National Guard. It also transfers funds to the new fund for the costs of the tuition waiver program.

Part of chapter 465 directs the University of Maine System and the Maine Community College System to identify the needs of student-veterans on their campuses, including needs related to admission, degree completion, transitioning to civilian life and meeting personal and financial obligations, and directs the University of Maine System and the Maine Community College System to identify existing services that meet the needs identified, assess the effectiveness of those services, determine what services are not being offered that, if offered, would meet those needs and propose services and solutions that fulfill those needs across campuses that are based upon best practices.

Finally, this law provides for allocations to fund the initiatives proposed in this amendment including deappropriating debt service funds from the University of Maine in order to fund the tuition waiver for qualified members of the Maine National Guard and transferring funds from the Gambling Control Board necessary to offset the costs of the other initiatives.

**LD 1666      **Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices**      **INDEF PP****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-633

This resolve provides for legislative review of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a major substantive rule of the Commission on Governmental Ethics and Election Practices that was filed outside the legislative rule acceptance period.

### **Committee Amendment "A" (H-633)**

This amendment authorizes final adoption of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a provisionally adopted major substantive rule of the Commission on Governmental Ethics and Election Practices filed after the deadline, as long as certain changes are made. The amendment requires the rules to be

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changed to clarify that the presumption that a candidate has confirmed that a person whom the candidate has authorized to collect qualifying contributions on the candidate's behalf applies only with regard to certification as a Maine Clean Election Act candidate and Maine Clean Election Fund distributions and not with regard to findings of violations for which subsequent financial penalties may be applied. The amendment also requires the rules to be changed to state that payments to persons authorized to collect qualifying contributions may be made using only seed money contributions received by the candidate.

**LD 1669      An Act To Require the Bureau of Alcoholic Beverages and Lottery Operations To Provide Annual Reports on Spirits Sales Revenues and Expenditures To Promote Lottery Sales      Veto Sustained**

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

This bill was reported ought to pass by the committee pursuant to the Maine Revised Statutes, Title 3, section 955.

The bill was reported by the committee in response to the report submitted by the State Liquor and Lottery Commission and the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations as required by the State Government Evaluation Act under Title 3, section 959, subsection 1, paragraph J.

The purpose of the bill is to ensure the committee has adequate information to facilitate its role of overseeing and monitoring the operation of the Maine State Lottery Commission and the State's spirits business.

The bill requires the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to submit annual reports to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages and lottery operations matters. Beginning January 15, 2017, the director is required to submit a report of expenditures made to promote lottery sales through advertising and marketing and a report on the gross revenues and operating profits from the sale of spirits in the State.

**LD 1671      Resolve, Compensating Susan Cloutier for Claims against the State      RESOLVE 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C	OTP-AM	H-638 S-523    HAMPER J

This resolve authorizes a one-time General Fund appropriation of \$400,000 in fiscal year 2016-17, contingent upon receiving releases from claims, to compensate Susan Cloutier and her family for damages resulting from the death of her son and husband in a motor vehicle accident involving a state employee in the Department of Labor. This appropriation is in addition to settlement funds paid or to be paid through the State's self-insurance fund administered by the Department of Administrative and Financial Services, Bureau of General Services.

**Committee Amendment "A" (H-638)**

This amendment specifies that the funds compensating Susan Cloutier for damages resulting from the death of her son and husband in a motor vehicle accident involving a state employee in the Department of Labor are provided on a one-time basis.

**Senate Amendment "A" To Committee Amendment "A" (S-523)**

This amendment amends Committee Amendment "A" to remove the General Fund appropriation from the resolve

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and instead provide that \$400,000 in compensation to Susan Cloutier and members of her family is to be paid from the State's Risk Management Fund.

### Enacted Law Summary

Resolve 2015, chapter 84 authorizes a one-time payment of \$400,000 from the State's Risk Management Fund in fiscal year 2016-17, contingent upon receiving releases from claims, to compensate Susan Cloutier and her family for damages resulting from the death of her son and husband in a motor vehicle accident involving a state employee in the Department of Labor. This payment is in addition to settlement funds paid or to be paid through the State's self-insurance fund administered by the Department of Administrative and Financial Services, Bureau of General Services.

### LD 1673 An Act To Establish a Presidential Primary System in Maine

PUBLIC 474

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND J PARRY W	OTP-AM ONTP	S-511

This bill amends the presidential nomination process in the State to be in place for the 2020 presidential election. The bill provides that, whenever the state committee of a 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. Under the bill, only voters who are enrolled in the party may vote in that party's presidential primary election. Under the bill, delegates to the national convention must be allocated in proportion with the candidate votes and the uncommitted votes cast in the presidential primary election of the party.

#### Committee Amendment "A" (S-511)

This amendment replaces the bill. Like the bill, the amendment establishes a presidential primary and requires a person seeking to be a presidential candidate to submit a nominating petition with the signatures of 2,000 to 3,000 registered voters in the State who are enrolled in the candidate's political party. The amendment provides that the Secretary of State must set the date of the primary for a Tuesday in March of a presidential election year after consulting with state party committees. The amendment directs the Secretary of State to make nominating petitions available and prepare the ballots for the presidential primary. The amendment also includes a provision that will repeal the subchapter establishing the presidential primary on December 1, 2018.

The amendment directs the Secretary of State to submit a report by December 2017 to the joint standing committee of the Legislature having jurisdiction over elections matters regarding the fiscal impacts on the State and municipalities of conducting presidential primaries. It also directs the Secretary of State to include in the report recommendations regarding the administration of presidential primaries, including any implementing legislation. These recommendations must specify the content and layout of presidential primary ballots, ensure compliance with federal law governing overseas voters and include other recommendations necessary for proper administration of a presidential primary. The joint standing committee of the Legislature having jurisdiction over elections matters may submit a bill regarding presidential primaries to the Second Regular Session of the 128th Legislature.

### Enacted Law Summary

Public Law 2015, chapter 474, establishes a presidential primary and requires a person seeking to be a presidential candidate to submit a nominating petition with the signatures of 2,000 to 3,000 registered voters in the State who are enrolled in the candidate's political party. It provides that the Secretary of State must set the date of the primary for a Tuesday in March of a presidential election year after consulting with state party committees. Under this law, the Secretary of State to make nominating petitions available and prepare the ballots for the presidential primary. Unless amended otherwise, the subchapter establishing the presidential primary is repealed on December 1, 2018.

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Additionally, chapter 474 directs the Secretary of State to submit a report by December 2017 to the joint standing committee of the Legislature having jurisdiction over elections matters regarding the fiscal impacts on the State and municipalities of conducting presidential primaries. It also directs the Secretary of State to include in the report recommendations regarding the administration of presidential primaries, including any implementing legislation. These recommendations must specify the content and layout of presidential primary ballots, ensure compliance with federal law governing overseas voters and include other recommendations necessary for proper administration of a presidential primary. The joint standing committee of the Legislature having jurisdiction over elections matters may submit a bill regarding presidential primaries to the Second Regular Session of the 128th Legislature.

### **LD 1678 An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law**

**PUBLIC 441**

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

This bill amends the definition of "hard cider" to be consistent with the definition of "hard cider" in federal law as administered by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. Like the federal definition, the change to the definition of "hard cider" in this bill takes effect on January 1, 2017. The bill increases the allowable alcohol content from 7% to 8.5% and allows hard cider to be produced from the juice of pears as well as of apples.

#### **Enacted Law Summary**

Public Law 2015, chapter 441, amends the definition of "hard cider" to be consistent with the definition of "hard cider" in federal law as administered by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. Like the federal definition, the change to the definition of "hard cider" this law takes effect on January 1, 2017. The definition change includes an increase of the allowable alcohol content from 7% to 8.5% and allows hard cider to be produced from the juice of pears as well as of apples.

### **LD 1687 An Act To Assist Small Distilleries**

**PUBLIC 440**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L COLLINS R	OTP	

Under current law small distillers licensed to manufacture spirits in the State are authorized to have up to two locations where they may sell their product for off-premises consumption and one license to serve alcoholic beverages for on-premises consumption. This bill provides that small distillers, distillers who produce up to 50,000 gallons annually, are not required to transport their spirits to a warehouse operated by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations or the bureau's contracted wholesaler for distribution back to the distillers' facilities where they will be sold. The bill requires that small distillers submit monthly reports to the bureau on spirits not transported to a warehouse and pay the required state liquor tax.

#### **Enacted Law Summary**

Small distillers licensed to manufacture spirits in the State are authorized to have up to two locations where they may sell their product for off-premises consumption and one license to serve alcoholic beverages for on-premises consumption. Public Law 2015, chapter 440 provides that small distillers, distillers who produce up to 50,000 gallons annually, are not required to transport their spirits to a warehouse operated by the Department of

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Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations or the bureau's contracted wholesaler for distribution back to the distillers' facilities where they will be sold. Chapter 440 requires that small distillers submit monthly reports to the bureau on spirits not transported to a warehouse and pay the required state liquor tax.

**LD 1688      An Act To Amend the Laws Governing Funding of Maine Clean Election Act Candidates      Accepted Majority (ONTP) Report**

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

This bill requires candidates for Governor to collect all seed money contributions under the Maine Clean Election Act, if any, from registered voters in the State and a candidate for State Senator or State Representative to collect all seed money contributions, if any, from registered voters in the candidate's electoral division.

**LD 1690      An Act To Establish a Public Service Berthing Vessel License for the Sale of Liquor      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D HOBBINS B	ONTP	

This bill authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to issue licenses to public service berthing vessels for the sale of spirits, wine and malt liquor on overnight voyages of at least one night. The bill establishes requirements and fees for such licensing.

# *Joint Standing Committee on Veterans and Legal Affairs*

## **SUBJECT INDEX**

### **Alcoholic Beverages**

#### **Enacted**

LD 1461	An Act To Allow All Manufacturers Licensed by the Bureau of Alcoholic Beverages and Lottery Operations To Provide Samples of Products to Retail Licensees	PUBLIC 386
LD 1466	An Act Regarding Sales Representatives Employed by Licensed Wholesalers	PUBLIC 387
LD 1467	An Act Regarding Maine Spirits	PUBLIC 430 EMERGENCY
LD 1508	An Act Regarding the Distribution and Off-site Storage of Spirits by Licensed Reselling Agents	PUBLIC 434
LD 1678	An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law	PUBLIC 441
LD 1687	An Act To Assist Small Distilleries	PUBLIC 440

#### **Not Enacted**

LD 1331	An Act To Provide Enhanced Enforcement of the Laws Governing Alcoholic Beverages	Died On Adjournment
LD 1462	An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License	Died Between Houses
LD 1511	An Act To Allow Retailers To Return Promotional Alcoholic Beverages to Wholesalers	ONTP
LD 1690	An Act To Establish a Public Service Berthing Vessel License for the Sale of Liquor	ONTP

### **Beano and Games of Chance**

#### **Not Enacted**

LD 997	Resolve, Authorizing Legislation To Streamline the Laws Governing the Licensing and Conduct of Beano and Games of Chance	Died On Adjournment
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### **Campaign Finance and Maine Clean Election Act**

#### **Enacted**

LD 1510	An Act To Improve the Disclosure of Financial Activities by Political Action Committees and Ballot Question Committees	PUBLIC 408
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#### **Not Enacted**

LD 904	An Act To Increase Fairness in Campaign Financing	Died Between Houses
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LD 1509	An Act To Simplify the Filing of Campaign Independent Expenditure and 24-hour Reports	ONTP
LD 1666	Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices	INDEF PP
LD 1688	An Act To Amend the Laws Governing Funding of Maine Clean Election Act Candidates	Majority (ONTP) Report

### **Claims Against the State**

**Enacted**

LD 1671	Resolve, Compensating Susan Cloutier for Claims against the State	RESOLVE 84
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**Not Enacted**

LD 805	Resolve, Authorizing Certain Individuals To Bring Suit against the Department of Health and Human Services	Died On Adjournment
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### **Elections**

**Enacted**

LD 1484	An Act Regarding the Election Laws	PUBLIC 447 EMERGENCY
LD 1539	An Act To Expand the Early Processing of Absentee Ballots	PUBLIC 406 EMERGENCY
LD 1574	An Act To Protect Maine Voters from Intimidating Video Recording at the Polls	PUBLIC 422
LD 1673	An Act To Establish a Presidential Primary System in Maine	PUBLIC 474

### **Harness Racing and Off-track Betting**

**Enacted**

LD 1279	An Act To Authorize Advance Deposit Wagering for Horse Racing	PUBLIC 499
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### **Initiatives and Referenda**

**Not Enacted**

LD 742	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District	Died Between Houses
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### **Lottery**

**Not Enacted**

LD 1669	An Act To Require the Bureau of Alcoholic Beverages and Lottery Operations To Provide Annual Reports on Spirits Sales Revenues and Expenditures To Promote Lottery Sales	Veto Sustained
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### *Maine National Guard*

#### Not Enacted

LD 1343	An Act To Increase Access to Postsecondary Education for Maine National Guard Members	Died On Adjournment
LD 1520	An Act To Amend Maine's Military Bureau Laws	ONTP

### *Slot Machines and Gambling*

#### Not Enacted

LD 1280	An Act To Provide Income Tax Relief by Expanding Gaming Opportunities	Report B (ONTP)
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### *Veterans*

#### Enacted

LD 1524	An Act To Update the Laws Governing the Maine Veterans' Homes	PUBLIC 397
LD 1612	An Act To Improve the Delivery of Services and Benefits to Maine's Veterans and Provide Tuition Assistance to Members of the Maine National Guard	PUBLIC 465

#### Not Enacted

LD 1610	An Act To Clarify the Laws Governing Certain Benefits Provided to Veterans and Military Service Members	Died On Adjournment
LD 1611	An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Establishing an Interagency Council To Coordinate Services for Homeless Veterans	INDEF PP

### *Voting*

#### Not Enacted

LD 1557	An Act To Establish Ranked-choice Voting	INDEF PP
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**APPENDIX A**  
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**SESSION STATISTICS**  
**OVERALL AND**  
**BY INDIVIDUAL COMMITTEE**

**127th LEGISLATURE  
SECOND REGULAR SESSION**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>		
<i>Bills referred and voted out</i>	220	51.8%
<i>Bills Carried Over from previous session</i>	176	41.4%
<b>Total Bills referred</b>	<b>396</b>	<b>93.2%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>12</b>	<b>2.8%</b>
<b>C. Bills introduced without reference</b>	<b>17</b>	<b>4.0%</b>
<b>Total Bills considered by Legislature</b>	<b>425</b>	<b>100.0%</b>
<b>E. Orders and Resolutions Referred to Committee</b>		
<i>Joint Study Orders</i>	0	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%
<i>Orders and Resolutions carried over from previous session</i>	<u>0</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>
<b>II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES</b>	<u>Number</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>		
<i>Ought to Pass</i>	37	9.2%
<i>Ought to Pass as Amended</i>	146	36.1%
<i>Leave to Withdraw</i>	1	0.2%
<i>Ought Not to Pass</i>	97	24.0%
<b>Total unanimous reports</b>	<b>281</b>	<b>69.6%</b>
<b>B. Divided committee reports</b>		
<i>Two-way reports</i>	118	29.2%
<i>Three-way reports</i>	5	1.2%
<i>Four-way reports</i>	0	<u>0.0%</u>
<b>Total divided reports</b>	<b>123</b>	<b>30.4%</b>
<b>Total Committee reports</b>	<b>404 *</b>	<b>99.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>105</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>		
<i>Joint Study Orders</i>	1	0.0%
<i>Public laws</i>	136	32.0%
<i>Private and Special Laws</i>	7	1.6%
<i>Resolves</i>	36	8.5%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>180 **</b>	<b>42.4%</b>
<b>B. Resolves to authorize major substantive rules</b>		
<i>Resolves finally passed</i>	13	3.1%
<i>Resolves not finally passed</i>	<u>2</u>	<u>0.5%</u>
<b>Total number of resolves</b>	<b>15</b>	<b>3.5%</b>
<b>C. Bills vetoed or held by Governor</b>		
<i>Vetoed over-ridden</i>	38	8.9%
<i>Vetoed sustained</i>	21 ***	4.9%
<i>Bills Held</i>	<u>1</u>	<u>0.2%</u>
<b>Total</b>	<b>60</b>	<b>14.1%</b>

\* Total number of committee reports does not include three bills referred to the JUD Committee that were reported out of committee without a committee report pursuant to Joint Rule 309 and died on adjournment and 1 bill referred to the AFA Committee that was not reported out of committee and died on adjournment.

\*\* Enacted or finally passed includes vetoed legislation if the veto was over-ridden.

\*\*\* Includes one bill vetoed that ultimately died on adjournment.

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

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	6	46.2%	1.4%
<i><u>Bills Carried Over from previous session</u></i>	<u>6</u> *	<u>46.2%</u>	<u>1.4%</u>
<b>Total Bills referred</b>	<b>12</b>	<b>92.3%</b>	<b>2.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>7.7%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>13</b>	<b>100.0%</b>	<b>3.1%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	15.4%	0.5%
<i>Ought to Pass as Amended</i>	4	30.8%	1.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	3	23.1%	0.7%
<b>Total unanimous reports</b>	<b>9</b>	<b>69.2%</b>	<b>2.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	30.8%	1.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>4</b>	<b>30.8%</b>	<b>1.0%</b>
<b>Total committee reports</b>	<b>13</b>	<b>100.0%</b>	<b>3.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>13</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	7.7%	0.2%
<i>Private and Special Laws</i>	2	15.4%	0.5%
<i>Resolves</i>	2	15.4%	0.5%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>5</b>	<b>38.5%</b>	<b>1.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	2	100.0%	0.5%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>2</b>	<b>100.0%</b>	<b>0.5%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	2	15.4%	0.5%
<i><u>Vetoed sustained</u></i>	<u>1</u>	<u>7.7%</u>	<u>0.2%</u>
<b>Total</b>	<b>3</b>	<b>23.1%</b>	<b>0.7%</b>

\* Total number of bills carried over from the previous session includes 1 bill reported out of the ACF Committee and then carried over on the Special Appropriations Table by SP 555.

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

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	15	26.3%	3.5%
<i><u>Bills Carried Over from previous session</u></i>	<u>41</u>	<u>71.9%</u>	<u>9.6%</u>
<b>Total Bills referred</b>	<b>56</b>	<b>98.2%</b>	<b>13.2%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>1.8%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>57</b>	<b>100.0%</b>	<b>13.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	9	16.1%	2.2%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	32	57.1%	7.9%
<i><u>Vote to refer bill to another committee</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>41</b>	<b>73.2%</b>	<b>10.1%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	15	26.8%	3.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>15</b>	<b>26.8%</b>	<b>3.7%</b>
<b>Total committee reports</b>	<b>56</b> *	<b>98.2%</b>	<b>13.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>3</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	19.3%	2.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	1.8%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>12</b>	<b>21.1%</b>	<b>2.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	2	3.5%	0.5%
<i><u>Vetoed sustained</u></i>	<u>2</u>	<u>3.5%</u>	<u>0.5%</u>
<b>Total</b>	<b>4</b>	<b>7.0%</b>	<b>0.9%</b>

\* Total committee reports does not include LD 1018, which was referred to the AFA Committee, but was not reported out and died on adjournment.

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

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	21	67.7%	4.9%
<u><i>Bills Carried Over from previous session</i></u>	<u>9</u> *	<u>29.0%</u>	<u>2.1%</u>
<b>Total Bills referred</b>	<b>30</b>	<b>96.8%</b>	<b>7.1%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>3.2%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>31</b>	<b>100.0%</b>	<b>7.3%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	6.5%	0.5%
<i>Ought to Pass as Amended</i>	10	32.3%	2.5%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>2</u>	<u>6.5%</u>	<u>0.5%</u>
<b>Total unanimous reports</b>	<b>14</b>	<b>45.2%</b>	<b>3.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	16	51.6%	4.0%
<i>Three-way reports</i>	1	3.2%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>17</b>	<b>54.8%</b>	<b>4.2%</b>
<b>Total committee reports</b>	<b>31</b>	<b>100.0%</b>	<b>7.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	16	51.6%	3.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	9.7%	0.7%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>19</b>	<b>61.3%</b>	<b>4.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	1	100.0%	0.2%
<u><i>Resolves not finally passed</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>1</b>	<b>100.0%</b>	<b>0.2%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	4	12.9%	0.9%
<u><i>Vetoed sustained</i></u>	<u>1</u>	<u>3.2%</u>	<u>0.2%</u>
<b>Total</b>	<b>5</b>	<b>16.1%</b>	<b>1.2%</b>

\* Total number of bills carried over from the previous session includes 1 bill reported out of the CJPS Committee and then carried over on the Special Appropriations Table by SP 555.

**JOINT STANDING COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	20	66.7%	4.7%
<i><u>Bills Carried Over from previous session</u></i>	<u>9</u> *	<u>30.0%</u>	<u>2.1%</u>
<b>Total Bills referred</b>	<b>29</b>	<b>96.7%</b>	<b>6.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>3.3%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>30</b>	<b>100.0%</b>	<b>7.1%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	6	20.0%	1.5%
<i>Ought to Pass as Amended</i>	13	43.3%	3.2%
<i>Leave to Withdraw</i>	1	3.3%	0.2%
<i><u>Ought Not to Pass</u></i>	<u>5</u>	<u>16.7%</u>	<u>1.2%</u>
<b>Total unanimous reports</b>	<b>25</b>	<b>83.3%</b>	<b>6.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	5	16.7%	1.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>5</b>	<b>16.7%</b>	<b>1.2%</b>
<b>Total committee reports</b>	<b>30</b>	<b>100.0%</b>	<b>7.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>25</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	40.0%	2.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	10.0%	0.7%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>15</b>	<b>50.0%</b>	<b>3.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	2	100.0%	0.5%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>2</b>	<b>100.0%</b>	<b>0.5%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	4	13.3%	0.9%
<i><u>Vetoed sustained</u></i>	<u>5</u>	<u>16.7%</u>	<u>1.2%</u>
<b>Total</b>	<b>9</b>	<b>30.0%</b>	<b>2.1%</b>

\* Total number of bills carried over from the previous session includes 3 bills reported out of the EDU Committee and then carried over on the Special Appropriations Table by SP 555.

# JOINT STANDING COMMITTEE ON ENERGY AND UTILITIES

## Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	8	38.1%	1.9%
<u>Bills Carried Over from previous session</u>	<u>12</u>	<u>57.1%</u>	<u>2.8%</u>
<b>Total Bills referred</b>	<b>20</b>	<b>95.2%</b>	<b>4.7%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>			
	1	4.8%	0.2%
<b>Total Bills considered by Committee</b>	<b>21</b>	<b>100.0%</b>	<b>4.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	14.3%	0.7%
<i>Ought to Pass as Amended</i>	3	14.3%	0.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u>Ought Not to Pass</u>	<u>5</u>	<u>23.8%</u>	<u>1.2%</u>
<b>Total unanimous reports</b>	<b>11</b>	<b>52.4%</b>	<b>2.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	8	38.1%	2.0%
<i>Three-way reports</i>	2	9.5%	0.5%
<u>Four-way reports</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>10</b>	<b>47.6%</b>	<b>2.5%</b>
<b>Total committee reports</b>	<b>21</b>	<b>100.0%</b>	<b>5.2%</b>
III. CONFIRMATION HEARINGS	4	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	7	33.3%	1.6%
<i>Private and Special Laws</i>	2	9.5%	0.5%
<i>Resolves</i>	1	4.8%	0.2%
<u>Constitutional Resolutions</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>10</b>	<b>47.6%</b>	<b>2.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Resolves finally passed	0	0.0%	0.0%
<u>Resolves not finally passed</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1	4.8%	0.2%
<u>Vetoed sustained</u>	<u>1</u>	<u>4.8%</u>	<u>0.2%</u>
<b>Total</b>	<b>2</b>	<b>9.5%</b>	<b>0.5%</b>

**JOINT STANDING COMMITTEE ON  
ENVIRONMENT AND NATURAL RESOURCES**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	7	58.3%	1.6%
<u><i>Bills Carried Over from previous session</i></u>	<u>5</u>	<u>41.7%</u>	<u>1.2%</u>
<b>Total Bills referred</b>	<b>12</b>	<b>100.0%</b>	<b>2.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>12</b>	<b>100.0%</b>	<b>2.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	25.0%	0.7%
<i>Ought to Pass as Amended</i>	3	25.0%	0.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>4</u>	<u>33.3%</u>	<u>1.0%</u>
<b>Total unanimous reports</b>	<b>10</b>	<b>83.3%</b>	<b>2.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	2	16.7%	0.5%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>2</b>	<b>16.7%</b>	<b>0.5%</b>
<b>Total committee reports</b>	<b>12</b>	<b>100.0%</b>	<b>3.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	8.3%	0.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	4	33.3%	0.9%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>5</b>	<b>41.7%</b>	<b>1.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	3	100.0%	0.7%
<u><i>Resolves not finally passed</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>3</b>	<b>100.0%</b>	<b>0.7%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<u><i>Vetoed sustained</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

**JOINT STANDING COMMITTEE ON  
HEALTH AND HUMAN SERVICES**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	30	52.6%	7.1%
<i><u>Bills Carried Over from previous session</u></i>	<u>22</u> *	<u>38.6%</u>	<u>5.2%</u>
<b>Total Bills referred</b>	<b>52</b>	<b>91.2%</b>	<b>12.2%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>5</b>	<b>8.8%</b>	<b>1.2%</b>
<b>Total Bills considered by Committee</b>	<b>57</b>	<b>100.0%</b>	<b>13.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. <b>COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	6	10.5%	1.5%
<i>Ought to Pass as Amended</i>	21	36.8%	5.2%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>9</u>	<u>15.8%</u>	<u>2.2%</u>
<b>Total unanimous reports</b>	<b>36</b>	<b>63.2%</b>	<b>8.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	21	36.8%	5.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>21</b>	<b>36.8%</b>	<b>5.2%</b>
<b>Total committee reports</b>	<b>57</b>	<b>100.0%</b>	<b>14.1%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	15	26.3%	3.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	7	12.3%	1.6%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>22</b>	<b>38.6%</b>	<b>5.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	3	100.0%	0.7%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>3</b>	<b>100.0%</b>	<b>0.7%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	8	14.0%	1.9%
<i><u>Vetoed sustained</u></i>	<u>4</u>	<u>7.0%</u>	<u>0.9%</u>
<b>Total</b>	<b>12</b>	<b>21.1%</b>	<b>2.8%</b>

\* Total number of bills carried over from the previous session includes 5 bills reported out of the HHS Committee and then carried over on the Special Appropriations Table by SP 555.

**JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	2	40.0%	0.5%
<i>Bills Carried Over from previous session</i>	<u>3</u>	<u>60.0%</u>	<u>0.7%</u>
<b>Total Bills referred</b>	<b>5</b>	<b>100.0%</b>	<b>1.2%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>5</b>	<b>100.0%</b>	<b>1.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	3	60.0%	0.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>1</u>	<u>20.0%</u>	<u>0.2%</u>
<b>Total unanimous reports</b>	<b>4</b>	<b>80.0%</b>	<b>1.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	1	20.0%	0.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>1</b>	<b>20.0%</b>	<b>0.2%</b>
<b>Total committee reports</b>	<b>5</b>	<b>100.0%</b>	<b>1.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>4</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	3	60.0%	0.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>3</b>	<b>60.0%</b>	<b>0.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i>Resolves not finally passed</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

## JOINT STANDING COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

### Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	3	37.5%	0.7%
<u><i>Bills Carried Over from previous session</i></u>	5	62.5%	1.2%
<b>Total Bills referred</b>	<b>8</b>	<b>100.0%</b>	<b>1.9%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>8</b>	<b>100.0%</b>	<b>1.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	3	37.5%	0.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>2</u>	<u>25.0%</u>	<u>0.5%</u>
<b>Total unanimous reports</b>	<b>5</b>	<b>62.5%</b>	<b>1.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	3	37.5%	0.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>3</b>	<b>37.5%</b>	<b>0.7%</b>
<b>Total committee reports</b>	<b>8</b>	<b>100.0%</b>	<b>2.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	3	37.5%	0.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>3</b>	<b>37.5%</b>	<b>0.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Resolves finally passed	0	0.0%	0.0%
<u>Resolves not finally passed</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<u><i>Vetoed sustained</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

**JOINT STANDING COMMITTEE ON  
JUDICIARY**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	20	52.6%	4.7%
<u><i>Bills Carried Over from previous session</i></u>	<u>18</u>	<u>47.4%</u>	<u>4.2%</u>
<b>Total Bills referred</b>	<b>38</b>	<b>100.0%</b>	<b>8.9%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>38</b>	<b>100.0%</b>	<b>8.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	4	11.4%	1.0%
<i>Ought to Pass as Amended</i>	15	42.9%	3.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>8</u>	<u>22.9%</u>	<u>2.0%</u>
<b>Total unanimous reports</b>	<b>27</b>	<b>77.1%</b>	<b>6.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	8	22.9%	2.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>8</b>	<b>22.9%</b>	<b>2.0%</b>
<b>Total committee reports</b>	<b>35 *</b>	<b>92.1%</b>	<b>8.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>13</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	18	47.4%	4.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	7.9%	0.7%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>21</b>	<b>55.3%</b>	<b>4.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	2	66.7%	0.5%
<u><i>Resolves not finally passed</i></u>	<u>1</u>	<u>33.3%</u>	<u>0.2%</u>
<b>Total number of resolves</b>	<b>3</b>	<b>100.0%</b>	<b>0.7%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	8	21.1%	1.9%
<u><i>Vetoed sustained</i></u>	<u>2</u>	<u>5.3%</u>	<u>0.5%</u>
<b>Total</b>	<b>10</b>	<b>26.3%</b>	<b>2.4%</b>

\* Three bills, LD 268, LD 1311 and LD 1563, were referred to the JUD Committee, but were reported out without a committee report pursuant to Joint Rule 309 and died on adjournment.

**JOINT STANDING COMMITTEE ON  
LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	15	60.0%	3.5%
<u><i>Bills Carried Over from previous session</i></u>	<u>10</u> *	<u>40.0%</u>	<u>2.4%</u>
<b>Total Bills referred</b>	<b>25</b>	<b>100.0%</b>	<b>5.9%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>25</b>	<b>100.0%</b>	<b>5.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	12.0%	0.7%
<i>Ought to Pass as Amended</i>	12	48.0%	3.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>3</u>	<u>12.0%</u>	<u>0.7%</u>
<b>Total unanimous reports</b>	<b>18</b>	<b>72.0%</b>	<b>4.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	7	28.0%	1.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>7</b>	<b>28.0%</b>	<b>1.7%</b>
<b>Total committee reports</b>	<b>25</b>	<b>100.0%</b>	<b>6.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>21</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	48.0%	2.8%
<i>Private and Special Laws</i>	1	4.0%	0.2%
<i>Resolves</i>	1	4.0%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>14</b>	<b>56.0%</b>	<b>3.3%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<u><i>Resolves not finally passed</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	2	8.0%	0.5%
<u><i>Vetoes sustained</i></u>	<u>2</u>	<u>8.0%</u>	<u>0.5%</u>
<b>Total</b>	<b>4</b>	<b>16.0%</b>	<b>0.9%</b>

\* Total number of bills carried over from the previous session includes 3 bills reported out of the LCRED Committee and then carried over on the Special Appropriations Table by SP 555.

**JOINT STANDING COMMITTEE ON  
MARINE RESOURCES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	2	40.0%	0.5%
<u><i>Bills Carried Over from previous session</i></u>	<u>3</u>	<u>60.0%</u>	<u>0.7%</u>
<b>Total Bills referred</b>	<b>5</b>	<b>100.0%</b>	<b>1.2%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>5</b>	<b>100.0%</b>	<b>1.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	2	40.0%	0.5%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>1</u>	<u>20.0%</u>	<u>0.2%</u>
<b>Total unanimous reports</b>	<b>3</b>	<b>60.0%</b>	<b>0.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	2	40.0%	0.5%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>2</b>	<b>40.0%</b>	<b>0.5%</b>
<b>Total committee reports</b>	<b>5</b>	<b>100.0%</b>	<b>1.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>6</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	2	40.0%	0.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	20.0%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>3</b>	<b>60.0%</b>	<b>0.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<u><i>Resolves not finally passed</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<u><i>Vetoed sustained</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

**JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	18	69.2%	4.2%
<u>Bills Carried Over from previous session</u>	8 *	<u>30.8%</u>	<u>1.9%</u>
<b>Total Bills referred</b>	<b>26</b>	<b>100.0%</b>	<b>6.1%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>26</b>	<b>100.0%</b>	<b>6.1%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	3.8%	0.2%
<i>Ought to Pass as Amended</i>	8	30.8%	2.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u>Ought Not to Pass</u>	<u>5</u>	<u>19.2%</u>	<u>1.2%</u>
<b>Total unanimous reports</b>	<b>14</b>	<b>53.8%</b>	<b>3.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	11	42.3%	2.7%
<i>Three-way reports</i>	1	3.8%	0.2%
<u>Four-way reports</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>12</b>	<b>46.2%</b>	<b>3.0%</b>
<b>Total committee reports</b>	<b>26</b>	<b>100.0%</b>	<b>6.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>3</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	7	26.9%	1.6%
<i>Private and Special Laws</i>	1	3.8%	0.2%
<i>Resolves</i>	1	3.8%	0.2%
<u>Constitutional Resolutions</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>9</b>	<b>34.6%</b>	<b>2.1%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<u>Resolves not finally passed</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1	3.8%	0.2%
<u>Vetoed sustained</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>1</b>	<b>3.8%</b>	<b>0.2%</b>

\* Total number of bills carried over from the previous session includes 1 bill reported out of the SLG Committee and then carried over on the Special Appropriations Table by SP 555.

**JOINT STANDING COMMITTEE ON  
TAXATION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	19	59.4%	4.5%
<i><u>Bills Carried Over from previous session</u></i>	<u>12</u> *	<u>37.5%</u>	<u>2.8%</u>
<b>Total Bills referred</b>	<b>31</b>	<b>96.9%</b>	<b>7.3%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>3.1%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>32</b>	<b>100.0%</b>	<b>7.5%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	3.1%	0.2%
<i>Ought to Pass as Amended</i>	19	59.4%	4.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>7</u>	<u>21.9%</u>	<u>1.7%</u>
<b>Total unanimous reports</b>	<b>27</b>	<b>84.4%</b>	<b>6.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	5	15.6%	1.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>5</b>	<b>15.6%</b>	<b>1.2%</b>
<b>Total committee reports</b>	<b>32</b>	<b>100.0%</b>	<b>7.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	8	25.0%	1.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	6.3%	0.5%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>10</b>	<b>31.3%</b>	<b>2.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	2	6.3%	0.5%
<i>Vetoed sustained</i>	2 **	6.3%	0.5%
<i><u>Bills Held</u></i>	<u>1</u>	<u>3.1%</u>	<u>0.2%</u>
<b>Total</b>	<b>5</b>	<b>15.6%</b>	<b>1.2%</b>

\* Total number of bills carried over from the previous session includes 8 bills reported out of the TAX Committee and then carried over on the Special Appropriations Table by SP 555.

\*\* Includes one bill vetoed that ultimately died on adjournment.

**JOINT STANDING COMMITTEE ON  
TRANSPORTATION**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	11	68.8%	2.6%
<u><i>Bills Carried Over from previous session</i></u>	<u>5</u> *	<u>31.3%</u>	<u>1.2%</u>
<b>Total Bills referred</b>	<b>16</b>	<b>100.0%</b>	<b>3.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>16</b>	<b>100.0%</b>	<b>3.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	18.8%	0.7%
<i>Ought to Pass as Amended</i>	8	50.0%	2.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>5</u>	<u>31.3%</u>	<u>1.2%</u>
<b>Total unanimous reports</b>	<b>16</b>	<b>100.0%</b>	<b>4.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>16</b>	<b>100.0%</b>	<b>4.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>3</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	3	18.8%	0.7%
<i>Private and Special Laws</i>	1	6.3%	0.2%
<i>Resolves</i>	5	31.3%	1.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>9</b>	<b>56.3%</b>	<b>2.1%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<u><i>Resolves not finally passed</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	2	12.5%	0.5%
<u><i>Vetoed sustained</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>2</b>	<b>12.5%</b>	<b>0.5%</b>

\* Total number of bills carried over from the previous session includes 1 bill reported out of the TRA Committee and then carried over on the Special Appropriations Table by SP 555.

**JOINT STANDING COMMITTEE ON  
VETERANS' AND LEGAL AFFAIRS**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	23	71.9%	5.4%
<i>Bills Carried Over from previous session</i>	<u>8</u> *	<u>25.0%</u>	<u>1.9%</u>
<b>Total Bills referred</b>	<b>31</b>	<b>96.9%</b>	<b>7.3%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>3.1%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>32</b>	<b>100.0%</b>	<b>7.5%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	9.4%	0.7%
<i>Ought to Pass as Amended</i>	14	43.8%	3.5%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>4</u>	<u>12.5%</u>	<u>1.0%</u>
<b>Total unanimous reports</b>	<b>21</b>	<b>65.6%</b>	<b>5.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	10	31.3%	2.5%
<i>Three-way reports</i>	1	3.1%	0.2%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>11</b>	<b>34.4%</b>	<b>2.7%</b>
<b>Total committee reports</b>	<b>32</b>	<b>100.0%</b>	<b>7.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>7</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	43.8%	3.3%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	3.1%	0.2%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>15</b>	<b>46.9%</b>	<b>3.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i>Resolves not finally passed</i>	<u>1</u>	<u>100.0%</u>	<u>0.2%</u>
<b>Total number of resolves</b>	<b>1</b>	<b>100.0%</b>	<b>0.2%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	2	6.3%	0.5%
<i>Vetoed sustained</i>	1	3.1%	0.2%
<b>Total</b>	<b>3</b>	<b>9.4%</b>	<b>0.7%</b>

\* Total number of bills carried over from the previous session includes 2 bills reported out of the VLA Committee and then carried over on the Special Appropriations Table by SP 555.

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**APPENDIX B**  
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**INDEX OF BILLS**

**NOT REFERRED TO COMMITTEE**

**BILLS NOT REFERRED:  
COMMITTEE WHERE SUMMARY MAY BE FOUND**

<u>LD</u>	<u>TITLE</u>	<u>COMMITTEE</u>
1454	Resolve, Reauthorizing the Balance of the 2009 Bond Issue for Land Conservation Projects	Appropriations and Financial Affairs
1535	An Act To Protect Firefighters by Prohibiting the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals	Environment and Natural Resources
1543	An Act To Create Stability in the Control of Pesticides	Agriculture, Conservation and Forestry
1550	An Act To Protect Shellfish Conservation Areas	Marine Resources
1557	An Act To Establish Ranked-choice Voting	Veterans and Legal Affairs
1561	An Act To Reauthorize Certain Land for Maine's Future Bonds and To Facilitate the Issuance of Those Bonds	Energy, Utilities and Technology
1583	An Act To Provide for Tax Conformity and Funding Methods	Appropriations and Financial Affairs
1634	An Act To Provide Tax Revenue To Offset Transfers to the Maine Clean Election Fund	Taxation
1641	An Act To Establish a Commission To Reform Public Education Funding and Improve Student Performance in Maine and Make Supplemental Appropriations and Allocations for the Expenditures of the Department of Education and To Change Certain Provisions of the Law Necessary to the Proper Operations of Government for the Fiscal Year Ending June 30, 2017	Education and Cultural Affairs
1650	An Act To Enact the Recommendations of the Study of the Allocations of the Fund for a Healthy Maine	Health and Human Services
1651	An Act To Exempt Certain Natural Gas Consumers from an Assessment and To Extend a Moratorium on Assessments for Other Large-volume Consumers of Natural Gas	Energy, Utilities and Technology
1652	An Act Regarding Municipal Immigration Policies	State and Local Government
1659	An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes	Agriculture, Conservation and Forestry
1660	An Act To Establish the Fund To Advance Public Kindergarten to Grade 12 Education	Education and Cultural Affairs
1661	An Act To Raise the Minimum Wage	Labor, Commerce, Research and Economic Development

**BILLS NOT REFERRED:  
COMMITTEE WHERE SUMMARY MAY BE FOUND**

<u>LD</u>	<u>TITLE</u>	<u>COMMITTEE</u>
1662	An Act To Require Background Checks for Gun Sales	Criminal Justice and Public Safety
1669	An Act To Require the Bureau of Alcoholic Beverages and Lottery Operations To Provide Annual Reports on Spirits Sales Revenues and Expenditures To Promote Lottery Sales	Veterans and Legal Affairs
1674	An Act To Create Community Substance Abuse Programs	Criminal Justice and Public Safety
1682	An Act To Specify That Certain Rules Regarding Services to Persons with Intellectual Disabilities or Autism Are Major Substantive Rules	Health and Human Services
1684	An Act To Implement Certain Recommendations of the Task Force on School Leadership	Education and Cultural Affairs
1695	An Act To Raise the Minimum Wage Incrementally to \$10 Per Hour in 2020	Labor, Commerce, Research and Economic Development
1696	Resolve, To Establish a Moratorium on Rate Changes Related to Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65	Health and Human Services
1697	An Act To Raise the Base Assessment for Correctional Services for Oxford County	Criminal Justice and Public Safety
1698	Resolve, Related To Legislative Review of a Change to the MaineCare Benefits Manual, Chapters II and III, Section 17	Health and Human Services
1699	An Act To Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity	Education and Cultural Affairs
1700	Resolve, To Require the Gathering of Information in Order To Develop a Plan To Expand the Infrastructure Capacity for State Forensic and Civil Mental Health Treatment	Health and Human Services
1701	An Act To Legalize Marijuana	Criminal Justice and Public Safety
1702	An Act To Fund Agreements with Bargaining Units for Certain Executive Branch Employees	Appropriations and Financial Affairs
1703	An Act To Make a Technical Correction to Public Law 2015, Chapter 483	Energy, Utilities and Technology