STATE OF MAINE
125TH 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 125th Maine Legislature

Second Regular Session convened Wednesday, January 4, 2012
Second Regular Session adjourned sine die Thursday, May 31, 2012

Senate Legislative Days.....51
House Legislative Days.....52
Bills Considered.....461

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JUNE 2012

STATE OF MAINE
125TH 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:

The Office of Policy and Legal Analysis
Marion Hylan Barr, Director
13 State House Station
Room 215, Cross Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

The Office of Fiscal and Program Review
Grant T. Pennoyer, Director
5 State House Station
Room 226, State House
Augusta, Maine 04333-0005
Telephone: (207) 287-1635
Fax: (207) 287-6469

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STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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

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

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

June 2012

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STAFF:
JILL IPPOLITI, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 362 **Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCCABE	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

It directs the Department of Conservation, Bureau of Parks and Lands to acquire a public right-of-way approximately 16 miles in length along the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to and including an area commonly used for vehicle parking, trip staging and watercraft access to the Dead River near its confluence with Spencer Stream.

LD 1109 **Resolve, To Target Job Creation in the Agricultural Sector To Improve the Stability and Economic Strength of Rural Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCCABE	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

It requires the Department of Agriculture, Food and Rural Resources and the Department of Labor to invite the participation of a task force to develop strategies to identify barriers to and create job growth in the agricultural sector.

LD 1120 **An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MOULTON	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

It transfers responsibility for and resources in support of the Land for Maine's Future Board and Land for Maine's Future Program from the Executive Department, State Planning Office to the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-698)

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It transfers responsibility for and resources in support of the Land for Maine's Future Board and Land for Maine's

Future Program from the Executive Department, State Planning Office to the Department of Conservation, instead of to the Department of Agriculture, Food and Rural Resources, as proposed in the bill. See the bill summary for LD 1903 under the Joint Standing Committee on Appropriations and Financial Affairs. Part II of LD 1903, which became Public Law 2011, chapter 655, includes provisions similar to those proposed by LD 1120.

LD 1602 **An Act To Remove the $100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold** **PUBLIC 607**

Sponsor(s)	Committee Report	Amendments Adopted
LIBBY SHERMAN	OTP-AM	H-854

This bill removes the $100 fee for each brand and grade of fertilizer and each brand of agricultural liming material sold during a 12-month period.

Committee Amendment "A" (H-854)

This amendment directs the Department of Agriculture, Food and Rural Resources to review the types and quantities of fertilizers and liming products for which registration is required in the State and to review regulation of residuals for agronomic use. The department is directed to review certain definitions and terms. The department is directed to report to the legislative committee of jurisdiction with its findings and recommendations and to submit legislation necessary to implement those recommendations. This amendment also adds an appropriations and allocations section to the bill establishing an ongoing Consumer Protection Inspector position funded from the dedicated account receiving tonnage fees for fertilizers and liming materials sold in the State.

Enacted Law Summary

Public Law 2011, chapter 607 removes the $100 fee for each brand and grade of fertilizer and each brand of agricultural liming material sold during a 12-month period while retaining the $1 per ton fee. It directs the Department of Agriculture, Food and Rural Resources to review the types and quantities of fertilizers and liming products for which registration is required and to review regulation of residuals for agronomic use. The department is directed to review certain definitions and terms. The department is directed to report to the legislative committee of jurisdiction with its findings and recommendations and to submit legislation necessary to implement those recommendations. It also adds an appropriations and allocations section to the bill establishing an ongoing Consumer Protection Inspector position funded from the dedicated account receiving tonnage fees for fertilizers and liming materials sold in the State.

LD 1649 **An Act To Authorize the Registration of Farmland** **PUBLIC 608**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM	S-500

This bill allows a landowner to register farmland in 2012 and 2013 under the Maine Revised Statutes, Title 7, chapter 2-B. Under current law, the time period for registering farmland was limited to between June 1st and June 15th in 1990 and 1991. The purpose of farmland registration is to ensure a farmer's ability to engage in agricultural practices without adversely affecting neighboring landowners.

Committee Amendment "A" (S-500)

This amendment allows a landowner to register farmland on an ongoing basis beginning on July 1, 2012. The bill restricted the registration to a 2-year period. The amendment revises eligibility requirements for farmland registered on or after July 1, 2012, and clarifies the landowner's responsibility for filing the registration. It requires a landowner to submit a copy of the registration to the Department of Agriculture, Food and Rural Resources and removes the requirement for a municipality to maintain a registry. To renew the registration of farmland registered in 1990 or 1991, a landowner must submit documentation of the original registration. All landowners with registered farmland must renew registration every 5 years. It changes the income-producing requirement for registering farmland from at least $300 per acre for at least 3 of the previous 6 calendar years to at least $2,000 from the sales value of farm products in one of the 2, or 3 of the 5, preceding calendar years.

Enacted Law Summary

Public Law 2011, chapter 608 allows a landowner to register farmland on an ongoing basis beginning on July 1, 2012. The purpose of farmland registration is to ensure a farmer's ability to engage in agricultural practices without adversely affecting neighboring landowners. An owner of abutting land may not develop or use land within 50 feet of farmland registered on or after July 1, 2012 for a well, drinking water spring or water supply intake. To retain the registration of farmland registered in 1990 or 1991, a landowner must submit documentation of the original registration. When such documentation is provided, the registration is renewed with the protections provided under the original registration. An owner of land abutting farmland registered in 1990 or 1991 is restricted in the use of land within 100 feet of the registered farmland.

All landowners with registered farmland must renew registration every 5 years. Farmland registered on or after July 1, 2012 is not required to be enrolled under the Farm and Open Space Tax law.

Public Law 2011, chapter 608 was enacted as an emergency measure with an effective date of July 1, 2012.

LD 1689 **Resolve, To Revise Requirements of the Maine Land Use Regulation Commission Pertaining to Maple Sugarhouses** **RESOLVE 123**

Sponsor(s)	Committee Report	Amendments Adopted
BLACK	OTP-AM	H-716

This resolve directs the Maine Land Use Regulation Commission to amend its rules to exempt maple sugarhouses from the 1,000-foot setback requirement.

Committee Amendment "A" (H-716)

This amendment replaces the resolve. It directs the Maine Land Use Regulation Commission to revise its rules establishing setbacks for leased lots in subdivisions created to establish maple sugar processing operations. The rules must establish setbacks equal to the setbacks for maple sugar processing operations that are not in a maple sugar processing subdivision. It directs the commission to revise its rules to allow pairings of abutting lots in a maple sugar processing subdivision while requiring a 1,000-foot separation between paired lots and single lots. It also requires the deed restrictions on leased lots in a maple sugar processing subdivision to be recorded at the registry of deeds when the subdivision is created.

Enacted Law Summary

Resolve 2011, chapter 123 directs the Maine Land Use Regulation Commission to eliminate the 1,000-foot setbacks required in rule for leased lots in subdivisions created to establish maple sugar processing operations, making the setbacks from roads, great ponds, flowing waters and other development equal to the setbacks for maple sugar processing operations that are not in a maple sugar processing subdivision. It directs the commission to revise its

rules to allow pairings of abutting lots in a maple sugar processing subdivision while requiring a 1,000-foot separation between paired lots and single lots. It also requires the deed restrictions on leased lots in a maple sugar processing subdivision to be recorded at the registry of deeds when the subdivision is created.

LD 1734 **Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control**

RESOLVE 118
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 41: Special Restrictions on Pesticide Use, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Enacted Law Summary

Resolve 2011, chapter 118 authorizes final adoption of amendments to a Board of Pesticides Control rule pertaining to the sale and use of BT corn seed, seeds with a plant incorporated protectant. The revisions to rule Chapter 41 remove the requirement that a seed dealer ensure that purchasers are trained prior to selling them seed and extends the length of time between required refresher training for growers from 2 to 3 years.

Resolve 2011, chapter 118 was finally passed as an emergency measure effective March 5, 2012.

LD 1739 **An Act To Change Regulation of Forestry Activities**

PUBLIC 599

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	OTP-AM	S-471

This bill transfers authority for regulation of timber harvesting activities in protection districts in the unorganized territory from the Maine Land Use Regulation Commission to the Department of Conservation, Maine Forest Service. It directs the Maine Forest Service to adopt rules to establish standards for the enhancement of brook trout habitat, specifically the placement of wood in stream channels. The bill provides that the initial rules adopted are routine technical rules and amendments to these rules are major substantive rules.

Committee Amendment "A" (S-471)

This amendment clarifies and expands on provisions in the bill. It provides more specific direction to the Commissioner of Conservation for adopting rules to allow wood to be placed in stream channels for the purpose of enhancing cold water fisheries habitat. It amends the directive regarding oversight of timber harvesting and timber harvesting activities within the jurisdiction of the Maine Land Use Regulation Commission. The department and the commission are directed to review the commission's rules regarding these activities and particularly standards for land management roads, water crossings and gravel pits to protect historic, scenic, scientific, recreational and aesthetic resources in areas identified as requiring special protection.

It provides for the Bureau of Forestry to administer and enforce timber harvesting and timber harvesting activities in

shoreland areas for municipalities that:

1. Have repealed their ordinances;

2. Have adopted ordinances identical to the statewide standards and request the bureau to assume administrative and enforcement responsibilities; or

3. Have ordinances that are consistent with laws and rules in effect on December 31, 2005 and request the bureau to assume responsibility. The bureau may agree to assume the responsibility after reviewing the ordinance but is not required to do so. The bureau may not assume responsibility for administering or enforcing ordinances that are more stringent than or significantly different from requirements under shoreland zoning.

Enacted Law Summary

Public Law 2011, chapter 599 directs the Commissioner of Conservation to adopt rules to allow wood to be placed in stream channels for the purpose of enhancing cold water fisheries habitat. The Commissioner is required to consult with the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources in developing techniques to be used by licensed foresters to implement habitat enhancement. Only licensed foresters trained in these techniques are allowed to implement the habitat enhancement known as "chop and drop." It provides an exemption from permit requirements under the Natural Resources Protection Act for the placement of wood in stream channels when the placement is in compliance with rules adopted by the Department of Conservation for this activity.

Chapter 599 transfers responsibility for the regulation of timber harvesting and timber harvesting activities in protection and management districts within the jurisdiction of the Maine Land Use Regulation Commission to the Maine Forest Service beginning November 1, 2012. It provides for the Maine Forest Service to also administer and enforce the construction and maintenance of land management roads, water crossings and gravel pits of less than 5 acres in these areas. It allows the Maine Forest Service to establish a fee schedule for activities relating to timber harvesting, land management roads, water crossings and gravel pits in protection and management districts.

It provides for the Bureau of Forestry to administer and enforce timber harvesting and timber harvesting activities in shoreland areas for certain municipalities before the 252 -municipality threshold for adoption of statewide standards is reached.

LD 1740 **An Act To Remove the Repeal Date for Outcome-based Forestry** **PUBLIC 488**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	OTP	

This bill removes the repeal for laws governing outcome-based forestry. As defined in statute, "outcome-based forest policy" means a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forests, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests. The provisions are scheduled to be repealed July 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 488 removes the repeal on provisions pertaining to outcome-based forestry.

Public Law 2011, chapter 488 was enacted as an emergency measure effective March 8, 2012.

LD 1741 **An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws** **PUBLIC 532**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	OTP-AM	S-409

This bill eliminates and simplifies paperwork requirements of the State's forest practices laws. The bill repeals the requirement that the Director of the Bureau of Forestry within the Department of Conservation publish an annual report on clear cutting in the State. The bill also changes the requirement that the director issue a state of the State's forests report every 2 years to a requirement that the director issue the report every 5 years. The bill expands the scope of rulemaking by the Commissioner of Conservation and requires the adoption of rules by November 1, 2012.

Committee Amendment "A" (S-409)

This amendment deletes the section of the bill that revises rule-making authority governing forest practices. It revises the requirement for filing a notification with the Bureau of Forestry prior to beginning a timber harvest to apply only to harvesting for the primary purpose of selling or processing forest products. It retains the requirement in current law that a harvest notification form indicate if the land being harvested is taxed under the Maine Tree Growth Tax Law but removes the requirement that the notification include a statement that the harvest is consistent with the forest management and harvest plan required under Title 36. It clarifies the bureau's authority to modify the notification process for harvests under 10 acres and harvesting for the purpose of land use conversion. It directs the bureau to adopt rules pertaining to timber harvesting notifications.

Enacted Law Summary

Public Law 2011, chapter 532 repeals the requirement that the Director of the Bureau of Forestry within the Department of Conservation publish an annual report on clear cutting in the State. Information on clear-cuts over 75 acres, total acres planted and total acres precommercially thinned will be included in the director's annual report on harvesting practices. Chapter 532 also changes the requirement that the director issue a state of the State's forests report from every 2 years to every 5 years. It revises the requirement for filing a notification with the Bureau of Forestry prior to beginning a timber harvest to apply only to harvesting for the primary purpose of selling or processing forest products. It removes the requirement that the notification include a statement that the harvest is consistent with the forest management and harvest plan required under Title 36. It clarifies the bureau's authority to modify the notification process for harvests under 10 acres and harvesting for the purpose of land use conversion. It directs the bureau to adopt routine technical rules pertaining to timber harvesting notifications separate from rules pertaining to forest practice. It directs the Commissioner of Conservation to amend rules to eliminate the requirement that regeneration standards for Category 2 and 3 clear-cuts be certified. For other revisions to rulemaking to implement forest practices provisions, see the bill summary for LD 1739.

LD 1758 **An Act To Eliminate the Deposit Requirements for Containers of Limited and Restricted Use Pesticides** **PUBLIC 510**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM	S-392

This bill repeals the deposit requirements for containers of limited and restricted use pesticides.

Committee Amendment "A" (S-392)

This amendment provides purchasers who paid a deposit on pesticide containers an opportunity to recover the deposit if the containers are returned before December 31, 2017.

Enacted Law Summary

Public Law 2011, chapter 510 repeals the deposit requirements for containers of limited and restricted use pesticides. It provides purchasers who paid a deposit on pesticide containers an opportunity to recover the deposit if the containers are returned before December 31, 2017.

LD 1759 An Act To Amend the Laws Governing the Pull Events Commission **PUBLIC 487**

Sponsor(s)	Committee Report	Amendments Adopted
CRAY	OTP-AM	H-701

This bill reduces the number of members on the Pull Events Commission from 9 members to 5 members.

Committee Amendment "A" (H-701)

This amendment increases the membership of the Pull Events Commission from 9 to 10 and revises the membership. It provides for the staggering of the terms of members appointed in 2012. It requires 6 members of the 10-member commission to be present to transact business. A majority vote of those present is necessary to approve any action.

Enacted Law Summary

Public Law 2011, chapter 487 increases the membership of the Pull Events Commission from 9 to 10 and revises the membership by specifying that 2 members are appointed by farmers associations representing owners of animals who participate in pull events. It specifies that the fair superintendent who serves on the commission is appointed by the Commissioner of Agriculture, Food and Rural Resources. It provides for a member to be appointed by a state association of agricultural fairs. It eliminates the member representing the animal pulling industry appointed by the Commissioner of Agriculture, Food and Rural Resources. It provides for the staggering of the terms of members appointed in 2012. Subsequent appointments are for 3 years. It requires 6 members of the 10-member commission to be present to transact business and a majority vote of those present to approve any action.

LD 1798 An Act To Reform Land Use Planning in the Unorganized Territory **PUBLIC 682**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-918
		S-611 ROSEN R

This bill contains statutory changes to implement the recommendations of the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory. This bill is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2011, chapter 113, section 9.

It establishes a process beginning in September 1, 2015, for a county to assume authority for land use planning and regulation for the unorganized and deorganized areas of that county. It changes the Maine Land Use Regulation Commission to the Maine Land Use Planing Commission. It revises the membership to include 3 members appointed by the Governor and subject to confirmation by the Legislature and 6 members appointed by counties. The county commissioners of each of the 6 counties with the most acreage in the unorganized or deorganized areas of the state would select one among them or appoint another resident of that county to serve on the commission.

The Joint Standing Committee on Agriculture, Conservation and Forestry has not taken a position on the substance of the recommendations in the report or this bill to implement those recommendations. The committee is not suggesting and does not intend to suggest that it agrees or disagrees with the recommendations of the commission or that it supports the substance of this bill. The committee is submitting the bill for the sole purpose of turning the commission's proposal into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent work sessions. The committee is taking this action to ensure clarity and transparency in the legislative review of the commission's proposal.

Committee Amendment "A" (H-918)

This amendment removes the provisions for a county to assume authority for land use planning and regulation for the unorganized and deorganized areas of that county. This amendment increases the number of county nominees to the Maine Land Use Planning Commission to 8 and requires all members to be confirmed by the Senate. It includes a provision for the Governor to make a nomination if a county does not make a nomination within 90 business days of that county's being eligible to make a nomination. It requires county nominees to meet certain qualifications. It specifies that county representatives may not be nominated before December 15, 2012.

It specifies that the Maine Land Use Planning Commission retains jurisdiction over a planned subdistrict if a municipality or plantation in which the planned subdistrict is located assumes authority for land use planning and regulation unless the owner of the land delineated as a planned subdistrict agrees to the transfer of authority.

It clarifies which projects will be reviewed and permitted by the Department of Environmental Protection.

It clarifies that the Maine Land Use Planning Commission must receive certification from the Department of Environmental Protection prior to permitting non-grid-scale wind energy development.

It clarifies that certification from the Maine Land Use Planning Commission is needed prior to the Department of Environmental Protection's issuing permits under the site location of development laws. The Maine Land Use Planning Commission retains responsibility for the review and permitting of projects in planned subdistricts approved or accepted for review prior to September 1, 2012.

It adds a section of unallocated law that directs the Maine Land Use Planning Commission to establish a process by which a landowner can request a preapplication meeting to discuss a potential project with the commission and a section directing the Maine Land Use Planning Commission to initiate prospective zoning and to provide information on its progress in its January 2013 report.

It lists in unallocated law all planned subdistricts that have been approved and proposals for planned subdistricts that have been accepted for processing as of March 16, 2012. It adds an appropriations and allocations section that transfers two Environmental Specialist II positions from the Department of Conservation to the Department of Environmental Protection.

House Amendment "A" To Committee Amendment "A" (H-926)

This amendment removes the appropriations and allocations section and requires the Department of Environmental Protection to carry out its responsibilities under this legislation using existing budgeted resources.

Senate Amendment "A" To Committee Amendment "A" (S-611)

This amendment changes the effective date provision for selected sections from August 1, 2012 to September 1, 2012. It adds an appropriations and allocations section to transfer one Environmental Specialist Position III from the Land Use Regulation Commission to the Department of Environmental Protection.

Enacted Law Summary

Public Law 2011, chapter 682 changes the name of the Maine Land Use Regulation Commission to the Maine Land Use Planning Commission (LUPC). It increases the commission's membership from 7 to 9 and specifies that the Governor nominates only 1 member of the commission. Each of the 8 counties with the most acreage in the commission's jurisdiction nominates one member. All nominations are subject to review by the legislative committee of jurisdiction and confirmation by the Senate. All nominees must meet certain qualifications established in statute.

Chapter 682 requires commission meetings to be held within the jurisdiction or in a convenient location approved by the commission Chair. It requires field offices to be in or close to the jurisdiction and LUPC employees to receive regular training on customer service.

It defines "planned subdistrict" and authorizes the commission to designate planned subdistricts and establish unique standards for each. It removes the standard in statute that development districts be areas that are "discernible as having patterns of intensive use," requiring instead that the areas are "appropriate for" such use. It removes statutory language prohibiting a change in a land use district boundary unless the proposed land use district "satisfies a demonstrated need in the community or area."

Chapter 682 authorizes but does not require the commission to delegate certain permitting and enforcement functions to a county. It specifies that LUPC retains jurisdiction over a planned subdistrict if a municipality or plantation in which the planned subdistrict is located assumes authority for land use planning and regulation unless the owner of the land delineated as a planned subdistrict agrees to the transfer of authority.

It transfers responsibility for permitting grid-scale wind energy development in the unorganized and deorganized areas to the Department of Environmental Protection (DEP). LUPC retains authority to review and permit community-based offshore wind development projects and non-grid-scale wind energy development. LUPC must receive certification from DEP prior to issuing a permit for non-grid-scale wind energy development.

Chapter 682 provides for all projects reaching the threshold for review under the Site Location of Development law (Title 38, Chapter 3, Subchapter 6) to be reviewed by DEP rather than LUPC except for projects proposed within a planned subdistrict that was approved or accepted for review prior to September 1, 2012. LUPC retains authority to review and permit development within these areas. Certification from LUPC is required prior to DEP issuing a permit for a project within the unorganized or deorganized areas under the site location of development law.

Chapter 682 requires legislative approval of the comprehensive land use plan (the CLUP) prior to final adoption. It provides for involvement of the commission in developing and implementing regional comprehensive plans when a county or counties request the commission's assistance. It requires the commission to submit an annual performance report to the legislative committee of jurisdiction.

Chapter 682 directs LUPC to establish a process by which an applicant can request a public preapplication meeting with the LUPC commissioners to discuss a proposed project. It also directs LUPC to initiate prospective zoning and to provide information on the initiatives in their January 2013 report. It contains provisions for the transition from the Land Use Regulation Commission to the Land Use Planning Commission and for the transfer of certain project review and permitting functions to DEP.

LD 1814 **Resolve, To Promote the Expansion of the Maine Maple Sugar Industry** **RESOLVE 132 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry submitted pursuant to Resolve 2011, chapter 48, section 8. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a task force to address obstacles that affect the expansion of Maine's maple sugar industry and develop strategies to promote the industry. This task force will continue the work of the task force convened under Resolve 2011, chapter 48.

This resolve directs the commissioner to submit a report including the findings and recommendations of the task force to the joint standing committee of the Legislature having jurisdiction over agriculture matters no later than December 4, 2013. It authorizes the committee to submit legislation to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 132 directs the Commissioner of Agriculture, Food and Rural Resources to convene a task force to continue the work of the task force convened under Resolve 2011, chapter 48, to address obstacles that affect the expansion of Maine's maple sugar industry, and to develop strategies to promote the industry.

The commissioner is directed to submit a report including the findings and recommendations of the task force to the joint standing committee of the Legislature having jurisdiction over agriculture matters no later than December 4, 2013. It authorizes the committee to submit legislation to the Second Regular Session of the 126th Legislature.

Resolve 2011, chapter 132 was finally passsed as an emergency measure effective March 19, 2012.

LD 1819 **Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission** **RESOLVE 151 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-841

This resolve provides for legislative review of Chapter 26: Producer Margins, a major substantive rule of the Maine Milk Commission. This rule proposes revisions to the target prices used to determine payments under the dairy stabilization program.

Committee Amendment "A" (H-841)

This amendment stipulates that the Joint Standing Committee on Agriculture, Conservation and Forestry does not authorize final adoption of the target prices for the dairy stabilization program that were provisionally adopted in Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission.

Enacted Law Summary

Resolve 2011, chapter 151 does not authorize final adoption of the target prices for the dairy stabilization program that were provisionally adopted in Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission. Resolve 2011, chapter 151. The Joint Standing Committee on Agriculture, Conservation and Forestry reported out a bill to establish revised target prices for the dairy stabilization program. See the bill summary for LD 1905.

Resolve 2011, chapter 151 was finally passed as an emergency measure effective April 9, 2012.

LD 1830 **An Act To Establish the Department of Agriculture, Conservation and Forestry** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
TIMBERLAKE THIBODEAU	OTP-AM A ONTP B OTP-AM C	H-876 H-910 TIMBERLAKE

This bill establishes the Department of Agriculture, Conservation and Forestry.

1. It directs the Department of Agriculture, Conservation and Forestry to assume the duties and responsibilities of the current Department of Agriculture, Food and Rural Resources and the current Department of Conservation.

2. It does not repeal any provisions of the Maine Revised Statutes, Title 7, which sets forth the laws and policies implemented by the current Department of Agriculture, Food and Rural Resources, or of Title 12, which sets forth the laws and policies implemented by the current Department of Conservation.

3. It eliminates one commissioner position.

Committee Amendment "A" (H-876)

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It expands oversight by the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters during the transition from two departments to one. It also amends the membership of the Land for Maine's Future Board and the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species to reflect the consolidation of the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department with one commissioner.

House Amendment "C" To Committee Amendment "A" (H-910)

This amendment retains those provisions of the bill that establish the consolidated department but makes the following changes.

1. It establishes the consolidated Department of Agriculture, Conservation and Forestry in the Maine Revised Statutes, Title 7-A, rather than in Title 12-A as proposed in the bill.

2. It enacts a provision expressing the intent of the Legislature that a bill to consolidate relevant portions of the Maine Revised Statutes, Title 7 and Title 12 in the new Title be enacted into law by the 126th Legislature.

3. It provides that if a bill that consolidates the relevant portions of the Maine Revised Statutes, Title 7 and Title 12 in the new Title is not enacted into law by the date on which the 127th Legislature convenes, the statute that establishes the consolidated department is repealed.

The provisions in this bill, as amended by Committee Amendment "A" and House Amendment "C," are incorporated into Public Law 2011, chapter 657, Parts V,W, X and Y. See the bill summary for LD 1746 under the Joint Standing Committee on Appropriations and Financial Affairs.

LD 1869 **An Act To Establish the Dairy Improvement Fund** **PUBLIC 625**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	OTP-AM	S-512

This bill creates the Dairy Improvement Fund within the Department of Agriculture, Food and Rural Resources to fund programs and activities to improve the economic viability of the dairy industry. The bill provides that revenue from slot machines operated by a casino operator that is distributed to the department for dairy stabilization under current law would instead be transferred to the improvement fund.

Committee Amendment "A" (S-512)

This amendment clarifies the process for the distribution of 1% of the net slot machine revenues under the Maine Revised Statutes, Title 8, section 1036, subsection 2-A, paragraph K credited to support payments under the dairy stabilization program. Effective July 1, 2013, the 1% credited for dairy stabilization payments will be reduced to 1/2 of 1%, with the other 1/2 of 1% being credited to the Dairy Improvement Fund established in the bill. It provides for the Dairy Improvement Fund to be deposited with and maintained by the Finance Authority of Maine. The fund provides loans to dairy farmers for capital improvements.

Enacted Law Summary

Public Law 2011, chapter 625 provides a process for the distribution of 1% of the net slot machine revenues under the Maine Revised Statutes, Title 8, section 1036, subsection 2-A, paragraph K credited to support payments under the dairy stabilization program. Effective July 1, 2013, the 1% credited for dairy stabilization payments will be reduced to 1/2 of 1%, with the other 1/2 of 1% being credited to the Dairy Improvement Fund established in the bill. It provides for the Dairy Improvement Fund to be deposited with and maintained by the Finance Authority of Maine. The fund provides loans to dairy farmers for capital improvements.

Public Law 2011, chapter 625 was enacted as emergency measure effective April 12, 2012.

LD 1892 **An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry under the State Government Evaluation Act** **PUBLIC 579**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4. It establishes dates for the next review of agencies under the State Government Evaluation Act. It removes the Wild Blueberry Advisory Committee and the Seed Potato Board from the list of agencies to be reviewed. It ensures continuing staggered terms for members of the Wild

Blueberry Commission of Maine. It requires the Maine Potato Board to report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on seed potato production, distribution and sales no later than January 15, 2013.

Enacted Law Summary

Public Law 2011, chapter 579 implements the recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry relating to review of agencies under the Government Evaluation Act. It removes the Wild Blueberry Advisory Committee and the Seed Potato Board from the list of agencies to be reviewed. It ensures continuing staggered terms for members of the Wild Blueberry Commission of Maine. It requires the Maine Potato Board to report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on seed potato production, distribution and sales no later than January 15, 2013. It establishes 2019 as the year for the next review of the Department of Conservation, the Board of Pesticides Control and the Wild Blueberry Commission of Maine under the State Government Evaluation Act.

LD 1905 **An Act To Revise the Target Prices for the Dairy Stabilization Program** **PUBLIC 690**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ OTP-AM MIN	S-535 SHERMAN S-546 SHERMAN S-607 ROSEN R

This bill is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized under Public Law 2009, chapter 467, section 16. It revises the target prices used to calculate dairy stabilization payments under the Maine Revised Statutes, Title 7, section 3153-B. It transfers funds to the Maine Milk Pool, Other Special Revenue Funds account and directs the administrator of the Maine Milk Pool to subtract funds available prior to certifying to the State Controller the amount needed from the General Fund for distribution under the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B.

Senate Amendment "A" (S-535)

This amendment adds an effective date that was inadvertently omitted from the bill.

Senate Amendment "B" (S-546)

This amendment increases the target price for the first 16,790 hundredweight of milk produced each year from $19.64 per hundredweight to $21.00 per hundredweight and revises the appropriations and allocations section accordingly.

Senate Amendment "A" To Senate Amendment "B" (S-607)

This amendment postpones the date by which funds from the accounts specified in the bill must be transferred from May 15, 2012 to May 31, 2012. It decreases the allocation to the Maine Milk Commission to make payouts through the dairy stabilization program as a result of updated projections on the price of milk.

Enacted Law Summary

Public Law 2011, chapter 690 revises the target prices used to calculate dairy stabilization payments beginning on July 1, 2012. It transfers funds from 5 accounts within the Department of Agriculture, Food and Rural Resources and 3 accounts within the Department of Conservation to the Maine Milk Pool - Other Special Revenue account and directs the administrator of the Maine Milk Pool to subtract funds available in this account prior to certifying to the

State Controller the amount needed from the General Fund for distribution under the Dairy Stabilization Program.

Public Law 2011, chapter 690 was enacted as an emergency measure effective May 21, 2012.

Joint Standing Committee on Agriculture, Conservation and Forestry

SUBJECT INDEX

Agriculture - Policy

Enacted

LD 1649	An Act To Authorize the Registration of Farmland	PUBLIC 608 EMERGENCY
LD 1814	Resolve, To Promote the Expansion of the Maine Maple Sugar Industry	RESOLVE 132 EMERGENCY

Not Enacted

LD 1109	Resolve, To Target Job Creation in the Agricultural Sector To Improve the Stability and Economic Strength of Rural Maine	ONTP

Dairy

Enacted

LD 1819	Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission	RESOLVE 151 EMERGENCY
LD 1869	An Act To Establish the Dairy Improvement Fund	PUBLIC 625 EMERGENCY
LD 1905	An Act To Revise the Target Prices for the Dairy Stabilization Program	PUBLIC 690 EMERGENCY

Department of Agriculture - Regulation

Enacted

LD 1602	An Act To Remove the $100 Reporting Fee for Fertilizer and Agricultural Liming Materials Sold	PUBLIC 607

Department of Conservation - Maine Forest Service

Enacted

LD 1739	An Act To Change Regulation of Forestry Activities	PUBLIC 599
LD 1740	An Act To Remove the Repeal Date for Outcome-based Forestry	PUBLIC 488 EMERGENCY
LD 1741	An Act To Streamline the Paperwork Requirements of the State's Forest Practices Laws	PUBLIC 532

Land Preservation and Public Access

Not Enacted

LD 362	Resolve, Directing the Department of Conservation To Acquire an Easement To Provide Access to the Dead River	ONTP
LD 1120	An Act To Move the Land for Maine's Future Program to the Department of Agriculture, Food and Rural Resources	MAJORITY (ONTP) REPORT

Maine Land Use Regulation Commission

Enacted

LD 1689	Resolve, To Revise Requirements of the Maine Land Use Regulation Commission Pertaining to Maple Sugarhouses	RESOLVE 123
LD 1798	An Act To Reform Land Use Planning in the Unorganized Territory	PUBLIC 682

Miscellaneous

Enacted

LD 1759	An Act To Amend the Laws Governing the Pull Events Commission	PUBLIC 487
LD 1892	An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry under the State Government Evaluation Act	PUBLIC 579

Not Enacted

LD 1830	An Act To Establish the Department of Agriculture, Conservation and Forestry	DIED ON ADJOURNMENT

Pesticides

Enacted

LD 1734	Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control	RESOLVE 118 EMERGENCY
LD 1758	An Act To Eliminate the Deposit Requirements for Containers of Limited and Restricted Use Pesticides	PUBLIC 510

AFA

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

June 2012

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STAFF:
MAUREEN DAWSON, PRINCIPAL ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

LD 63 **An Act To Authorize a General Fund Bond Issue To Repair the Mountain Division Rail Line** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $21,000,000, will be used to repair the Mountain Division rail line between Portland and Fryeburg.

LD 111 **An Act To Authorize a General Fund Bond Issue To Fund Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KUMIEGA	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $3,000,000, will be used for large-scale marketing of Maine seafood and for research and development for seafood production and processing to increase bulk sales of Maine seafood worldwide.

LD 225 **An Act To Authorize a General Fund Bond Issue in the Amount of $20,000,000 To Fund Research and Development** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	OTP-AM	S-569

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $50,000,000, will be used to provide funds for research and development for Maine-based public and private institutions for environmental and renewable energy technology, biomedical technology and biotechnology, aquaculture and marine technology, composite materials technology, advanced technologies for forestry and agriculture, information technology and precision manufacturing technology through a competitive process.

Committee Amendment "A" (S-569)

This amendment reduces the funds provided by this bond issue by $30,000,000.

The funds provided by this bond issue, in the amount of $20,000,000, will be used to provide funds for research and development and commercialization as prioritized by the Office of Innovation's current Science and Technology Action Plan for Maine. The funds must be awarded to Maine-based public and private institutions for environmental and renewable energy technology, biomedical technology and biotechnology, aquaculture and marine technology,

composite materials technology, advanced technologies for forestry and agriculture, information technology and precision manufacturing technology through a competitive process.

LD 263 **An Act To Authorize a General Fund Bond Issue To Fund Construction of a Marine Technology Incubator Facility at the Gulf of Maine Research Institute** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RUSSELL	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $10,000,000, will be used to fund construction of a marine technology incubator facility at the Gulf of Maine Research Institute.

LD 359 **An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds** **PUBLIC 695**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD GOODALL	OTP-AM	H-957

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $15,500,000, will be used to fund revolving loan funds for drinking water systems and wastewater facilities and to secure federal grants.

Committee Amendment "A" (H-957)

This amendment reduces by $7,575,000 the funds provided by the bond issue.

Enacted Law Summary

Public Law 2011, chapter 695 provides for a bond issue, in the amount of $7,925,000, to fund revolving loan funds for drinking water systems and wastewater facilities and to secure federal grants.

LD 381 **An Act To Establish a New Method of Determining the State Budget** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
AYOTTE RAYE	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. This bill shifts the start of the fiscal biennium for the state budget from the first regular session of the Legislature to the second regular session of the Legislature, beginning with the fiscal year that begins on July 1, 2014. It also provides that the state budget beginning on July 1, 2013, is a one-year budget.

LD 399 **An Act To Authorize a General Fund Bond Issue To Fund LifeFlight** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COLLINS	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $640,000, will be used by the LifeFlight Foundation to complete a network of automated weather observing stations and for building helipads in rural communities with a history of high use or in remote locations to improve safety and access to emergency medical services.

LD 894, enacted as Public Law 2011, chapter 697, contains a similar bond proposal.

LD 409 **An Act To Authorize a General Fund Bond Issue for Research and Development for Technology Advancement** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN RECTOR	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $100,000,000, will be used to provide funds for research and development and commercialization of targeted technology sectors. The funds are to be awarded after a competitive process administered by the Department of Economic and Community Development, Maine Technology Institute, and will leverage at least $100,000,000 in other funds.

LD 225, as enacted by the Legislature, contains a similar bond proposal.

LD 417 **An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $20,000,000, will be used to improve rail lines in western Maine.

LD 420 **An Act To Authorize a General Fund Bond Issue To Fund Building a Container Port on Sears Island** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $200,000,000, will be used to fund building a privately operated container port on Sears Island.

LD 470 **An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Bulkhead at the Gulf of Maine Research Institute** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK H ALFOND	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $1,000,000, will be used to complete renovation of a bulkhead at the Gulf of Maine Research Institute.

LD 513 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To More Equitably Fund the Liabilities of the Maine Public Employees Retirement System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This resolution was carried over from the First Regular Session of the 125th Legislature. This resolution proposes to amend the Constitution of Maine to remove the requirement that experience losses incurred by the Maine Public Employees Retirement System be retired in only 10 years and to change the required amortization schedule of unfunded liabilities from a fixed 31-year schedule to a so-called open or rolling 25-year schedule.

LD 565 **An Act To Provide Funding for the World Acadian Congress** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. This bill provides funds for the World Acadian Congress in fiscal years 2011-12 and 2012-13 only.

LD 741 **An Act To Authorize a General Fund Bond Issue To Invest in Water and Sewer Infrastructure To Protect Public Health and To Facilitate the Expansion and Growth of Business** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $30,000,000, will be used to repair and reconstruct water and sewer systems that the Department of Environmental Protection considers in greatest need of attention and the greatest threat to the public health and the expansion of business.

LD 359, enacted as Public Law 2011, chapter 695, contains a similar bond proposal.

LD 777 **An Act To Authorize a General Fund Bond Issue To Expand Necessary Capital Improvements at the University of Maine System That Support the Critical Disciplines of Science, Technology, Engineering and Math To Enhance Economic Development and Employment Opportunities for Maine Citizens** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN RECTOR	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $40,000,000, will be used to expand necessary capital improvements in the critical disciplines of science, technology, engineering and mathematics at the University of Maine System.

LD 874, enacted as Pubic Law 2011, chapter 700, contains a similar bond proposal.

LD 807 **An Act To Limit the Bonding Authority of the Maine Governmental Facilities Authority to Court Facility Projects** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
WATERHOUSE ROSEN R	OTP-AM MAJ ONTP MIN	H-958

This bill was carried forward from the First Regular Session of the 125th Legislature. This bill removes the Maine Governmental Facilities Authority's ability to issue bonds or negotiable securities beginning October 1, 2011.

Committee Amendment "A" (H-958)

This amendment restores the authority of the Maine Governmental Facilities Authority to issue bonds or negotiable securities for court facility projects only and changes the date after which the Maine Governmental Facilities Authority cannot issue bonds or negotiable securities for other purposes from October 1, 2011, to January 1, 2013.

LD 829 **An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future and Training Facilities in Labor Market Areas with Higher than Average Unemployment for Tourism-related Training**

MAJORITY (ONTP) REPORT

Sponsor(s)	Committee Report	Amendments Adopted
MCCABE	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $100,000,000, will be used to provide funds over 5 years for the State's transportation biennial capital work plan, the Communities for Maine's Future Program, the ConnectME Authority, the Land for Maine's Future Board, the University of Maine System and the Maine Community College System for tourism-related training, targeted to particular projects in labor markets that have an unemployment rate higher than the statewide average.

Committee Amendment "A" (H-959)

This amendment is the minority report. The funds provided, in the amount of $1,000,000, will be used to provide funds for the Communities for Maine's Future Program, targeted to particular projects in labor market areas that have an unemployment rate higher than the statewide average.

LD 842 **An Act To Authorize a General Fund Bond Issue To Support Research and Sustainable Development of Maine's Natural Resources**

ONTP

Sponsor(s)	Committee Report	Amendments Adopted
HUNT JACKSON	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The major portion of the funds provided by this bond issue, in the amount $45,000,000, will be used to fund research, development and commercialization of innovative technology that relies on the sustainable use of Maine's natural resources such as forest and agricultural products and tidal and wind energy. The remaining $5,000,000 will be used to support sustainable local economic development projects that enhance the economic benefits of increased reliance on local foods and recycling of consumer products. The funds must be administered by the Maine Technology Institute and competitively awarded.

LD 225, as enacted by the Legislature, contains a similar bond proposal.

LD 851 **An Act To Authorize a General Fund Bond Issue To Invest in Railroads To Reduce the Cost of Shipping to Maine Businesses, Attract Tourists to Maine and Facilitate the Development of Commuter Rail Transportation To Reduce the Use of Oil in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $25,000,000, will be used to provide funds for railroad reconstruction and expansion that the business sector considers vital to the shipment of goods and the ability of the business community to compete. It requires that the Department of Transportation consult with the business and economic development sector to develop a list of priorities in regard to railroad construction and reconstruction projects focusing on projects important to tourism and projects with greatest visibility for increased commuter and passenger rail service and taking into consideration the extent that proposed projects reduce the consumption of oil.

LD 852 **An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy** **PUBLIC 696**

Sponsor(s)	Committee Report	Amendments Adopted
TRAHAN	OTP-AM MAJ ONTP MIN	S-576 S-591 MARTIN T

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided in this bond issue will be used to recapitalize the Land for Maine's Future program with $36,000,000 to continue Maine's land conservation efforts, leveraging a minimum of $36,000,000 in required matching funds. It provides $12,000,000 for natural resource industry based infrastructure improvements and enhancements related to natural resource industry and to provide capital for state park maintenance and improvements. It also gives land conservation projects that protect and enhance deer wintering habitat preference and directs the Department of Inland Fisheries and Wildlife and the Department of Conservation to pursue projects that protect and conserve deer wintering habitat.

Committee Amendment "A" (S-576)

This amendment reduces from $36,000,000 to $5,000,000 the amount of the General Fund bond issue authorized by this Act to purchase land and conservation easements, to be matched with at least $5,000,000 in public and private contributions.

Senate Amendment "A" To Committee Amendment "A" (S-591)

This amendment requires the Department of Conservation and the Department of Inland Fisheries and Wildlife to take a proactive approach to pursuing land conservation projects that include significant wildlife habitat conservation, including conservation of priority deer wintering areas. It includes a description of priority deer wintering areas and provisions regarding the management of areas that contain wildlife or fish habitat. It includes a reference to Public Law 2005, chapter 462, Part B, section 6 regarding the process and selection criteria for the acquisition of working waterfront properties. It clarifies that the proceeds of the bonds for the Land for Maine's Future Board may be expended by the Department of Conservation for the acquisition of wildlife or fish habitat.

Enacted Law Summary

Public Law 2011, chapter 696 provides for a bond issue, in the amount of $5,000,000, to purchase land and interest in land for conservation; water access, wildlife or fish habitat including deer wintering areas; outdoor recreation, including hunting and fishing; and working farmland preservation and working waterfront preservation.

LD 874 **An Act To Authorize a General Fund Bond Issue for Higher Education** **PUBLIC 700**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND	OTP-AM MAJ	S-574
	OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $27,100,000, will be used to improve equipment and facilities at the University of Maine System and the Maine Community College System to better serve the underserved regions of the State.

Committee Amendment "A" (S-574)

This amendment is the majority report. It reduces from $27,100,000 to $11,300,000 the amount of the General Fund bond issue authorized by the bill and specifies that the bond proceeds be used to build a diagnostic facility for the University of Maine System and for capital improvements and equipment for the Maine Community College System and the Maine Maritime Academy.

Committee Amendment "B" (S-575)

This amendment is the minority report. It reduces from $27,100,000 to $14,300,000 the amount of the General Fund bond issue authorized by the bill and specifies that the bond proceeds be used to build a diagnostic facility for the University of Maine System and for capital improvements and equipment for the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

Enacted Law Summary

Public Law 2011, chapter 700 provides for a bond issue, in the amount of $11,300,000, for capital to build a diagnostic facility for the University of Maine System; for capital improvements and equipment, including machine tool technology, for the Maine Community College System; and for capital improvements and equipment at the Maine Maritime Academy.

LD 894 **An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure To Meet the Needs of the Business Sector and To Create Jobs** **PUBLIC 697**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-568
		S-590 THOMAS

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $62,000,000, will be used to repair and reconstruct highways and bridges that are considered

vital to the expansion of business interests by the business and economic development sector and essential to public safety. It requires that the Department of Transportation consult with the business and economic development sector to determine projects of highest priority to the business and economic development sector and establish a stakeholder group, if the bond passes, consisting of municipal officials, highway safety officials and members of the general public to develop a list of highway and bridge projects by level of priority relating to the safety of the general public.

Committee Amendment "A" (S-568)

This amendment reduces the total authorization for the issuance of bonds for transportation infrastructure from $62,000,000 to $51,500,000 and specifies amounts authorized for highways and bridges, the Urban-Rural Initiative Program, the LifeFlight Foundation, the port operation at Mack Point, transit buses, the Industrial Rail Access Program, the port at Eastport and aviation facilities.

Senate Amendment "A" To Committee Amendment "A" (S-590)

This amendment removes the $5,000,000 funding for the Urban-Rural Initiative Program and instead increases by $5,000,000 the funds for repair and reconstruction of highways and bridges.

Enacted Law Summary

Public Law 2011, chapter 697 provides for a bond issue, in the amount of $51,500,000, for improvements to highways and bridges, airports and port facilities, rail access, transit buses and the Lifeflight Foundation.

LD 919 **An Act To Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide for a Trained Workforce for Maine's Energy Future** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $55,000,000, will be used to support weatherization and other energy efficiency improvements for Maine homes, businesses and public buildings to save money, reduce dependence on increasingly scarce heating fuels, support health and comfort and protect the environment. Funds are also provided to expand the workforce for weatherization and energy efficiency services and other parts of a new green economy.

Committee Amendment "A" (H-960)

This is the minority report of the committee. This amendment removes all the bonding proposed in the bill except the bonding that provides $1,000,000, reduced from the $10,000,000 proposed in the bill, for below-market loans to homeowners and rental property and small business owners for energy audits and weatherization or other major energy efficiency projects.

LD 948 **An Act To Authorize a General Fund Bond Issue To Create Jobs through Energy Efficiency** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $25,000,000, will be for grants to make buildings throughout the State more energy efficient. Grant recipients must commit to using the money saved through increased energy efficiency to hire workers or for other workforce development.

LD 979 **An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Diagnostic Facility at the University of Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB SHERMAN	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $7,200,000, will be used to build an animal and plant diagnostic laboratory to enable animal and plant population health monitoring for exotic and zoonotic diseases as well as the study of animal and plant pathogens and containment of arthropods in a highly secure setting.

LD 874, enacted as Public Law 2011, chapter 700, contains a similar bond proposal.

LD 990 **An Act To Authorize a General Fund Bond Issue in the Amount of $1,000,000 for Road and Bridge Construction** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $1,000,000, will be used to repair the road and bridge within the Town of Woodstock.

LD 1187 **An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $5,000,000, will be used as seed money to capitalize the Downtown Revitalization Fund, a revolving loan and grant fund to encourage business development in downtown areas, targeting innovative businesses, light manufacturing, trades and small businesses and space for artists and artisans. The Downtown Revitalization Fund is administered by a board consisting of public and private members and issues loans that must be matched by $1 from the recipient for every $2 received from the fund and issues grants.

LD 1240 **An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Government through Energy Efficiency** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $90,000,000, will be used to lower the costs of government at all levels by funding cost-effective energy efficiency improvements to public buildings. Forty-five million dollars will fund cost-effective energy efficiency improvements to buildings owned or leased by the State, and $45,000,000 will be placed in a loan fund for cost-effective energy efficiency improvements to buildings owned or leased by municipal and county governments.

LD 1386 **An Act To Authorize a General Fund Bond Issue To Fund the Challenger Learning Center of Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STEVENS FARNHAM	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $500,000, will be used by the Challenger Learning Center of Maine to improve educational achievement in mathematics and to inspire interest in science and technology careers.

LD 1395 **An Act To Authorize a Highway Fund Bond Issue To Improve Maine's Roads and Bridges** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The funds provided by this bond issue, in the amount of $50,000,000, will be used to provide funds to match federal funds for highway and bridge capital projects.

LD 894, enacted as Public Law 2011, chapter 697, contains a similar bond proposal.

LD 1632 **An Act To Amend Provisions Limiting the Return to Work after Retirement by Teachers, School Employees and State Employees**

MAJORITY (ONTP) REPORT

Sponsor(s)	Committee Report	Amendments Adopted
HILL	ONTP MAJ OTP-AM MIN	

This bill provides that limitations on conditions of restoration to service after retirement enacted in 2011 apply only to school superintendents and principals, not to state employees or teachers.

Committee Amendment "A" (S-567)

This amendment is the minority report of the committee. This amendment amends the bill to retain the provisions in current law that provide that limitations on conditions of restoration to service after retirement enacted in 2011 apply to state employees. The amendment retains the provisions of the bill that exempt teachers from these limitations and that provide that the limitations apply to school superintendents and principals.

LD 1651 **An Act To Clarify Health Insurance Benefits for Disabled Participants in the Maine Public Employees Retirement System**

PUBLIC 540 EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
KATZ	OTP-AM	S-411

This bill corrects unanticipated consequences of changes made during the First Regular Session of the 125th Legislature regarding payment for state retiree health insurance. This bill clarifies that disabled retirees who are automatically converted to a regular retirement benefit before normal retirement age are not required to pay 100% of the individual premium for health insurance coverage.

Committee Amendment "A" (S-411)

This amendment clarifies some of the provisions of the original bill, applies it to teachers and corrects a cross-reference.

Enacted Law Summary

Public Law 2011, chapter 540 corrects the unanticipated consequences of changes made to the Maine Public Employees Retirement System to specify that disabled state employee retirees and teachers who are automatically converted to a regular retirement benefit before normal retirement age are not required to pay 100% of the individual premium for health insurance coverage.

Public Law 2011, chapter 540 was enacted as an emergency measure effective March 20, 2012.

LD 1657 **An Act To Amend the Laws Governing Health Insurance for Certain State Employees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN T	ONTP	

Pursuant to changes made by Public Law 2011, chapter 380, a state employee who retires after January 1, 2012, but who has not yet reached the applicable normal retirement age is required to pay 100% of individual health care insurance premiums until that person reaches the normal retirement age. This bill exempts from that requirement a state employee who is appointed by the Governor, a department head or a body in the executive branch or the Legislature as long as that appointee has at least 25 years of creditable service but has not yet reached normal retirement age. This exemption is retroactive to January 1, 2012.

LD 1662 **An Act To Provide for an Advisory Referendum on the Approval of Tax-exempt Student Loan Revenue Bonds** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

Federal law requires that private activity bonds, which are tax-exempt bonds issued by public entities to provide low-cost financing for private projects that serve a public purpose, be approved by the highest elected official of the jurisdiction in which the proceeds of the bonds will be used. The Maine Educational Loan Authority issues private activity bonds to fund supplemental student loans for Maine students and families and services its debts with the revenue streams associated with student loan repayment. This bill directs the Secretary of State to hold an advisory referendum at a statewide election to determine whether the voters of the State favor the Governor's approval of the Maine Educational Loan Authority's issuance of no more than $50,000,000 of tax-exempt student loan revenue bonds over the next 3 years, to be repaid by the loan recipients.

LD 1667 **An Act To Clarify Authorization for a Court Facilities Bond** **PUBLIC 671**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	OTP-AM	S-417

This bill makes a technical correction to language contained in Public Law 2009, chapter 213 that authorizes the Maine Governmental Facilities Authority to issue securities for the costs associated with court facilities.

Committee Amendment "A" (S-417)

This amendment allows any remaining funds from authorized securities issued for paying the costs associated with the construction of a new courthouse in Augusta, the renovation of a courthouse in Dover-Foxcroft and the planning and construction of court facilities upgrades in Machias to be used for planning for additional court facilities.

Enacted Law Summary

Public Law 2011, chapter 671 makes a technical correction to language contained in Public Law 2009, chapter 213 that authorizes the Maine Governmental Facilities Authority to issue securities for the costs associated with court facilities and allows any remaining funds from authorized securities issued for paying the costs associated with the construction of a new courthouse in Augusta, the renovation of a courthouse in Dover-Foxcroft and the planning and construction of court facilities upgrades in Machias to be used for planning for additional court facilities.

LD 1713 **An Act To Restore Supplemental Health Insurance Coverage for Disabled Children of State Retirees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SARTY COLLINS	ONTP	

Prior to 2011, the State covered the cost of health insurance coverage for retirees' disabled dependents 19 years of age and older. This bill restores that practice.

LD 1746 **An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013** **PUBLIC 657**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	OTP-AM MAJ OTP-AM MIN	H-974 FLOOD S-572 S-587 ROSEN R S-589 ROSEN R

This bill is the Governor's proposal to address a projected shortfall in the MaineCare program in the 2012-2013 biennium.

Some provisions in this proposal are incorporated into LD 1816, which was enacted as Public Law 2011, chapter 477, to address the shortfall in the Maine Care program in fiscal year 2011-12.

Committee Amendment "A" (S-572)

This amendment is the majority report of the committee in response to the Governor's proposed bill.

Senate Amendment "J" To Committee Amendment "A" (S-589)

This amendment makes technical changes to Committee Amendment "A". The amendment:

1. Corrects a program number in Part A;

2. Amends Part J to clarify that the Maine Public Employees Retirement System may request drafting assistance from the Legislative Council, rather than from specific legislative offices;

3. Amends Part N to change the date of the sales tax refund for depreciable machinery and equipment purchases used for commercial wood harvesting and commercial greenhouse and nursery products from January 1, 2014 to July 1, 2013;

4. Amends Part O to clarify that prescription monitoring information must be de-identified as to prescriber and patient;

5. Amends Part P to make consistent several references to the term "qualified active low-income community business"; and

6. Amends Part Q to change the program period and approved payment plan for the 2012 Maine Use Tax Compliance Program.

House Amendment "L" To Committee Amendment "A" (H-974)

This amendment makes 2 technical changes to Committee Amendment "A". The first change corrects a program number to assign it to the proper Departmentwide program in the Department of Health and Human Services. The 2nd change adds a provision in the contingent transfer from the Maine Budget Stabilization Fund (Part D) to avoid a potential discrepancy between the accounting and budgetary records of the Office of the State Controller and the Bureau of the Budget in the Department of Administrative and Financial Services.

Senate Amendment "H" To Committee Amendment "A" (S-587)

This amendment does the following:

1. Amends Part D of Committee Amendment "A" to transfer $13,000,000 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund during fiscal year 2012-13;

2. Provides for a method of repayment of federal funds received for ineligible MaineCare recipients;

3. Amends Part K of Committee Amendment "A" to reduce by $250,000 the transfer from the Ground Water Oil Clean-up Fund, Other Special Revenue Funds account in the Department of Environmental Protection to General Fund unappropriated surplus at the close of fiscal year 2012-13;

4. Adds a Part II that requires that any balances of appropriations provided for consent decree activities in the Department of Health and Human Services, Mental Health Services - Community program carry forward at the end of each fiscal year to be used in the next fiscal year for the same purpose; and

5. Adds a Part JJ that provides funds to serve individuals on the waiting list for services for individuals with intellectual disabilities or autism; reduces funding for behaviorally challenged children in a residential setting; provides funds to offset a deappropriation in Committee Amendment "A"; and provides funds to offset a 10% rate reduction in adult family care services in Public Law 2011, chapter 477.

Enacted Law Summary

Public Law 2011, chapter 657 results in a net cost to the General Fund of $56,642,455 and a net cost of $3,196,777 to the Fund for a Healthy Maine in fiscal year 2012-13.

PART A makes appropriations and allocations. This part includes an appropriation of $4,297,669 and Other Special Revenue allocations totaling $1,895,824 related to the General Assistance program within the Department of Health and Human Services and an appropriation of $3,176,972 to offset a reduction in federal disproportionate share payments for certain individuals involved in the criminal justice system and confined to the Riverview Psychiatric

Center. These appropriations were included in LD 1903 as enacted by the Legislature but vetoed by the Governor pursuant to Article IV Part Third Section 2-A of the Constitution of the State of Maine.

PART B transfers $1,500,000 from the available balance in the Administrative Services - Professional and Financial Regulation program, Other Special Revenue Funds account within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus at the close of fiscal year 2012-13.

PART C requires a transfer of up to $25,000,000 from the General Fund unappropriated surplus at the close of fiscal year 2012-13 for hospital settlements. This year-end transfer is in addition to the $25,000,000 transfer previously authorized at the close of fiscal year 2011-12. These hospital settlement transfers are the next priority in the list of "cascade" transfers after the transfer to the reserve for retirement costs that provides resources for ad hoc cost-of-living adjustments for retirees of the Maine Public Employees Retirement System. It also transfers any excess funds above the amounts currently budgeted to be credited to the Department of Education for essential programs and services for kindergarten to grade 12 under the Maine Revised Statutes, Title 20-A, chapter 606-B in fiscal year 2012-13 from the Oxford Casino slot machine and table game proceeds to the Medical Care - Payments to Providers Other Special Revenue Funds account to be used to fund hospital settlements.

PART D transfers $13,000,000 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund during fiscal year 2012-13. It also authorizes an emergency transfer of up to $7,360,045 from the Maine Budget Stabilization Fund to the Riverview Psychiatric Center program, General Fund account in the Department of Health and Human and up to $3,791,770 to the Medical Care - Payments to Providers, federal Expenditures Fund account in fiscal year 2012-13 under certain conditions in order to repay federal funds.

PART E eliminates the transfer of up to $2,500,000 of slot machine income to the Fund for a Healthy Maine for the fiscal year ending June 30, 2013.

PART F increases the cap on the combined amount that the Finance Authority of Maine may have in its Loan Insurance Reserve and Maine Mortgage Insurance Fund from $35,000,000 to $40,000,000 and increases the amount required to be paid by the Finance Authority of Maine from the Loan Insurance Reserve Fund to the State as undedicated General Fund revenue by June 30, 2013 from $1,000,000 to $3,000,000.

PART G specifies how the reduction in Fund for a Healthy Maine funding for community school grants is to be implemented.

PART H continues MaineCare funding for critical access hospitals at 109% of MaineCare allowable costs for both inpatient and outpatient services and continues funding for critical access hospital staff enhancement payments, both effective retroactively to April 1, 2012. It also repeals the provisions in current law requiring the Department of Health and Human Services to change to a system of reimbursement to critical access hospitals for inpatient services based on diagnosis-related groupings and for outpatient services based on ambulatory payment classifications.

PART I adds public charter schools to the definition of "local district" to allow those schools to be eligible to participate in the Maine Public Employees Retirement System as participating local districts. This Part also provides language to clarify that public charter schools are not included in the definition of "public school."

PART J requires the Maine Public Employees Retirement System to submit proposed legislation to implement a new combination defined benefit and defined contribution retirement plan selected by the working group established pursuant to Public Law 2011, chapter 380, Part U, section 2 and described in the "New Pension Plan Design and Implementation Plan" report dated March 2012 and authorizes the joint standing committee of the Legislature having jurisdiction over state employee and teacher retirement matters to submit a bill to implement a new retirement plan to the First Regular Session of the 126th Legislature.

PART K transfers $250,000 from the Ground Water Oil Clean-up Fund, Other Special Revenue Funds account in

the Department of Environmental Protection to General Fund unappropriated surplus at the close of fiscal year 2012-13.

PART L gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of this legislation over which the department has subject matter jurisdiction for which specific authority has not been addressed by some other part of this legislation.

PART M exempts from Maine income tax active duty military pay earned outside of Maine for service performed pursuant to written military orders during tax years beginning on or after January 1, 2014.

PART N expands, beginning July 1, 2013, the scope of the Maine Revised Statutes, Title 36, section 2013, which provides for the refund of sales tax on purchases of depreciable machinery and equipment used for commercial agricultural production and certain other purposes, to include items used in commercial wood harvesting and in the commercial production of crops, plants, trees, compost and livestock.

PART O repeals the restriction on MaineCare reimbursement for opioid drugs enacted in Public Law 2011, chapter 477, Part O and enacts a replacement protocol for prescribing and requirements for reimbursement for opioid drugs.

PART P amends the Maine New Markets Tax Credit program to increase the maximum amount of capital or equity investment in, or loan to, a qualified active low-income community business from $10,000,000 to $40,000,000 if that business is a manufacturing or value-added production enterprise that projects to create or retain more than 200 jobs.

PART Q establishes the 2012 Maine Use Tax Compliance Program to run from October 1, 2012, to November 30, 2012, to facilitate the discovery and recovery of unreported use tax. The program provides for the waiver of penalties if the tax and interest are paid during the program period, absolves participating taxpayers meeting the conditions of the program from further liability for use taxes incurred prior to January 1, 2012, absolves such taxpayers from liability for criminal prosecution and civil penalties related to those taxes and allows for payments through an approved payment plan.

PART R amends the income tax subtraction modification for certain retirement benefits to raise the $6,000 limit to $10,000 for tax years beginning on or after January 1, 2014. The subtraction modification is expanded to include all federally taxable pension income, annuity income and individual retirement account distributions, except pick-up contributions for which a deduction has been allowed.

PART S includes the provisions of Committee Amendment "A" to L.D. 1840, An Act To Limit MaineCare Reimbursement for Methadone Treatment. It provides that, effective January 1, 2013, reimbursement under the MaineCare program for methadone for the treatment of addiction to opiates is limited to a lifetime maximum of 24 months, except that reimbursement may be provided for longer than 24 months if prior authorization is received from the Department of Health and Human Services.

PART T establishes the MaineCare Redesign Task Force to make recommendations to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters on the redesign of the MaineCare program in order to achieve General Fund savings of $5,250,000 in fiscal year 2012-13. This Part provides a process for the Legislature's obtaining adequate information to achieve MaineCare redesign and provides for curtailment of allotments by the Governor in the event the Legislature does not enact a redesign plan.

PART U requires the Department of Health and Human Services to prepare a global Medicaid waiver, submit the proposed waiver for review by the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services and submit the waiver as a resolve for approval by the 126th Legislature.

Parts V, W, X and Y incorporate the provisions in LD 1830 as amended by Committee Amendment "A" and House Amendment "C".

PART V establishes the Department of Agriculture, Conservation and Forestry. It directs the Department of Agriculture, Conservation and Forestry to assume the duties and responsibilities of the current Department of Agriculture, Food and Rural Resources and the current Department of Conservation. It does not repeal any provisions of the Maine Revised Statutes, Title 7, which sets forth the laws and policies implemented by the current Department of Agriculture, Food and Rural Resources, or of Title 12, which sets forth the laws and policies implemented by the current Department of Conservation. It eliminates one commissioner position. It expresses the intent of the Legislature that a bill to consolidate relevant portions of the Maine Revised Statutes be enacted into law by the 126th Legislature and provides that if such a bill is not enacted into law by the date on which the 127th Legislature convenes then the statute that establishes the consolidated department is repealed.

PART W contains transition provisions for the establishment of the Department of Agriculture, Conservation and Forestry.

PART X renames the Bureau of Forestry, Division of Forest Protection and amends the membership of the Land for Maine's Future Board and the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species to reflect the consolidation of the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department with one commissioner.

PART Y amends the lists of officials in certain salary ranges to reflect changes made by the consolidation of the Department of Agriculture, Food and Rural Resources and the Department of Conservation into the Department of Agriculture, Conservation and Forestry.

PART Z reduces the eligibility threshold for Medicaid services for a parent or a caretaker relative of an eligible child from a maximum of 133% of the nonfarm income official poverty line to 100% effective October 1, 2012, contingent upon the Department of Health and Human Services' receiving a waiver of the maintenance of effort requirements of the federal Patient Protection and Affordable Care Act or being notified that such a waiver is not necessary.

Parts AA, BB, CC, DD, EE and FF incorporate the provisions in LD 1887 as amended by Committee Amendment "A."

PART AA eliminates as a separate and distinct office within the Department of Health and Human Services the Office of Substance Abuse.

PART BB eliminates as a separate and distinct office within the Department of Health and Human Services the Office of Elder and Adult Services.

PART CC eliminates as a separate and distinct office within the Department of Health and Human Services the Office of Adults with Cognitive and Physical Disability Services.

PART DD eliminates as a separate and distinct office within the Department of Health and Human Services the Office of Adult Mental Health Services.

PART EE eliminates the Office of Advocacy within the Department of Health and Human Services and directs the department to contract with an agency to provide services to individuals with intellectual disabilities and autism.

PART FF directs the Commissioner of Health and Human Services to review the current organizational structure, systems and operations of the Department of Health and Human Services and restructure the department in order to improve and streamline services.

PART GG requires the Department of Health and Human Services to submit a Medicaid state plan amendment effective October 1, 2012, to eliminate Medicaid coverage for individuals who are 19 or 20 years of age, who have incomes less than or equal to 150% of the nonfarm income official poverty line, who do not live with a dependent child and who are not otherwise eligible for Medicaid, subject to a contingency that the department receive a waiver of the maintenance of effort requirements of the federal Patient Protection and Affordable Care Act or is notified that such a waiver is not necessary.

PART HH reduces income eligibility for the Department of Health and Human Services' elderly low-cost drug program from 185% to 175% of the federal poverty level and for the Medicare savings program as follows: for the Qualified Medicare Beneficiary program, to income not more than 140% of the federal poverty level; for the Specified Low-Income Medicare Beneficiary program, to income more than 140% but not more than 160% of the federal poverty level; and for the Qualified Individuals program, to income more than 160% but not more than 175% of the federal poverty level. This Part also provides that the changes in income eligibility levels for the Medicare savings program are subject to the department's receiving written approval of the application for a waiver of the maintenance of effort requirements of the federal Patient Protection and Affordable Care Act or receiving written notification that such a waiver is not necessary.

PART II requires that any balances of appropriations provided for consent decree activities in the Department of Health and Human Services, Mental Health Services - Community program carry forward at the end of each fiscal year to be used in the next fiscal year for the same purpose.

PART JJ provides funds to serve individuals on the waiting list for services for individuals with intellectual disabilities or autism; reduces funding for behaviorally challenged children in a residential setting; provides funds to offset a deappropriation in Committee Amendment "A"; and provides funds to offset a 10% rate reduction in adult family care services in Public Law 2011, chapter 477.

LD 1816 **An Act To Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force for the Fiscal Years Ending June 30, 2012 and June 30, 2013 and To Make Certain Other Allocations and Appropriations and Changes to the Law Necessary to the Operation of State Government**

PUBLIC 477
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	H-707 FLOOD

This bill represents the Joint Standing Committee on Appropriations and Financial Affairs' unanimous recommendations after reviewing the report of the Streamline and Prioritize Core Government Services Task Force authorized in Public Law 2011, chapter 380, Part KKK. The task force recommendations as amended by the Committee can be found in Parts A through L of this bill.

This bill also includes adjustments to appropriations and allocations and other necessary changes to the laws to address a shortfall within the MaineCare program in the Department of Health and Human Services in fiscal year 2011-12. The fiscal year 2011-12 appropriations to the various MaineCare accounts are offset through deappropriations and transfers in various accounts in each year of the 2012-2013 biennium. The unanimous recommendations of the Committee to address the fiscal year 2011-12 shortfall are contained in Part M to Part II. Some of the initiatives contained in this bill are similar to certain initiatives proposed by the Governor in LD 1746.

House Amendment "D" (H-707)

This amendment:

1. Reduces from $7,210,000 to $2,397,939 the amount of the one-time transfer required by Dirigo Health in fiscal year 2012-13 to the Medical Care - Payments to Providers, Other Special Revenue Funds account in the Department of Health and Human Services for the purpose of providing a state match for federal Medicaid services;

2. Corrects the stated effective date of the eligibility reduction for Medicaid services for parents with a maximum income of 200% to a maximum income of 133% of the nonfarm income official poverty line in the Part M initiative reducing the funding in the Medical Care - Payments to Providers account as a result of the one-time transfer. The amendment maintains the amount of the funding reduction in the Part M initiative at $7,210,000;

3. Eliminates the provision that extends the 1.87% access payment to support the cost of Dirigo Health through June 30, 2013 and allows the rate to decrease to 1.64% on July 1, 2012, as scheduled;

4. Requires the Department of Health and Human Services to submit a plan by June 30, 2013, to transition categorically eligible individuals who are enrolled in the MaineCare childless adult waiver program to available MaineCare coverage options by December 31, 2013;

5. Increases from $102,000,000 to $103,500,000 the interfund advance from Other Special Revenue Funds to the General Fund unappropriated surplus required for one day at the end of fiscal year 2011-12;

6. Eliminates the proposed reductions in MaineCare payments to hospitals; and

7. Imposes on each hospital in the State a temporary assessment beginning July 1, 2012, equal to 0.39% of net operating revenue as identified on the hospital's audited financial statement.

Enacted Law Summary

Public Law 2011, chapter 477 results in a net cost to the General Fund of $5,603,526 and a net savings of $780,311 to the Fund for a Healthy Maine in the 2012-2013 biennium.

PART A adjusts appropriations and allocations to implement the recommendations of the Streamline and Prioritize Core Government Services Task Force as modified by the Joint Standing Committee on Appropriations and Financial Affairs.

PART B recognizes savings to departments and agencies in the cost of technology as a result of initiatives enacted in Public Law 2011, chapter 380 that reduced personnel costs for the Office of Information Technology. It also recognizes savings from not renewing the Microsoft Enterprise agreement when it expires on May 1, 2012, from changing the manner in which agencies are charged for the use of the financial and personnel data warehouses and from the elimination of positions authorized in Public Law 2011, chapter 380, Part QQQ.

PART C amends the language for general purpose aid for local schools to reduce the targets for the state share percentage of the statewide adjusted total cost of components of essential programs and services and the total cost of funding public education for fiscal year 2011-12. The targets are being reduced to reflect the reduced appropriation for the state agency client budget.

PART D repeals provisions regarding the adjustment for minimum teacher salary that require the Department of Education to increase the state share of the total allocation to a qualifying school administrative unit in the current year by an amount that represents the amount from the state General Fund necessary to achieve the minimum starting salary of $30,000 for certified teachers.

PART E changes the date the judicial branch is required to submit a plan along with an estimate of the cost to implement electronic filing in civil docket cases to the Joint Standing Committee on Appropriations and Financial

Affairs and the Joint Standing Committee on Judiciary to July 1, 2012.

PART F amends the provision that allows certain children to continue to receive services through the Child Development Services System for an additional year rather than be enrolled in kindergarten by requiring a determination by the child's individualized education program team that it is in the best interest of the child to delay enrollment for one year.

PART G authorizes the State Controller and the Treasurer of State to adopt rules that require payments to certain vendors to be made by direct deposit.

PART H eliminates the requirement that a notice regarding unclaimed property must be published in a newspaper of general circulation in this State.

PART I limits, beginning January 1, 2013, MaineCare reimbursement for buprenorphine and naloxone combination drugs for the treatment of addiction to opioids to 24 months; the 24-month period includes those months occurring prior to January 1, 2013. The 24-month limit may be extended with prior approval by the Department of Health and Human Services. It also requires the MaineCare drug utilization review committee to develop a process and criteria for prior authorization beyond 24 months. It requires the department to track the use of these MaineCare services and document the health outcomes of MaineCare members subject to the limitations and to report on the prior authorization process and criteria and the limitations and health outcomes of persons subject to the limitations to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services.

PART J requires an annual review of all schedule II drug prescriptions written by a physician assistant by a supervising physician.

PART K requires all prescribers in a class of prescriber, such as physicians, dentists or physician assistants, to register in the program if, on January 1, 2014, less than 90% of all prescribers in that class have registered in the program.

PART L changes the stated frequency of the $2 fee charged by the Department of Health and Human Services for collection of child support payments to specify that the fee is charged on a per pay period basis; clarifies that the fee is directly associated with the collection of the child support payments and may be charged only for the period when the collection actually occurs; specifies that the annual service fee imposed by the State on an individual for whom the State is collecting child support is $25; and specifies that the nonfederal shares of the $2 fee and the $25 annual service fee accrue to the General Fund.

PART M makes adjustments to appropriations and allocations necessary to provide additional funding for projected fiscal year 2011-12 MaineCare spending needs.

PART N implements a statewide All Other deappropriation of executive branch departments and agencies, except those specifically excluded, of approximately 1% of their All Other appropriations.

PART O limits MaineCare reimbursement for opioids to 15 consecutive days, with prior authorization for 2 extension periods of 15 days. It also provides for exceptions to the limitation, which include members who are in treatment for HIV, AIDS or cancer, members who are hospice patients and members who are receiving inpatient treatment in a hospital and provides that, for a member who on April 1, 2012, has been receiving opioids for the treatment of chronic pain for one year or longer continuously, the limitation on maximum MaineCare reimbursement takes effect September 1, 2012.

PART P transfers $300,000 of revenue from the real estate transfer tax that would otherwise be deposited in the Housing Opportunities for Maine Fund in fiscal year 2012-13 to provide MaineCare seed for targeted case

management services for individuals who are homeless. It also specifies that it is the intent of the Legislature that funding provided by the Maine State Housing Authority from the Housing Opportunities for Maine Fund for individuals who are homeless and those most vulnerable to suffering homelessness will not be reduced as a result of the transfer.

PART Q requires the Commissioner of Administrative and Financial Services to identify and transfer $2,000,000 in available balances in Other Special Revenue Funds accounts to the General Fund in fiscal year 2011-12. The commissioner is required to work with the other executive branch departments and agencies to determine the accounts from which the balances will be transferred and report to the Joint Standing Committee on Appropriations and Financial Affairs by March 15, 2012.

PART R transfers $3,000,000 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund at the close of fiscal year 2011-12.

PART S requires the State Controller to lapse $600,000 from the General Fund Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2012-13.

PART T transfers $500,000 from available balances in the Workers' Compensation Board - Reserve Account within the Maine Workers' Compensation Board, Other Special Revenue Funds to the unappropriated surplus of the General Fund at the close of fiscal year 2011-12.

PART U requires the Finance Authority of Maine to transfer $1,000,000 by June 30, 2012 and $1,000,000 by June 30, 2013, from the Loan Insurance Reserve Fund to the State as undedicated revenue.

PART V lapses to the General Fund carrying balances from the Legislature and the Law and Legislative Reference Library totaling $1,404,000 in fiscal year 2011-12. The balances that will lapse to the General Fund represent $1,083,000 of fiscal year 2010-11 unexpended funds that carried forward and $321,000 of fiscal year 2011-12 savings based on experience to date.

PART W establishes an adult developmental services working group to develop plans to address the need for efficiencies and savings in the delivery of adult developmental services.

PART X lowers the reimbursement rate for licensed critical access hospitals from 109% to 105% of MaineCare allowable costs beginning April 1, 2012 and repeals reimbursement provisions that conflict with the reduction.

PART Y transfers $10,000,000 in fiscal year 2011-12 from the Dirigo Health Fund to the Medical Care - Payments to Providers program for the MaineCare seed for the childless adult waiver, and transfers $472,800 in fiscal year 2011-12 and $2,556,881 in fiscal year 2012-13 from the Dirigo Health Fund to the Medical Care - Payments to Providers program for the MaineCare seed for Cub Care children in families with incomes greater than or equal to 150% but less than 200% of the nonfarm income official poverty line.

PART Z ends as of September 30, 2012, the current Dirigo Health transfer of funds to the Medical Care - Payments to Providers, Other Special Revenue Funds account in the Department of Health and Human Services for the purpose of providing a state match for federal Medicaid services for parents and caretakers of children from 133% to 200% of the nonfarm income official poverty line and requires a $7,210,000 transfer in fiscal year 2012-13 from Dirigo Health to the Department of Health and Human Services for the purpose of providing a state match for federal Medicaid services. This Part also extends the current 1.87% access payment rate to support the cost of Dirigo Health through June 30, 2013.

PART AA reduces eligibility for Medicaid services for a parent or caretaker relative of an eligible child from a maximum income of 200% of the nonfarm income official poverty line to a maximum income of 133% of the

nonfarm income official poverty line effective October 1, 2012.

PART BB extends the current freeze on new enrollment in the MaineCare childless adult waiver program through June 30, 2013 in order to reduce the limit on total annual spending for the waiver to $40,000,000. It also requires quarterly reports on enrollment and spending and requires the Commissioner of Health and Human Services to submit a plan 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 that achieves the necessary savings through a waiver program benefit redesign as the next course of action if the enrollment freeze is insufficient to maintain spending within the $40,000,000.

PART CC requires the Department of Health and Human Services to amend the rules on MaineCare benefits to require substitution for a brand-name drug of a generic and therapeutically equivalent drug unless the prescriber has indicated that only the brand-name drug may be dispensed and that the brand-name drug is medically necessary and the department has previously authorized dispensing the brand-name drug. It also specifies certain exemptions from the mandatory substitution requirements.

PART DD requires a review of MaineCare reimbursement rates for inpatient substance abuse treatment and inpatient psychiatric treatment provided in community hospital with a reporting deadline of July 1, 2012.

PART EE lowers the amount of racino slot machine revenue that accrues to the Fund for a Healthy Maine in fiscal year 2012-13 from $4,500,000 to $2,500,000. This will reduce revenue to the Fund for a Healthy Maine by $2,000,000 and increase the General Fund share of this revenue by the same amount.

PART FF gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of the bill over which the department has specific authority that has not been addressed by some other part of the bill.

PART GG repeals language requiring the State to use payroll deductions to collect health insurance assessments from Legislators because the mechanism of payroll deduction for Legislators is unavailable during the portion of the year in which the Legislature is not convened in session. This alters only the method of collecting the health insurance assessment; the assessment requirement itself remains unchanged.

PART HH lapses $5,000,000 from the Bureau of Medical Services account within the Department of Health and Human Services to the unappropriated surplus of the General Fund at the end of fiscal year 2011-12.

PART II increases the interfund advance from Other Special Revenue Funds to the General Fund unappropriated surplus required for one day at the end of fiscal year 2011-12 from $43,000,000 to $102,000,000.

Public Law 2011, chapter 477 was enacted as an emergency measure effective February 23, 2012.

LD 1870 **An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012**

PUBLIC 575
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	H-778 FLOOD

This bill was introduced by the Committee on Appropriations and Financial Affairs pursuant to Joint Order 2012, H.P. 1367 to address revenue shortfalls projected for the fiscal year ending June 30, 2012. It contains several initiatives originally proposed in LD 1903.

House Amendment "A" (H-778)

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

Enacted Law Summary

Public Law 2011, chapter 575 results in a net savings to the General Fund of $4,938,904 in fiscal year 2011-12.

PART A adjusts appropriations and allocations for debt service within the Office of the Treasurer of State.

PART B increases the amount the Finance Authority of Maine is required to transfer from the Loan Insurance Reserve Fund to General Fund undedicated revenue in fiscal year 2011-12 from $1,000,000 to $2,000,000.

PART C requires the State Controller to transfer $450,000 from the Bureau of Revenue Services Fund, Internal Service Fund account to General Fund unappropriated surplus by June 30, 2012.

PART D requires the State Controller to transfer the first $600,000 of unexpended Personal Services savings that would otherwise lapse to the Salary Plan program to General Fund unappropriated surplus at the close of fiscal year 2011-12.

PART E lapses $300,000 from the unencumbered balance in the Maine Farms for the Future, General Fund account in the Department of Agriculture, Food and Rural Resources to the General Fund in fiscal year 2011-12.

PART F provides that a portion of unencumbered balance forward of the Department of Health and Human Services, Disproportionate Share - Riverview Psychiatric Center and Disproportionate Share - Dorothea Dix Psychiatric Center, General Fund accounts lapses to the General Fund in fiscal year 2011-12.

PART G requires the State Controller to transfer $100,000 in unexpended funds from the Fund for the Efficient Delivery of Local and Regional Services to General Fund unappropriated surplus no later than June 30, 2012.

PART H requires the State Budget Officer to calculate the savings from a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services and transfer those savings by financial order upon the approval of the Governor.

Public Law 2011, chapter 575 was enacted as an emergency measure effective March 30, 2012.

LD 1903 **An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013**

PUBLIC 655
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD ROSEN R	OTP-AM	H-938 H-949 FLOOD

This bill is the Governor's proposed Supplemental Budget Bill for the 2012-2013 biennium.

LD 1870, as enacted, contains some the initiatives originally proposed in this bill.

Committee Amendment "A" (H-938)

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

House Amendment "F" To Committee Amendment "A" (H-949)

This amendment makes the following technical changes to Committee Amendment "A":

1. Removes the designation of the Public Relations Representative in the Department of Inland Fisheries and Wildlife as a major policy-influencing position and the requirement that the position be appointed by the Commissioner of Inland Fisheries and Wildlife;

2. Adds the positions of Director, PK-20, Adult Education and Federal Programs Team and Director, Special Services Team as major policy-influencing positions in the Department of Education, subject to appointment by the Commissioner of Education;

3. Provides that the change made to the position of Director, Bureau of Unemployment Compensation, making it subject to appointment by the Commissioner of Labor, does not take effect until the position becomes vacant;

4. Clarifies that the transfer of the economist positions from the State Planning Office to the Office of Policy and Management takes effect on July 1, 2012;

5. Specifies that the transition provisions transferring employees from the State Planning Office apply to employees who were in those positions as of April 1, 2012; and

6. Specifies that certain functions related to land use planning are transferred to the Department of Conservation, instead of the Department of Economic and Community Development.

Enacted Law Summary

Public Law 2011, chapter 655 results in a net savings to the General Fund of $18,088,510 and a net savings to the Fund for a Healthy Maine of $198,008 in the 2012-2013 biennium. The General Fund savings is net of $4,615,361 in appropriations vetoed by the Governor pursuant to Article IV Part Third Section 2-A of the Constitution of the State of Maine.

PART A makes appropriations and allocations for the 2012-2013 biennium. An appropriation of $4,297,669 and Other Special Revenue allocations totaling $1,895,824 related to the General Assistance program within the Department of Health and Human Services and an appropriation of $3,176,972 to offset a reduction in federal disproportionate share payments for certain individuals involved in the criminal justice system and confined to the Riverview Psychiatric Center were vetoed by the Governor. The vetoed items are included in LD 1746, enacted as Public Law 2011, chapter 657.

PART B makes allocations of funds for approved reclassifications.

PART C amends the law regarding general purpose aid for local schools to reflect the reduced appropriation for the state agency client budget and allows the Department of Education to expend state subsidy on behalf of a school administrative unit to purchase items on statewide contracts.

PART D makes certain communications and other positions within the Department of Education, the Department of Inland Fisheries and Wildlife and the Department of Labor part of the unclassified service and subject to the appointment of the commissioners of the respective departments and clarifies that employees of the Governor's Office of Communications and the Governor's Energy Office are unclassified employees.

PART E clarifies that municipal school units have the authority to commit property taxes.

PART F authorizes the Commissioner of Education to establish a program for increasing the state share of the cost of approved bus refurbishing.

PART G authorizes the Commissioner of Education, for fiscal years 2011-12 and 2012-13, to transfer funds to the State Charter School Commission program in order to provide funding for start-up costs for the oversight of public charter schools.

PART H lapses $10,009,774 of the unencumbered balance forward from the Department of Education, General Purpose Aid for Local Schools program to the General Fund.

PART I creates a new Associate Commissioner for Tax Policy position; eliminates the existing Director of Econometric Research position; amends the membership of the Revenue Forecasting Committee and establishes a new Office of Tax Policy within the Bureau of Revenue Services. It also clarifies the authority of Bureau of Revenue Services to disclose confidential taxpayer information during the course of its enforcement and administration of the tax laws.

PART J corrects the program number identified for the State Board of Corrections Investment Fund program in Public Law 2011, chapter 428, Public Law 2011, chapter 448 and Public Law 2011, chapter 455.

PART K exempts financial orders that allot funds to pay death benefits for law enforcement officers, firefighters and emergency medical services persons who die while in the line of duty from legislative review and from provisions requiring a 30-day wait before taking effect.

PART L amends the consensus revenue forecasting process to eliminate the provision that requires the Revenue Forecasting Committee to exclude revenue that accrues from the Pine Tree Development Zone program from the revenue forecast and repeals the provision requiring that all revenue attributable to the Pine Tree Development Zone program be set aside in a separate fund to pay the benefits. It also repeals the law that establishes the Pine Tree Development Zone Reserve Fund and fixes a cross-reference.

PART M authorizes the State Budget Officer to adjust allocations in Fund for a Healthy Maine program accounts to address Personal Services shortfalls that occur as a result of allocation reductions for projected vacancies.

PART N reduces the amount the baseline increase in the funding to be provided to the University of Maine System for debt service to support a 10-year revenue bond and delays the first year of the debt service by one year.

PART O authorizes the State Controller to transfer up to $1,000,000 from the Maine Budget Stabilization Fund to the Department of Defense, Veterans and Emergency Management if necessary to allow the department to fulfill its responsibilities under the emergency management assistance compact or the International Emergency Management Assistance Compact. Any amounts transferred must be returned to the fund when reimbursement for services is received.

PART P eliminates the position of Economic Analyst from the Office of the Public Advocate.

PART Q requires any General Fund balances remaining in the Administration - Executive - Governor's Office, Blaine House, Governor's Office of Communications, Office of Policy and Management and Governor's Energy Office programs to be carried forward for use in the next fiscal year.

PART R does the following: reduces general assistance maximum levels of assistance by 10% from levels in effect on April 1, 2012 for the period from July 1, 2012 to June 30, 2013; restricts housing assistance in the municipal

general assistance program to no more than 9 months during the calendar year for the period from July 1, 2012 to June 30, 2013; reduces the state reimbursement rate for a municipality that incurs net general assistance costs in a fiscal year in excess of .0003 of that municipality's most recent state valuation to 85% for the period from July 1, 2012 to June 30, 2013; directs the Commissioner of Health and Human Services to establish a working group to review and make recommendations related to the general assistance program; and directs the Commissioner of Health and Human Services to establish a pilot program to maximize access to federal assistance programs for which applicants for or recipients of general assistance may be eligible.

PART S eliminates the requirement that the Department of Health and Human Services provide limited transitional food benefits to ASPIRE-TANF program recipients who lose TANF eligibility due to employment earnings and authorizes the Department of Health and Human Services to provide limited transitional food benefits to working families who are food supplement benefit recipients with dependent children.

PART T repeals the provision of law that requires nursing facilities to submit payment to the Department of Health and Human Services equal to 50% of Medicaid savings due the State pursuant to the principles of reimbursement.

PART U requires remaining balances of funds appropriated for state supplemental income benefits to be carried forward from year to year.

PART V requires that any remaining funds in the Department of Health and Human Services, Mental Health Services - Community program appropriated for rental assistance and shelter services be carried forward to the next fiscal year to be used for the same purpose.

PART W amends the law that authorizes the Chief Justice of the Supreme Judicial Court to approve financial orders to further authorize revisions of and increases to allotment within the judicial branch.

PART X authorizes the transfer of year-end balances in the Personal Services line category to the Capital Construction/Repairs/Improvements - Corrections program after all financial commitments and budgetary adjustments are made.

PART Y transfers $600,000 from the unappropriated surplus of the General Fund to the Criminal Justice Academy program, Other Special Revenue Funds account within the Department of Public Safety.

PART Z directs the State Controller to transfer $700,000 from the unappropriated surplus of the General Fund to the Fire Marshal - Office of program, Other Special Revenue Funds account within the Department of Public Safety.

PART AA requires the State Controller to transfer $1,300,000 on or before June 30, 2012 and $950,000 on or before June 30, 2013 from the Commission on Governmental Ethics and Election Practices program, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART BB provides that the unencumbered balance forward from the Department of Labor, Governor's Training Initiative Program, General Fund account lapses to the General Fund in fiscal year 2011-12.

PART CC abolishes the State Planning Office and implements the recommendations of the working group established by Public Law 2011, chapter 380, Part FF regarding transfer of duties and responsibilities of the State Planning Office to other state departments and agencies.

PART DD establishes in the Executive Department the Governor's Office of Policy and Management and establishes certain reporting provisions.

PART EE amends laws regarding state boards and commissions and natural resources-related planning functions to reflect the elimination of the Executive Department, State Planning Office and eliminates several boards and

commissions for which the State Planning Office has provided support.

PART FF transfers the Executive Department, State Planning Office's duties and responsibilities regarding training and certification for municipal code enforcement officers to the Department of Economic and Community Development and the Department of Conservation and establishes certain reporting requirements on the status of the transition.

PART GG transfers the Executive Department, State Planning Office's duties and responsibilities regarding solid waste management and recycling policy to the Department of Environmental Protection and transfers ownership of state-owned landfills and related management duties and responsibilities to the Department of Administrative and Financial Services, Bureau of General Services.

PART HH transfers the Executive Department, State Planning Office's duties and responsibilities as the state coordinating agency for the National Flood Insurance Program to the Department of Conservation.

PART II transfers the duties, responsibilities and activities of the Executive Department, State Planning Office regarding provision of staff support for the Land for Maine's Future program to the Department of Conservation, Natural Areas Program.

PART JJ transfers the Executive Department, State Planning Office's duties and responsibilities regarding planning and land use regulation to the Department of Conservation and directs the Commissioner of Conservation to designate the Director of Land Use Planning to coordinate technical assistance and provide guidance for state agencies and local and regional comprehensive plans.

PART KK transfers the Executive Department, State Planning Office's duties and responsibilities as lead agency for the Maine Coastal Program to the Department of Conservation's Bureau of Geology and Natural Areas, renamed, accordingly, the Bureau of Geology, Natural Areas and Coastal Resources.

PART LL transfers the Executive Department, State Planning Office's duties, responsibilities and activities regarding provision of administrative support for the Maine Commission for Community Service to the Department of Education.

PART MM transfers the Executive Department, State Planning Office's duties and responsibilities regarding various energy policy-related matters to the Governor's Energy Office and changes the name of the Governor's Office of Energy Independence and Security to the Governor's Energy Office. It also specifies that the Governor's Energy Office is funded by federal funds that are received by the office and provides that the office many receive funds form the Efficiency Maine Trust for specified related portions of its activities if federal funds are inadequate to meet the office's funding needs with additional funding of the office must coming from the General Fund or other available resources.

PART NN contains general transition provisions regarding transfer of the Executive Department, State Planning Office's duties, responsibilities and property to the other units of State Government as provided in the bill.

PART OO amends the special education laws by: giving the Commissioner of Education, or the commissioner's designee, responsibility for developing and implementing a funding mechanism for the operation of the state intermediate educational unit and the delivery of services to eligible children with disabilities from birth to under 6 years of age; placing sole responsibility for the development and adoption of rules necessary to carry out the federal Individuals with Disabilities Education Act on the Commissioner of Education; requiring the Department of Education to develop a corrective action plan to achieve compliance with federal or state law; and eliminating regional sites as locally governed regional intermediate educational units established.

PART PP enacts a new sales and use tax exemption for positive airway pressure equipment used in respiratory

ventilation and for supplies and repair and replacement parts for such equipment.

PART QQ repeals the filing requirement of information returns by partnerships and S corporations; amends the definition of "taxpayer" to include pass-through entities in order to provide the State Tax Assessor the ability to audit a pass-through entity even if the entity does not have a Maine filing requirement; and makes technical changes to reflect the proposed changes. This Part applies to tax years beginning on or after January 1, 2012.

PART RR requires the State Budget Officer to calculate a specified level of saving from the lowered costs of business communications lines and transfer the savings by financial order.

PART SS changes the position title for the Assistant to the Commissioner for Public Affairs to the Director of Legislative Affairs within the Department of Labor.

PART TT authorizes the State Controller to transfer funds from the Carrying Balances - Inland Fisheries and Wildlife program, General Fund account to partially fund the reorganization of 3 positions that were included in the retirement incentive program.

PART UU lapses $55,798 from the unencumbered balance of the Veterans' Organization Tax Reimbursement program, General Fund account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2011-12 and lapses $5,766 from the unencumbered balance in the Veterans' Organization Tax Reimbursement program, General Fund account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2011-12.

PART VV requires the State Budget Officer to calculate a specified level of savings from a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services and transfer those savings by financial order.

PART WW amends the provisions for the appointment of the State Fire Marshal so that the appointment is made with the consent of the Governor, for a term of 4 years coterminous with the Governor, subject to confirmation by the Legislature and clarifies circumstances for removal of the State Fire Marshal from office.

PART XX requires the State Controller to transfer the first $6,000,000 of unexpended Personal Services appropriations that would otherwise lapse to the Salary Plan program in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2011-12 and allows the State Controller to transfer funding from the Salary Plan program to General Fund unappropriated surplus in the event that the full $6,000,000 of Personal Services savings in this Part is not achieved.

PART YY lapses $6,072 from the unencumbered balance of the Agricultural Vitality Program - Carrying Account, General Fund account in the Department of Agriculture, Food and Rural Resources to the General Fund in fiscal year 2011-12.

PART ZZ increases the attrition rate for fiscal year 2012-13 only from 5% to 6% and requires the State Budget Officer to calculate and transfer a specified level of savings.

PART AAA requires the Commissioner of Health and Human Services to identify improvements to the organizational efficiency and cost-effectiveness of the state psychiatric centers and authorizes the transfer of positions and funding by prior to September 1, 2012. An appropriation of $3,172,672 in unallocated funds for the Riverview Psychiatric Center to offset a reduction in disproportionate share payments for individuals transferred from jails or prisons, individuals for whom the court has ordered evaluations and for individuals determined to be incompetent to stand trial was removed from the enacted bill through the Governor's exercise of the Line Item Veto provision of the State Constitution.

PART BBB requires the Commissioner of Administrative and Financial Services to consult with the Maine Public Broadcasting Network and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and other state agencies as needed regarding the costs incurred by the Maine Public Broadcasting Network to provide statewide emergency broadcasting services on a fee-for-service basis and a plan to reduce the appropriation provided by the State over the next 5 years, gradually shifting to a fee-for-service contract. It also requires the Commissioner to submit a report, to the Joint Standing Committee on Appropriations and Financial Affairs by September 15, 2012, and allows the joint standing committee to report out a bill to the First Regular Session of the 126th Legislature.

PART CCC transfers any balance in the Debt Service - Government Facilities Authority program at the end of fiscal year 2011-12 to the Capital Construction/Repairs/Improvements - Administration program in the Department of Administrative and Financial Services.

PART DDD reduces the interfund advance from Other Special Revenue Funds to the General Fund unappropriated surplus required for one day at the end of fiscal year 2011-12 from $103,500,000 to $91,000,000.

PART EEE establishes the Electronic Monitoring Fund within the Department of Corrections; requires the Commissioner of Corrections to consult with the Maine Commission on Domestic and Sexual Abuse and other interested parties to develop a plan to expand the use of electronic monitoring in cases involving domestic violence, subject to the availability of donations made to the Electronic Monitoring Fund.

PART FFF requires the Commissioner of Education and the Commissioner of Labor to work together to identify $287,541 in efficiencies and savings within existing General Fund programs of the Department of Education and the Department of Labor in order to support the cost of specified positions within the Department of Labor, Division for the Blind and Visually Impaired and to present their findings to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

PART GGG provides that certain employees whose positions are eliminated pursuant to Part A section 7 are entitled to continued coverage under the state employee health insurance program and the State is required to continue to pay that employee's premium.

Public Law 2011, chapter 655 was enacted as an emergency measure effective April 24, 2012.

SUBJECT INDEX

Budget Bills

Enacted

LD 1746	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013	PUBLIC 657
LD 1816	An Act To Implement the Recommendations of the Streamline and Prioritize Core Government Services Task Force for the Fiscal Years Ending June 30, 2012 and June 30, 2013 and To Make Certain Other Allocations and Appropriations and Changes to the Law Necessary to the Operation of State Government	PUBLIC 477 EMERGENCY
LD 1870	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012	PUBLIC 575 EMERGENCY
LD 1903	An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013	PUBLIC 655 EMERGENCY

Fiscal Policy

Enacted

LD 1667	An Act To Clarify Authorization for a Court Facilities Bond	PUBLIC 671

Not Enacted

LD 381	An Act To Establish a New Method of Determining the State Budget	ONTP
LD 807	An Act To Limit the Bonding Authority of the Maine Governmental Facilities Authority to Court Facility Projects	VETO SUSTAINED
LD 1662	An Act To Provide for an Advisory Referendum on the Approval of Tax-exempt Student Loan Revenue Bonds	ONTP

General Obligation Bond Bills

Enacted

LD 359	An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds	PUBLIC 695
LD 852	An Act To Authorize a General Fund Bond Issue To Support Maine's Natural Resource-based Economy	PUBLIC 696
LD 874	An Act To Authorize a General Fund Bond Issue for Higher Education	PUBLIC 700
LD 894	An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure To Meet the Needs of the Business Sector and To Create Jobs	PUBLIC 697

Not Enacted

LD 63	An Act To Authorize a General Fund Bond Issue To Repair the Mountain Division Rail Line	ONTP
LD 111	An Act To Authorize a General Fund Bond Issue To Fund Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide	ONTP
LD 225	An Act To Authorize a General Fund Bond Issue in the Amount of $20,000,000 To Fund Research and Development	VETO SUSTAINED
LD 263	An Act To Authorize a General Fund Bond Issue To Fund Construction of a Marine Technology Incubator Facility at the Gulf of Maine Research Institute	ONTP
LD 399	An Act To Authorize a General Fund Bond Issue To Fund LifeFlight	ONTP
LD 409	An Act To Authorize a General Fund Bond Issue for Research and Development for Technology Advancement	ONTP
LD 417	An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine	ONTP
LD 420	An Act To Authorize a General Fund Bond Issue To Fund Building a Container Port on Sears Island	ONTP
LD 470	An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Bulkhead at the Gulf of Maine Research Institute	ONTP
LD 741	An Act To Authorize a General Fund Bond Issue To Invest in Water and Sewer Infrastructure To Protect Public Health and To Facilitate the Expansion and Growth of Business	ONTP
LD 777	An Act To Authorize a General Fund Bond Issue To Expand Necessary Capital Improvements at the University of Maine System That Support the Critical Disciplines of Science, Technology, Engineering and Math To Enhance Economic Development and Employment Opportunities for Maine Citizens	ONTP
LD 829	An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future and Training Facilities in Labor Market Areas with Higher than Average Unemployment for Tourism-related Training	MAJORITY (ONTP) REPORT

LD 842	An Act To Authorize a General Fund Bond Issue To Support Research and Sustainable Development of Maine's Natural Resources	ONTP
LD 851	An Act To Authorize a General Fund Bond Issue To Invest in Railroads To Reduce the Cost of Shipping to Maine Businesses, Attract Tourists to Maine and Facilitate the Development of Commuter Rail Transportation To Reduce the Use of Oil in Maine	ONTP
LD 919	An Act To Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide for a Trained Workforce for Maine's Energy Future	MAJORITY (ONTP) REPORT
LD 948	An Act To Authorize a General Fund Bond Issue To Create Jobs through Energy Efficiency	ONTP
LD 979	An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Diagnostic Facility at the University of Maine	ONTP
LD 990	An Act To Authorize a General Fund Bond Issue in the Amount of $1,000,000 for Road and Bridge Construction	ONTP
LD 1187	An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy	ONTP
LD 1240	An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Government through Energy Efficiency	ONTP
LD 1386	An Act To Authorize a General Fund Bond Issue To Fund the Challenger Learning Center of Maine	ONTP
LD 1395	An Act To Authorize a Highway Fund Bond Issue To Improve Maine's Roads and Bridges	ONTP

Miscellaneous Funding and Other Requests

Not Enacted

LD 565	An Act To Provide Funding for the World Acadian Congress	ONTP

State Employee and Teacher Retirement

Enacted

LD 1651	An Act To Clarify Health Insurance Benefits for Disabled Participants in the Maine Public Employees Retirement System	PUBLIC 540 EMERGENCY

Not Enacted

LD 513	RESOLUTION, Proposing an Amendment to the Constitution of Maine To More Equitably Fund the Liabilities of the Maine Public Employees Retirement System	ONTP
LD 1632	An Act To Amend Provisions Limiting the Return to Work after Retirement by Teachers, School Employees and State Employees	MAJORITY (ONTP) REPORT

State Employees, Office of Employee Health and Benefits

Not Enacted

LD 1657	**An Act To Amend the Laws Governing Health Insurance for Certain State Employees**	**ONTP**
LD 1713	**An Act To Restore Supplemental Health Insurance Coverage for Disabled Children of State Retirees**	**ONTP**

CRJ

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

June 2012

MEMBERS:

SEN. GARRETT PAUL MASON, CHAIR
SEN. RODNEY L. WHITTEMORE
SEN. STAN GERZOFSKY

REP. GARY E. PLUMMER, CHAIR
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STAFF:
CURTIS BENTLEY, LEGISLATIVE ANALYST
ALYSON MAYO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 648 **An Act To Prohibit Organized Retail Theft** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER	ONTP MAJ OTP MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill creates a new crime, "organized retail theft." Organized retail theft includes all the elements of the current crime of theft as described in the Maine Revised Statutes, Title 17-A §354 but also adds the element of using an "organized retail scheme." For purposes of this new crime, an organized retail scheme is used when the property over which the person obtains or exercises unauthorized control is merchandise offered for sale by a retail store and the person acts in concert with a store employee or other person; leaves the store with the property through an emergency exit; removes or disables an antishoplifting or inventory control device; alters a product code; alters a sales receipt; or intends to sell the property.

LD 1088 **An Act Regarding the Writing of Bad Checks** **PUBLIC 504**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN T	OTP-AM	S-408

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill amends the provision regarding negotiating a worthless instrument by creating a rebuttable presumption of prima facie evidence that a drawer of a dishonored check knew it would be dishonored if the drawer did not pay the amount of the dishonored check and associated fees in full within 24 hours of receiving notice.

Committee Amendment "A" (S-408)

This amendment increases the time a drawer of a dishonored check has to pay the amount of the dishonored check to the holder before a rebuttable presumption of prima facie evidence is created that the drawer knew it would be dishonored from 24 hours after receiving notice to 5 days after receiving notice. It also provides the form of the notice that must be sent to the drawer of the dishonored check.

Enacted Law Summary

Public Law 2011, chapter 504 increases the time a drawer of a dishonored check has to pay the amount of the dishonored check to the holder before a rebuttable presumption of prima facie evidence is created that the drawer knew the check would be dishonored from 24 hours after receiving notice to 5 days after receiving notice. It also provides the form of the notice that must be sent to the drawer of the dishonored check.

LD 1095 **An Act To Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill facilitates the construction and operation of private prisons by specifically authorizing the Commissioner of Corrections to transport a prisoner out of the State for any purpose that the commissioner determines necessary and appropriate, including the transfer of a prisoner to a public or private correctional facility.

LD 1143 **An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MALONEY	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill requires a person who has been arrested, charged or indicted on or after January 1, 2012 for murder, a Class A, B or C crime, sexual abuse of a minor, unlawful sexual contact, visual sexual aggression against a child, sexual misconduct with a child under 14 years of age or soliciting a child by a computer to commit a prohibited act to submit to having a DNA sample taken to be added to the state DNA data base.

The bill provides funds to pay for the collection of DNA samples for the state DNA data base by creating the state DNA Data Base Fund surcharge, which requires an additional assessment on all criminal and motor vehicle violation fines equal to 7% of the amount of the fines, to be deposited into the Fund established and administered by the Department of Public Safety.

LD 1514 **An Act To Amend the Sex Offender Registration Laws** **PUBLIC 663**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL GERZOFSKY	OTP-AM	H-873

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill creates the Sex Offender Registration and Notification Act of 2011, which is applicable to persons sentenced on or after October 15, 2011. The Act maintains registration and notification provisions but adds to these processes a tiering system and the development and application of risk assessment. The new Act's purpose continues

to be to protect the public from potentially dangerous registrants and offenders by enhancing access to information concerning registrants and offenders.

Offenders are classified by offense as Tier I, Tier II or Tier III offenders and must register for 10 years, for 25 years or for life, respectively. However, the bill also creates a new risk assessment process, which involves the Department of Corrections' coordinating the adoption or development of a risk assessment instrument and the qualifying of evaluators to apply the instrument. At certain times of verification of registration information, a registrant may request a risk assessment for purposes of reclassification or removal from the registry.

The bill adopts the same penalties for failure to comply with requirements of registration and adopts the same notification process as exists in the Maine Revised Statutes, Title 34-A, chapter 15, the Sex Offender Registration and Notification Act of 1999.

Committee Amendment "A" (H-873)

This amendment replaces the bill and does the following.

1. It changes the effective date of the application of new registration and notification changes from October 15, 2011 to January 1, 2013 and is applicable only to a person who commits certain criminal sexual conduct and is sentenced on or after January 1, 2013.

2. It removes provisions dealing with risk assessment and establishes an ongoing Sex Offender Risk Assessment Advisory Commission to conduct an ongoing study of methods to predict the risk of recidivism by sex offenders.

3. It removes the offense classification method in the bill, which listed each offense specifically under each tier level. This amendment replaces that method with one based on the classification of the crime. In general, Class E and Class D crimes are Tier I offenses, Class C crimes are Tier II offenses and Class B and Class A crimes are Tier III offenses.

4. It removes the section of the bill regarding exceptions to the duty to register.

5. It changes the time a registrant has to notify the Department of Public Safety of a change of residence, place of employment or college or school being attended from 5 days to 3 days.

6. It adds telephone numbers, Internet identifiers, driver's license, passport, immigration documents and vehicle information to the list of information the Department of Public Safety must collect from sex offender registrants for the department's registry database.

7. It requires the Department of Public Safety, State Bureau of Identification to establish an e-mail notification system to alert a member of the public who has subscribed to the e-mail notification system when a registrant moves into the subscriber's geographic area.

8. It provides that a registrant who commits a subsequent sex offense must register for life.

9. It requires a registrant traveling abroad to provide the Department of Public Safety with certain information about that registrant's travel.

10. It changes the frequency of a registrant's duty to verify that registrant's information to every 90 days for a Tier III registrant, every 180 days for a Tier II registrant and annually for a Tier I registrant.

11. It directs the Sex Offender Risk Assessment Advisory Commission to study the structure and duties of Colorado's Sex Offender Management Board and report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 5, 2013.

It authorizes that committee to introduce a bill implementing the commission's recommendations to the First Regular Session of 126th Legislature.

12. It adds new sex offenses enacted in the First Regular Session of the 125th Legislature to the Tier I, Tier II and Tier III offenses.

13. It makes a number of technical changes.

Enacted Law Summary

Public Law, 2011, chapter 663 creates the Sex Offender Registration and Notification Act of 2013 (SORNA 2013), which is applicable only to a person who commits certain criminal sexual conduct and is sentenced for that conduct on or after January 1, 2013.

Public Law 2011, chapter 663 does the following.

1. It creates a three tier classification system for the placement of offenders on the new sex offender registry based on the classification of the crime. In general, Class E and Class D crimes are Tier I offenses, Class C crimes are Tier II offenses and Class B and Class A crimes are Tier III offenses. The registration requirement for each tier is 10 years, 25 years and life, respectively. A registrant who commits a subsequent offense must register for life.

2. It imposes a duty on an offender to register when that offender is notified to do so by the court of jurisdiction, the Department of Public Safety or a law enforcement agency. The Department of Public Safety, the county jail or the state mental health institute that has custody of the offender must inform the offender, prior to release, of the duty to register.

3. It directs the Department of Public Safety, State Bureau of Identification (bureau) to establish and maintain a registry database of registrants under SORNA 2013 that includes, but is not limited to: the physical characteristics of the registrant; a description of the offense; the registrant's offense history, mailing address, places of employment, places of schools being attended, photograph, fingerprints, telephone numbers, Internet identifiers, driver's license, professional licenses, passport, immigration documents, social security number, temporary lodging and dates of travel both domestic and abroad, and vehicle information. It allows the bureau to provide information in the registry database to a national or regional registry and to the Department of Public Safety and applicable law enforcement and criminal justice agencies.

4. It directs the bureau to post on the Internet for public consumption photographs of the registrant, in addition to a registrant's name, date of birth, town or city where that registrant resides, place of employment and schools the registrant attends. It also directs the bureau to post statutory cites for registrant's offense, the applicable tier level in the classification system, the frequency with which the registrant must verify that registrant's information in the registry and the registrant's address and its location on a map.

5. It requires the bureau to establish an e-mail notification system to alert a member of the public who has subscribed to the e-mail notification system when a registrant moves into the subscriber's geographic area.

6. It requires a registrant to verify the accuracy of the registrant's information every 90 days for a Tier III registrant, every 180 days for a Tier II registrant and annually for a Tier I registrant. The bureau may suspend the verification requirements if the registrant leaves the state, establishes a residence in another state and remains physically absent from this State or is incarcerated.

7. It provides that a registrant must notify the bureau of a change of residence, place of employment, or college or school the registrant attends within 3 days.

8. It authorizes the bureau to charge a $25 annual fee to a person required to register.

9. It makes it a crime for a person to fail to comply with the provisions of SORNA 2013.

10. It requires the Department of Public Safety to provide law enforcement agencies with technical assistance regarding community education about the conditional release or discharge of a registrant.

11. It creates the Sex Offender Risk Assessment Commission to study the methods that may be used to predict the risk of recidivism by a sex offender and develop a method that may be used for such purposes.

12. It directs the Sex Offender Risk Assessment Advisory Commission to study the structure and duties of Colorado's Sex Offender Management Board and report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 5, 2013. It authorizes the committee to introduce a bill implementing the commission's recommendations to the First Regular Session of 126th Legislature.

LD 1597 **An Act To Make Certain Juvenile Case Records Confidential** **PUBLIC 580**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP-AM	H-779

This bill specifies that, when the Secretary of State receives notice from a juvenile community corrections officer that a juvenile has violated the law prohibiting illegal transportation of drugs by a minor or the law prohibiting illegal transportation of liquor by a minor, the Secretary of State's suspension of that juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle and right to apply for and obtain a license may not be made public or become part of a juvenile's driving record or motor vehicle record.

The bill also specifies that, when a juvenile has been adjudicated as having committed a juvenile crime involving the operation of a motor vehicle, and the court transmits records containing the details of the adjudication to the Secretary of State, the Secretary of State may use those records only for purposes of hearings held by the Secretary of State and the records may not otherwise be made public or become part of a juvenile's driving record or motor vehicle record.

Committee Amendment "A" (H-779)

This amendment replaces the title and removes the provisions of the bill that prohibit the Secretary of State from releasing information to the public about a juvenile's violation of a law prohibiting the transport of illegal drugs or liquor when suspending that juvenile's motor vehicle license or permit. Instead, the amendment provides that such information may be released only to a law enforcement officer and the courts after the suspension has been terminated and only for the purpose of prosecuting a violation of the prohibition against operating a motor vehicle while the license or permit is suspended or revoked.

This amendment also removes provisions of the bill limiting the use of a juvenile's records to hearings conducted by the Secretary of State.

Enacted Law Summary

Public Law 2011, chapter 580 provides that when the Secretary of State receives notice from a juvenile community corrections officer that a juvenile has violated the law prohibiting illegal transportation of drugs by a minor or the law prohibiting illegal transportation of liquor by a minor, that information may be released only to a law enforcement officer and the courts after the suspension of that juvenile's license or permit to operate a motor vehicle

has been terminated and only for the purpose of prosecuting a violation of the prohibition against operating a motor vehicle while the license or permit is suspended or revoked.

LD 1598 **An Act To Clarify the Court's Authority To Grant Credit Given for Jail Time toward Payment of Fines** **PUBLIC 568**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP-AM	H-760

Current law allows a judge to incarcerate a person who fails to pay a fine and provides a credit in an amount specified by the judge towards the payment of the unpaid fine; the length of confinement may not exceed one day for every $100 of unpaid fines. If a person who owes a fine for a Class D or E crime is detained, however, that person must be given credit at a rate specified by the court, up to a maximum of $100 per day the person is detained. This bill removes that difference by specifying that a person incarcerated for failing to pay a fine must be given credit towards the payment of that fine in an amount up to $100 per day for each day the person is incarcerated, the same as for a person incarcerated for failing to pay a fine imposed for a Class D or E crime.

Committee Amendment "A" (H-760)

This amendment replaces the bill and sets a minimum amount of credit a court may grant toward payment of a fine at $25 for each day of confinement.

Enacted Law Summary

Public Law 2011, chapter 568 provides that a person incarcerated for failing to pay a fine must be given credit towards the payment of that fine of no less than $25 per day for each day the person is incarcerated. The statutory provision that sets the maximum credit of $100 per day is still in effect.

LD 1599 **An Act To Amend Deferred Disposition under the Maine Juvenile Code** **PUBLIC 480**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill was submitted by the Criminal Law Advisory Commission pursuant to Title 17-A, chapter 55. It amends the juvenile deferred disposition provisions to make it clear that the deferment requirements may include conditional release supervised by a juvenile community corrections officer. The bill changes the term "civil offense" to "civil violation" in the Maine Revised Statutes, Title 15, section 3311-A and section 3311-B, subsection 1 and corrects clerical errors in section 3311-B, subsection 1.

Enacted Law Summary

Public Law 2011, chapter 480 amends the juvenile deferred disposition provisions to make it clear that the deferment requirements may include conditional release supervised by a juvenile community corrections officer. It changes the term "civil offense" to "civil violation" in the Maine Revised Statutes, Title 15, section 3311-A and section 3311-B, subsection 1 and corrects clerical errors in section 3311-B, subsection 1.

LD 1603 **An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles** **PUBLIC 537**

Sponsor(s)	Committee Report	Amendments Adopted
CRAFTS	OTP-AM MAJ	H-739
MASON	OTP-AM MIN	

This bill provides that the State may not prohibit a state employee who has a valid permit to carry a concealed firearm from keeping a firearm in the employee's vehicle on state property as long as the vehicle is locked and the firearm is not visible.

Committee Amendment "A" (H-739)

This amendment is the majority report and removes the emergency preamble and clause and defines "state employee" to mean an employee of the State within the executive branch, the legislative branch or the judicial branch performing services within the scope of that employee's employment.

Committee Amendment "B" (H-740)

This amendment is the minority report and removes the emergency preamble and clause and repeals the law that prohibits an employer from preventing an employee with a valid permit to carry a concealed firearm from keeping a firearm in the employee's locked vehicle. This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 537 provides that the State may not prohibit a state employee who has a valid permit to carry a concealed firearm from keeping a firearm in the employee's vehicle on state property as long as the vehicle is locked and the firearm is not visible. It defines "state employee" to mean an employee of the State within the executive branch, the legislative branch or the judicial branch performing services within the scope of that employee's employment.

LD 1633 **An Act To Increase to a Class C Crime the Failure To Report a Missing Child within 24 Hours** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
OLSEN	ONTP	

This bill makes failing to report a missing child within 24 hours of becoming aware that the child is missing a Class C crime.

LD 1634 **An Act To Establish Certain Crimes Relating to Missing or Deceased Children**

MAJORITY (ONTP) REPORT

Sponsor(s)	Committee Report	Amendments Adopted
BLODGETT ALFOND	ONTP MAJ OTP-AM MIN	

This bill makes it a Class C crime to fail to report a missing child under 13 years of age or to fail to cooperate in the investigation of the death of a child.

Committee Amendment "A" (H-762)

This amendment is the minority report and restricts those responsible for reporting a missing child to the parent, foster parent, guardian or other person having the care and custody of the child. It provides that a responsible person is guilty of failing to report a missing child if that person knowingly failed to notify a law enforcement agency within 48 hours of becoming aware that the child is missing. This amendment changes the class of the crime from a Class C crime to a Class D crime and removes provisions of the bill regarding the failure to cooperate in the investigation of the death of a child. This amendment was not adopted.

LD 1635 **An Act Regarding Inmates on Public Works Projects**

PUBLIC 506
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
CLARKE GOODALL	OTP-AM	H-731

This bill removes the restriction that inmates of a county jail may work only on projects in the county where the jail is located.

Committee Amendment "A" (H-731)

This amendment allows a sheriff that shares a regional jail with other counties, in addition to the sheriffs of the county jails mentioned in the bill, to permit certain inmates to participate in public works-related projects or in the improvement of property owned by charitable organizations in the county in which the jail is located or in another county.

Enacted Law Summary

Public Law 2011, chapter 506 allows sheriffs of county jails, in addition to a sheriff that shares a regional jail with other counties, to permit certain inmates to participate in public works-related projects or in the improvement of property owned by charitable organizations in the county in which the jail is located or in another county.

Public Law 2011, chapter 506 was enacted as an emergency measure effective March 16, 2012.

LD 1673 **An Act To Prohibit the Sexual Solicitation of a Child by any Means** **PUBLIC 597**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	OTP-AM	S-504

Current law prohibits a person from using a computer to solicit a child to engage in a prohibited sexual act. No such prohibition exists if the solicitation is not performed via computer. This bill prohibits the verbal solicitation of a child to perform a prohibited sexual act. If the child is less than 14 years of age, it is a Class D crime; if the child is less than 12 years of age, it is a Class C crime.

Committee Amendment "A" (S-504)

This amendment replaces the bill and repeals the current law that makes it a crime to solicit a child by use of a computer and instead provides that a person may not solicit a child by any means for the purpose of engaging in a prohibited sexual act.

Enacted Law Summary

Public Law 2011, chapter 597 repeals the law that makes it a crime to solicit a child by use of a computer and provides that a person may not solicit a child by any means for the purpose of engaging in a prohibited sexual act.

Public Law 2011, chapter 597 was enacted as an emergency measure effective April 6, 2012.

LD 1678 **An Act To Amend the Laws Governing Stalking and Domestic Violence** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MASON SNOWE-MELLO	ONTP	

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

This bill proposes to amend the laws governing stalking and domestic violence by strengthening provisions relating to serial stalking and increasing penalties for defendants with multiple convictions for stalking and domestic violence offenses to better ensure the safety of victims of stalking and domestic violence.

LD 1701 **Resolve, To Establish a Pilot Program in Penobscot County for Assessment and Treatment of Individuals Arrested for Unlawful Possession of Drugs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STEVENS FARNHAM	ONTP	

This resolve requires the establishment by the Judicial Department and the Department of Corrections of a one-year pilot program in Penobscot County for the identification, assessment, treatment and monitoring of individuals arrested for unlawful possession of drugs for the purpose of improving outcomes for individuals arrested for unlawful possession of drugs, reducing recidivism and reducing costs for the judicial and correctional systems.

Although this bill was voted ONTP, the committee sent a letter to interested parties to encourage them to develop a plan to help address the drug issue in Penobscot County and to update the committee on any progress by the end of January, 2013.

LD 1704 **An Act To Amend the Maine Bail Code To Protect Victims of Domestic Violence** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FREDETTE PLOWMAN	ONTP	

This bill amends the Maine Bail Code to prohibit bail commissioners from setting bail in domestic violence cases. It provides that only judges may set bail in domestic violence cases and requires the judge to review and consider the defendant's criminal history before setting bail. The bill also provides that electronic monitoring may be a condition of bail for the defendant charged with a crime involving domestic violence and that the defendant may be ordered to pay the cost of that monitoring.

LD 1707 **An Act To Define, Prevent and Suppress Gang Activity in the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VOLK MASON	ONTP	

This bill provides definitions of "criminal street gang" and "criminal street gang member" and creates the crime of criminal street gang solicitation. This bill requires the court to impose an enhanced sentence for certain crimes, such as murder, gross sexual assault, robbery, kidnapping, certain theft offenses and trafficking or furnishing of scheduled or synthetic hallucinogenic drugs, when those crimes are committed by a criminal street gang member.

LD 1711 **An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes** **PUBLIC 680**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN COURTNEY	OTP-AM	H-890 S-600 ROSEN R

This bill requires the use of a validated, evidence-based domestic violence risk assessment by law enforcement officers in cases involving suspected or alleged domestic violence or abuse. The law enforcement officer is required to transmit the results of the assessment to the bail commissioner, if appropriate, and the district attorney for the

county in which the suspected or alleged domestic violence or abuse took place. This bill also requires the administration of a validated, evidence-based domestic violence risk assessment to county and state correctional facility inmates to identify those who are at risk for committing domestic violence. The validated, evidence-based domestic violence risk assessment must be as recommended by the Maine Commission on Domestic and Sexual Abuse; the use is not mandatory until January 1, 2014.

Committee Amendment "A" (H-890)

This amendment replaces the title and does the following.

1. It changes from January 1, 2014, to January 1, 2015, the date for implementation by law enforcement officers of the validated, evidence-based domestic violence risk assessment in cases of domestic violence.

2. It requires the Department of Public Safety to approve a domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse before it can be used.

3. It removes the provision in the bill that requires the domestic violence risk assessment to be administered to county and state correctional facility inmates.

4. It requires a probation and parole or intensive supervision program officer to make a good faith effort to supplement any other assessment tool for domestic violence offenders with the domestic violence risk assessment and to implement protocols to override risk assessment scores based on the presence of higher risk factors.

5. It provides state, municipal and county officials and employees with immunity from civil liability for implementing or failing to implement the risk assessment.

Senate Amendment "A" (S-600)

This amendment adds a mandate preamble to the bill.

Enacted Law Summary

Public Law 2011, chapter 680 provides that in cases involving suspected or alleged domestic violence or abuse, law enforcement officers use a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse and approved by the Department of Public Safety.

It requires the law enforcement officer to transmit the results of the assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the suspected or alleged domestic violence or abuse took place.

Public Law 2011, chapter 680 requires a probation and parole or intensive supervision program officer to make a good faith effort to supplement any other assessment tool for domestic violence offenders with the domestic violence risk assessment and to implement protocols to override risk assessment scores based on the presence of higher risk factors.

It also provides state, municipal and county officials and employees with immunity from civil liability for implementing or failing to implement the risk assessment.

LD 1720 **An Act To Increase the Membership of the Homeland Security Advisory Council** **PUBLIC 529**

Sponsor(s)	Committee Report	Amendments Adopted
MASON	OTP	

This bill amends the membership of the Homeland Security Advisory Council. It increases the number of members from six to nine by adding the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources and the Commissioner of Conservation. The bill requires that commissioner designees be uniformed law enforcement personnel.

Enacted Law Summary

Public Law 2011, chapter 529 amends the membership of the Homeland Security Advisory Council. It increases the number of members from six to nine by adding the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources and the Commissioner of Conservation as members. Public Law 2011, chapter 529 requires that commissioner designees be uniformed law enforcement personnel.

LD 1727 **An Act To Ensure That the Public Is Duly Informed When Certain Juvenile Crimes Are Committed** **MINORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER	OTP-AM MAJ ONTP MIN	

This bill permits a law enforcement officer, officer of the court or juvenile community corrections officer to release the identity of any juvenile 16 years of age or older arrested for certain juvenile crimes. The identity of any juvenile under 16 years of age may not be released until a petition is filed charging the juvenile with certain juvenile crimes.

Committee Amendment "A" (H-802)

This amendment specifies that only a law enforcement officer, not a juvenile community corrections officer or the court as provided in the bill, may release the identity of a juvenile 16 years of age or older if the juvenile has been arrested for a juvenile crime that if committed by an adult would constitute murder, felony murder, aggravated assault, elevated aggravated assault, elevated aggravated assault on a pregnant person, stalking, aggravated reckless conduct, gross sexual assault, unlawful sexual touching, unlawful sexual contact, kidnapping, criminal restraint, robbery or arson.

This amendment was not enacted.

LD 1728 **An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER	ONTP MAJ OTP MIN	

This bill prohibits authorities that issue permits to carry concealed handguns from issuing such a permit to an applicant for a Maine nonresident permit who lives in a state that also issues concealed handgun permits and whose laws on such permits are substantially equivalent to or less restrictive than Maine law if the applicant applied for and was denied a concealed handgun permit by the applicant's state of residence.

LD 1731 **An Act To Combat Human Sex Trafficking** **PUBLIC 672**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM MAJ OTP-AM MIN	S-502 S-601 ROSEN R

This bill creates the Sex Offender Registration and Notification Act of 2012, which is applicable to persons sentenced on or after September 1, 2012. The Act maintains registration and notification provisions but adds to these processes a tiering system and the development and application of risk assessment.

Offenders are classified by offense as Tier I, Tier II or Tier III offenders and must register for 10 years, for 25 years or for life, respectively.

The bill adopts the same penalties for failure to comply with requirements of registration and adopts the same notification process as exists in the Sex Offender Registration and Notification Act of 1999.

Part B eliminates the computer crimes unit program in the Department of Public Safety, Bureau of State Police and instead establishes the Maine Computer Crimes Unit within the Department of Public Safety, Bureau of State Police. The new Maine Computer Crimes Unit is given all the investigative and enforcement powers of the Bureau of State Police and is required to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters

.

Part C increases by one class of crime, for all those offenses that are not currently Class A crimes, the penalty for the crimes of sexual exploitation of a minor, dissemination of sexually explicit material and possession of sexually explicit material.

Part D requires the Department of Public Safety, Bureau of State Police, State Bureau of Identification to include on the sex offender registry website a description of the sexual assaults that are prohibited by the Maine Criminal Code and the punishment for those crimes.

Part E amends the crime of aggravated promotion of prostitution to provide other examples of behavior engaged in or actions taken, such as confiscating a person's passport or threatening to have a person deported, for the purpose of

compelling that person to engage in or continue to engage in prostitution. The purpose of these additional examples is to ensure that the statute prohibits so-called sex trafficking. Aggravated promotion of prostitution is a Class B crime.

Committee Amendment "A" (S-502)

This amendment is the majority report and strikes and replaces the title and bill, except that it retains the changes proposed in the bill regarding the crime of aggravated promotion of prostitution. It provides a General Fund appropriation of $346,676 in fiscal year 2012-13 for the computer crimes unit program within the Department of Public Safety, Bureau of State Police for one Forensic Analyst position and for contracted detective services and operating costs.

It also requires the Commissioner of Public Safety to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013 regarding the expenditures of funds provided by this Act. It authorizes that committee to report out legislation to the First Regular Session of the 126th Legislature regarding matters contained in the report.

Senate Amendment "A" To Committee Amendment "A" (S-601)

This amendment removes the General Fund appropriation because this funding was already provided in Public Law 2011, chapter 655.

Enacted Law Summary

Public Law 2011, chapter 672 amends the crime of aggravated promotion of prostitution to provide a number of other examples of behavior engaged in or actions taken, such as confiscating a person's passport or threatening to have a person deported, for the purpose of compelling that person to engage in or continue to engage in prostitution. Aggravated promotion of prostitution is a Class B crime.

LD 1737 **An Act Regarding the Interception of Oral or Wire Communications of Residents of State Correctional Facilities and Jails** **PUBLIC 507**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER	OTP	

This bill makes the following changes to the law regarding the interception of oral and wire communications of residents of state correctional facilities and county and regional jails.

1. The bill resolves a possible conflict regarding the authority of Department of Corrections' investigative officers and jail investigative officers by adding to the definitions of those terms language referring to the administration of criminal justice. It also removes the word "county" in referring to jail investigative officers in recognition of the recent establishment of a regional jail, which is not operated by any one county.

2. The bill defines "administration of juvenile criminal justice" to reconcile current law with changes made by Public Law 2009, chapter 93, which allowed the Department of Corrections to intercept phone calls of residents of its juvenile correctional facilities.

3. The bill strikes the term "necessary incident" and replaces it with "related" to avoid an overly strict interpretation of the circumstances under which phone calls may be intercepted, disclosed or used or the contents thereof admitted into court.

4. The bill also provides that the contents of oral and wire communications intercepted by these investigative

officers are admissible in court only if related to the administration of criminal justice or the administration of juvenile criminal justice or the statutory functions of a state agency.

Enacted Law Summary

Public Law 2011, chapter 507 makes a number of changes to the law regarding the interception of oral and wire communications of residents of state correctional facilities and county and regional jails. Public Law 2011, chapter 507 does the following.

1. It resolves a possible conflict regarding the authority of Department of Corrections investigative officers and jail investigative officers by adding to the definitions of those terms language referring to the administration of criminal justice. It also removes the word "county" in referring to jail investigative officers in recognition of the recent establishment of a regional jail, which is not operated by any one county.

2. It defines "administration of juvenile criminal justice" to reconcile current law with changes made by Public Law 2009, chapter 93, which allowed the Department of Corrections to intercept phone calls of residents of its juvenile correctional facilities.

3. It strikes the term "necessary incident" and replaces it with "related" to avoid an overly strict interpretation of the circumstances under which phone calls may be intercepted, disclosed or used or the contents thereof admitted into court.

4. It provides that the contents of oral and wire communications intercepted by these investigative officers are admissible in court only if related to the administration of criminal justice or the administration of juvenile criminal justice or the statutory functions of a state agency.

LD 1744 **An Act To Require Carbon Monoxide Detectors in Additional Residential Occupancies** **PUBLIC 553**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP-AM	H-761

This bill requires that the owner of a hotel, motel, inn or bed and breakfast licensed after the effective date of this legislation or a fraternity or sorority house or dormitory established after the effective date of this legislation install carbon monoxide detectors.

Committee Amendment "A" (H-761)

This amendment strikes and replaces the title and bill. It requires the owner of a hotel, motel, inn or bed and breakfast that receives its initial licensure on or after August 1, 2012, to install carbon monoxide detectors if it is new construction or a conversion from an existing building. The amendment requires a carbon monoxide detector be installed in any new construction of, addition to, or restoration of a fraternity or sorority house or dormitory affiliated with a private school, public school or private or public postsecondary institution incorporated or chartered under the laws of this State. It also requires a carbon monoxide detector in any conversion of an existing building to a fraternity or sorority house or dormitory.

Enacted Law Summary

Public Law 2011, chapter 553 requires the owner of a hotel, motel, inn or bed and breakfast that receives its initial licensure on or after August 1, 2012, to install carbon monoxide detectors if it is new construction or a conversion from an existing building. It requires a carbon monoxide detector be installed in any new construction of, addition to, or restoration of a fraternity or sorority house or dormitory affiliated with a private school, public school or

private or public postsecondary institution incorporated or chartered under the laws of this State. It also requires a carbon monoxide detector in any conversion of an existing building to a fraternity or sorority house or dormitory.

LD 1745 **An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the Responsibility of the Inspections from the Office of the State Fire Marshal** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP-AM MAJ OTP-AM MIN	H-874

This bill allows qualified private sector organizations or individuals to inspect amusement rides to ensure they are safe for the public. Under this bill, the Office of the State Fire Marshal has oversight over the certification of qualified amusement ride inspectors. The bill also repeals laws governing licensure of circuses in the Maine Revised Statutes, Title 8.

Committee Amendment "A" (H-874)

This amendment replaces the bill and is the majority report of the committee. The amendment changes the fee for a license for an amusement show, carnival, thrill show, ice show, rodeo or similar type of performance that has amusement devices from $300 to $50. It also changes the cost of an amusement device inspection to a $75 per hour per inspector inspection fee for each device with a minimum $75 charge. The amendment also directs the Department of Public Safety, Office of the State Fire Marshal to develop alternative options to move the oversight or responsibility of amusement ride inspections from that office to private inspectors, the Department of Professional and Financial Regulation and any other plausible inspection alternatives. The amendment requires the Office of the State Fire Marshal to include the cost to the State and the regulated industry of a change in the oversight and to report and make recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013, along with draft legislation. It gives the committee authority to report out legislation to the First Regular Session of the 126th Legislature regarding an alternative to the amusement ride inspection program.

Committee Amendment "B" (H-875)

This amendment replaces the bill with a resolve and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It requires the Department of Public Safety, Office of the State Fire Marshal to develop a detailed plan to privatize the inspection of amusement rides in Maine and to report back to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2013, along with any draft legislation. It authorizes the committee to submit legislation to the First Regular Session of the 126th Legislature to privatize amusement ride inspections and to alter the fee structure used by the Office of the State Fire Marshal for amusement ride inspections. This amendment was not enacted.

LD 1754 **An Act To Amend Certain Provisions of Law Governing the Department of Corrections** **PUBLIC 515**

Sponsor(s)	Committee Report	Amendments Adopted
MASON	OTP	

This bill makes the following changes to the laws governing the Department of Corrections.

1. It eliminates a reference to the Division of Probation and Parole, which was eliminated as a separate division of the Department of Corrections by Public Law 1995, chapter 502, Part F.

2. It expands the current provision allowing the release by the Department of Corrections to the Department of Health and Human Services of certain information about juveniles to ensure eligibility and proper billing under federally funded programs and for audit purposes. This bill provides that these same categories of information regarding juveniles and adults are releasable to other state and federal agencies, including, but not limited to, the Department of Labor, the United States Social Security Administration and federal and state revenue services, for the same and similar purposes.

3. It allows the donation of prison industries program goods and services to governmental entities and to nonprofits.

Enacted Law Summary

Public Law 2011, chapter 515 makes the following changes to the laws governing the Department of Corrections.

1. It eliminates a reference to the Division of Probation and Parole, which was eliminated as a separate division of the Department of Corrections by Public Law 1995, chapter 502, Part F.

2. It expands the current provision allowing the release by the Department of Corrections to the Department of Health and Human Services of certain information about juveniles to ensure eligibility and proper billing under federally funded programs and for audit purposes. This bill provides that these same categories of information regarding juveniles and adults are releasable to other state and federal agencies, including, but not limited to, the Department of Labor, the United States Social Security Administration and federal and state revenue services, for the same and similar purposes.

3. It allows the donation of prison industries program goods and services to governmental entities and to nonprofits.

LD 1755 **An Act Regarding the Interstate Compact for Adult Offender Supervision** **PUBLIC 677**

Sponsor(s)	Committee Report	Amendments Adopted
MASON	OTP-AM	S-513

This bill permits the Department of Corrections to require the payment of a fee by adult probationers who apply for a transfer of supervision under the Interstate Compact for Adult Offender Supervision to another state. It includes appropriate safeguards to ensure that lack of ability to pay the fee does not result in an adverse action.

The bill also requires that application fees paid by persons applying to transfer to other states and supervision fees paid by persons transferring to Maine must be deposited into the department's nonlapsing adult community corrections account to offset associated costs.

The bill also requires that a person transferring to Maine for supervision in the community submit to the taking of a DNA sample if the offense for which the person is being supervised is one that includes the essential elements of a Maine crime requiring submission to the taking of a DNA sample.

Committee Amendment "A" (S-513)

This amendment changes the fee imposed on a person applying for transfer of supervision to another state under the Interstate Compact for Adult Offender Supervision from between $100 and $250 to a flat fee of $100. Instead of requiring a person accepted for supervision under the compact to submit to having a DNA sample taken if the offense has the essential elements of an offense in the Maine Revised Statutes, Title 25, section 1574, subsection 5, it limits the applicable offenses to those of a crime punishable by imprisonment for one year or more.

Enacted Law Summary

Public Law 2011, chapter 677 permits the Department of Corrections to require the payment of a fee of $100 by adult probationers who apply for a transfer of supervision under the Interstate Compact for Adult Offender Supervision to another state. It includes appropriate safeguards to ensure that lack of ability to pay the fee does not result in an adverse action.

It also requires that application fees paid by persons applying to transfer to other states and supervision fees paid by persons transferring to Maine must be deposited into the department's nonlapsing adult community corrections account to offset associated costs.

Public Law 2011, chapter 677 also requires that a person transferring to Maine for supervision in the community submit to the taking of a DNA sample if the offense for which the person is being supervised is a crime punishable by imprisonment for one year or more.

LD 1756 **An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles** **PUBLIC 676**

Sponsor(s)	Committee Report	Amendments Adopted
MASON	OTP-AM	S-446

This bill amends the combined interstate compacts for the supervision of juveniles and adult offenders, as adopted by the State, to establish a separate state council for juveniles as required by the Interstate Compact for Juveniles. These compacts apply to the supervision of juveniles and adult offenders who are on probation, as well as others, and who wish to move from the state in which they were sentenced to another state. Under current law, there is a single state council for adult offender and juvenile supervision. The State Council for Juvenile Supervision includes membership appointed to the Juvenile Justice Advisory Group in order to ensure coordination and communication of policies and protocols affecting juvenile justice practices.

Committee Amendment "A" (S-446)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 676 amends the combined interstate compacts for the supervision of juveniles and adult offenders, as adopted by the State, to establish a separate state council for juveniles as required by the Interstate Compact for Juveniles. These compacts apply to the supervision of juveniles and adult offenders who are on probation, as well as others, and who wish to move from the state in which they were sentenced to another state. Under current law, there is a single state council for adult offender and juvenile supervision. The State Council for Juvenile Supervision includes membership appointed to the Juvenile Justice Advisory Group in order to ensure coordination and communication of policies and protocols affecting juvenile justice practices.

LD 1760 **An Act To Ensure Notification to Victims of Domestic Violence, Sexual Assault and Stalking When Defendants Are Released on Bail** **PUBLIC 639**

Sponsor(s)	Committee Report	Amendments Adopted
CASAVANT	OTP-AM MAJ ONTP MIN	H-884

This bill ensures that a victim of domestic violence, sexual assault or stalking receives prompt notification directly from the jail when a person who is alleged to have committed the offense is released on bail from the jail. The same confidentiality provisions governing the protection of victim information under the Maine Revised Statutes, Title 17-A, chapter 48 apply to the new notification provision.

Committee Amendment "A" (H-884)

This amendment replaces the bill and provides that in a case of domestic violence, sexual assault or stalking the arresting law enforcement officer must obtain the victim's contact information and provide it to the jail where the defendant is delivered. It requires the jail to notify the victim when the defendant is released on preconviction bail or, if the victim cannot be reached, to notify the arresting law enforcement agency, which must make a reasonable effort to contact the victim. If the defendant is released on bail before being delivered to a jail, the arresting law enforcement agency must notify the victim.

This amendment also requires that notification of a defendant's release on preconviction bail be made directly to an adult victim and to a parent or legal guardian or other immediate family member in the case of a minor victim unless the jail or law enforcement agency reasonably believes that it is in the best interest of the minor victim to be notified directly.

Finally, it provides the State, the arresting law enforcement agency, the jail where the defendant was delivered and the Department of Corrections immunity from liability in a civil action for compliance or noncompliance with the new provisions.

Enacted Law Summary

Public Law 2011, chapter 639 provides that in a case of domestic violence, sexual assault or stalking the arresting law enforcement officer must obtain the victim's contact information and provide it to the jail where the defendant is delivered. It requires the jail to notify the victim when the defendant is released on preconviction bail or, if the victim cannot be reached, to notify the arresting law enforcement agency, which must make a reasonable effort to contact the victim. If the defendant is released on bail before being delivered to a jail, the arresting law enforcement agency must notify the victim.

Public Law 2011, chapter 639 requires that notification of a defendant's release on preconviction bail be made directly to an adult victim and to a parent or legal guardian or other immediate family member in the case of a minor victim unless the jail or law enforcement agency reasonably believes that it is in the best interest of the minor victim to be notified directly.

Public Law 2011, chapter 639 also provides the State, the arresting law enforcement agency, the jail where the defendant was delivered and the Department of Corrections immunity from liability in a civil action for compliance or noncompliance with the new provisions.

LD 1825 **An Act To Change the Statutes of Limitations on Prosecution for Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse When the Actor Is a Person in a Position of Authority** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL SAVIELLO	ONTP MAJ OTP-AM MIN	

This bill provides that a civil action based upon a sexual act that is committed or engaged in by an actor who has certain authority over the other person may be commenced at any time. It also extends to 10 years the statute of limitations on prosecutions for crimes involving unlawful sexual touching, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault if the actor has certain authority over the victim.

LD 1827 **An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill provides an exception to the crime of unlawful possession of a scheduled drug for a person charged with that crime if the evidence for the charge is gained as a result of the person's seeking medical assistance for a drug-related overdose. This bill is a recommendation from the Substance Abuse Services Commission's work group convened pursuant to Resolve 2011, chapter 81 and is submitted by the Joint Standing Committee on Health and Human Services pursuant to Joint Order H. P. 1328.

LD 1837 **An Act To Authorize the Establishment of Pilot Projects for Community Paramedicine** **PUBLIC 562**

Sponsor(s)	Committee Report	Amendments Adopted
WILLETTE M RECTOR	OTP-AM	H-801

This bill authorizes the Department of Public Safety, Emergency Medical Services' Board, in accordance with current rules of the board, to establish the requirements and application and approval process for community paramedicine pilot projects for the purpose of developing and evaluating the appropriateness of a community paramedicine program. The bill establishes minimum levels of medical oversight and requires reporting by the pilot project to the board. The board is required to report annually regarding the pilot projects to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

Committee Amendment "A" (H-801)

This amendment provides that the Department of Public Safety, Emergency Medical Services' Board may develop and evaluate a community paramedicine pilot program using the same process previously established by the board in rule for the use of pilot projects to evaluate incorporating an emergency medical treatment technique or a type of

equipment into any licensure level. It specifies that the board may establish up to 12 pilot projects. It also adds the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters as a recipient of the annual report issued by the board.

Enacted Law Summary

Public Law 2011, chapter 562 authorizes the Department of Public Safety, Emergency Medical Services' Board to develop and evaluate a community paramedicine pilot program using the same process previously established by the board in rule for the use of pilot projects to evaluate incorporating an emergency medical treatment technique or a type of equipment into any licensure level. It requires the board to establish the requirements and application and approval process of the pilot projects. It specifies that the board may establish up to 12 pilot projects.

Public Law 2012, chapter 562 establishes minimum levels of medical oversight and requires reporting by the pilot project to the board. The board is required to report annually regarding the pilot projects to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee having jurisdiction over labor, commerce, research and economic development matters.

LD 1841 **An Act To Ensure Funding for the Victims' Compensation Fund** **PUBLIC 628**

Sponsor(s)	Committee Report	Amendments Adopted
FREDETTE KATZ	OTP-AM MAJ ONTP MIN	H-834

This bill prohibits a court from waiving the assessment of $25 on a person convicted of murder or a Class A, Class B or Class C crime and $10 on a person convicted of a Class D or Class E crime. The assessment is currently used to fund the Victims' Compensation Fund.

Committee Amendment "A" (H-834)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 628 prohibits a court from waiving the assessment of $25 on a person convicted of murder or a Class A, Class B or Class C crime and $10 on a person convicted of a Class D or Class E crime.

LD 1852 **An Act To Provide a More Comprehensive Ban on the Possession of Synthetic Hallucinogenic Drugs** **PUBLIC 578**

Sponsor(s)	Committee Report	Amendments Adopted
BEAVERS	OTP-AM	H-833

This bill expands the category of illegal synthetic hallucinogenic drugs by permitting the Commissioner of Public Safety to identify by rule drugs similar in effect to those currently specified in statute in recognition of the fact that the development of synthetic hallucinogenic drugs is expanding rapidly and flexibility is needed to identify dangerous drugs in an expeditious manner.

Committee Amendment "A" (H-833)

This amendment identifies five additional illegal synthetic hallucinogenic drugs and provides that any derivative of cathinone that is not a scheduled drug or a drug approved by the United States Food and Drug Administration is an illegal synthetic hallucinogenic drug. It also removes the provisions in the bill that would allow the Commissioner of Public Safety to identify illegal synthetic hallucinogenic drugs by rule.

Enacted Law Summary

Public Law 2011, chapter 578 identifies five additional illegal synthetic hallucinogenic drugs and provides that any derivative of cathinone that is not a scheduled drug or a drug approved by the United States Food and Drug Administration is an illegal synthetic hallucinogenic drug.

LD 1856 **An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission** **PUBLIC 604**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-872

This bill is proposed by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, chapter 55 and makes the following changes.

1. It creates a new Class D crime of improper contact after bail has been revoked and denied. A person commits this crime if the person, while being detained because the person's preconviction or post-conviction bail has been revoked and denied, intentionally or knowingly makes contact with a person when that contact was prohibited under a former condition of release.

2. It authorizes a court to allow a natural person who has an outstanding mandatory or nonmandatory fine imposed for a Class D or Class E crime to satisfy the fine by performing a specific number of hours of community service work if the person has not in fact inexcusably defaulted in payment of any portion and, having provided notice of the motion seeking satisfaction of the person's outstanding fine amount by performing community service to the attorney for the State, at a hearing the person demonstrates by a preponderance of the evidence both a present and future inability to pay the outstanding fine amount and the capacity and willingness to perform community service work to satisfy the fine owed. The court may not order a hearing unless the court determines the person has qualified to be considered. If the court grants the motion, the number of hours it may specify must reflect a credit against the unpaid fine of no less than $25 for every 8 hours of community service work.

3. It provides that all references to "county jail" or "jail" in the Maine Revised Statutes include the Lincoln and Sagadahoc Multicounty Jail.

4. It corrects an omission with respect to a sexual crime. Public Law 2011, chapter 464, sections 8 and 9 repealed the Maine Revised Statutes, Title 17-A, section 254, subsection 1, paragraph F and moved the substance of the crime to Title 17-A, section 255-A, subsection 1, paragraph F-2. The elements of the crime did not change; it was simply moved from the crime of sexual abuse of a minor to unlawful sexual contact because the core conduct that is criminalized is sexual contact, not the sexual acts prohibited by sexual abuse of a minor. The crime of sexual abuse of a minor is included in the definition of "sex offense" in Title 34-A, section 11203, subsection 6 of the Sex Offender Registration and Notification Act of 1999, and conviction requires registration for 10 years. As the result of an oversight, the definition of "sex offense" was not amended to reflect the change in designation of the crime in the Maine Criminal Code. The correction is retroactive to the effective date of Public Law 2011, chapter 464, September 28, 2011, to allow for conviction of the crime of unlawful sexual contact in violation of Title 17-A, section 255-A, subsection 1, paragraph F-2 to continue to require registration for 10 years.

Committee Amendment "A" (H-872)

This amendment removes the provision of the bill that allows a person convicted of a Class D or Class E crime and sentenced to pay a fine to perform community service work in lieu of paying the fine if that person is unable to pay.

Enacted Law Summary

Public Law 2011, chapter 604 does the following.

1. It creates a new Class D crime of improper contact after bail has been revoked and denied. A person commits this crime if the person, while being detained because the person's preconviction or post-conviction bail has been revoked and denied, intentionally or knowingly makes contact with a person when that contact was prohibited under a former condition of release.

2. It provides that all references to "county jail" or "jail" in the Maine Revised Statutes include the Lincoln and Sagadahoc Multicounty Jail.

3. It corrects an omission with respect to a sexual crime. Public Law 2011, chapter 464, sections 8 and 9 repealed the Maine Revised Statutes, Title 17-A, section 254, subsection 1, paragraph F and moved the substance of the crime to Title 17-A, section 255-A, subsection 1, paragraph F-2. The elements of the crime did not change; it was simply moved from the crime of sexual abuse of a minor to unlawful sexual contact because the core conduct that is criminalized is sexual contact, not the sexual acts prohibited by sexual abuse of a minor. The crime of sexual abuse of a minor is included in the definition of "sex offense" in Title 34-A, section 11203, subsection 6 of the Sex Offender Registration and Notification Act of 1999, and conviction requires registration for 10 years. As the result of an oversight, the definition of "sex offense" was not amended to reflect the change in designation of the crime in the Maine Criminal Code. The correction is retroactive to the effective date of Public Law 2011, chapter 464, September 28, 2011, to allow for conviction of the crime of unlawful sexual contact in violation of Title 17-A, section 255-A, subsection 1, paragraph F-2 to continue to require registration for 10 years.

LD 1857 **An Act To Enhance the Protection of Social Service Home Visitors** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EVES	ONTP	

This bill provides mandatory minimum sentences for a person convicted of assault, aggravated assault or elevated aggravated assault against a social worker who is visiting that person at that person's home. It also requires a law enforcement agency to provide a law enforcement officer to accompany a social worker on a home visit to a client at the request of that social worker if the social worker is sufficiently concerned for the social worker's safety.

LD 1859 **An Act To Protect Firearm Ownership during Times of Emergency** **PUBLIC 626 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SHAW DIAMOND	OTP	

This bill prohibits a person acting on behalf or under the authority of the State or a political subdivision of the State from prohibiting or restricting the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency. This bill also removes the power of the Governor to suspend or limit the sale, dispensing and transportation of firearms during a declared state of emergency.

Enacted Law Summary

Public Law 2011, chapter 626 prohibits a person acting on behalf or under the authority of the State or a political subdivision of the State from prohibiting or restricting the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency. It also removes the power of the Governor to suspend or limit the sale, dispensing and transportation of firearms during a declared state of emergency.

Public Law 2011, chapter 626 was enacted as an emergency measure effective April 12, 2012.

LD 1861 **An Act To Amend Statutory Post-conviction Review** **PUBLIC 601**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-857

This bill is proposed by the Criminal Law Advisory Commission pursuant to the Maine Revised Statutes, Title 17-A, chapter 55 and makes a number of changes to post-conviction review.

1. It replaces the outdated phrase "mental disease or defect" with the word "insanity" to be consistent with Title 15, section 103, Title 17-A, sections 39 and 40 and the Maine Rules of Criminal Procedure, Rule 11(a) and Rule 11A(h).

2. It expands the term "assigned justice" to also include "judge" to more accurately reflect to whom a post-conviction case may be assigned.

3. It makes a significant change regarding remedial relief for errors in calculations of good time, meritorious good time and similar deductions pursuant to Title 17-A, section 1253. Remedial relief relative to such administrative actions by the custodian is no longer obtainable by way of post-conviction review. Remedial relief, if any, must now be obtained by way of available administrative remedies pursuant to the Maine Administrative Procedure Act. Current administrative remedies provide for an adequate hearing process and for review of final custodian action pursuant to the Maine Rules of Civil Procedure, Rule 80B or Rule 80C, making access to post-conviction review relief unnecessary and duplicative.

4. It makes clear that remedial relief for errors in calculations of deductions relative to time detained pursuant to Title 17-A, section 1253, subsection 2 remains governed by post-conviction review. Unlike the calculations for deductions for good time and similar types of deductions, the custodian does not make the calculations but instead relies upon a statement from either the transporter of the prisoner or the attorney for the State.

5. In addition to the current unavailability of post-conviction review relative to a revocation of probation proceeding, it clarifies that such is also the case with respect to court proceedings involving the revocation of intensive supervision, supervised release for sex offenders and administrative release. Each such court proceeding is provided in the Maine Criminal Code with a statutorily created hearing process and appellate review, making access to post-conviction relief unnecessary and duplicative.

6. It clarifies what other administrative actions must be addressed by way of the available administrative remedies rather than by way of post-conviction review.

7. It eliminates the outdated reference to proceedings before the Appellate Division of the Supreme Judicial Court.

8. It replaces the word "are" with the word "were" in Title 15, section 2122 in the context of the remedies formerly available pursuant to former statutory post-conviction habeas corpus. The word "were" was incorrectly changed to "are" by Public Law 1997, chapter 399, section 1.

9. For the purpose of notice, it adds audita querela to the list of common law remedies that were abolished in Maine with the advent of the post-conviction review statute. The Maine Law Court recently held in *State v. Blakesley*, 2010 ME 19, & para; 23, 989 A.2d 746, 751-52 that, assuming without deciding whether audita querela was potentially available in criminal matters before the advent of the post-conviction statute, audita querela was abolished by that statute.

10. It amends Title 15, section 2123, subsection 2 to be gender-neutral.

11. It enacts Title 15, section 2123-A to clarify that administrative actions excluded from the definition of "post-sentencing proceeding" in Title 15, section 2121, subsection 2 are subject to review in the manner provided by the Maine Administrative Procedure Act, which is the exclusive method of review of those actions, replacing any previous common law or statutory method of review.

12. It amends Title 15, section 2124 to: make nonsubstantive changes to the present restraint or impediments provisions to enhance readability and clarity; delete the current time limitation in subsection 1, paragraph C relating to an unconditional discharge, which the time limitations pursuant to Title 15, section 2128-B now control; add in subsection 1 a new paragraph C-1 to reflect the holding in *State v. Trott*, 2004 ME 15, 841A. 789; remove a reference to paragraph C in subsection 1, paragraph D because paragraph D is not relevant to paragraph C; in subsection 1, paragraph E relating to a fine, add 2 limitations as to a fine that has not been paid constituting an impediment for purposes of subsection 1, namely, an inexcusable violation by the person of the mandate of Title 17-A, section 1303-B and an inexcusable failure by the person to pay the fine imposed or any outstanding portion; clarify that the term "fine" also includes any imposed monetary fees, surcharges and assessments, however designated; add in subsection 1 a new paragraph F that includes restitution, a sentencing alternative that was enacted by Public Law 1977, chapter 455, but was omitted from subsection 1 when it was enacted by Public Law 1979, chapter 701, section 15; provide for 2 limitations as to restitution that has not been paid constituting an impediment for purposes of subsection 1, namely, an inexcusable violation by the person of the mandate of Title 17-A, section 1328-A and an inexcusable failure by the person to pay the restitution imposed or any outstanding portion; limit any challenge made as to the amount of restitution ordered by applying Title 17-A, section 1330-A; for purposes of clarity, strike the reference to "a juvenile disposition other than incarceration or probation" and add a new paragraph that includes any other juvenile disposition imposed by the challenged criminal judgment not earlier covered in the preceding paragraphs; strike the indirect impediments addressed in subsection 3, paragraphs B and C because the former distinction drawn between facts that elevate the class or degree or increase the potential penalty but are not technically elements of the new crime in paragraph B and actual elements of the new crime that serve to accomplish the same result in paragraph C is no longer valid in light of *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and its progeny; and create a new indirect impediment that combines 2 former provisions and specifies that the new requirement is not satisfied unless the crime is a felony or an infamous crime and the sentence alternative of incarceration has been imposed, and so does not authorize a defendant to initiate a post-conviction challenge pretrial. In Apprendi the United States Supreme Court held that "any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt." Id. at 490. The Court also stated that "facts that expose a defendant to a punishment greater than otherwise legally prescribed [are] by definition 'elements' of a separate legal offense." Id. at 483 n. 10. Apprendi applies as well to nonjury trials.

13. It amends Title 15, section 2128 to address only the waiver of grounds for relief found in subsections 1, 3 and 4.

Subsection 2, which addresses certain errors not waived, was stricken from section 2128 and its provisions are now located in the newly enacted Title 15, section 2128-A. Subsections 5 and 6 were stricken from section 2128. The provisions of subsections 5 and 6 address the wholly different subject matter of filing deadlines and their provisions are now located in the newly enacted Title 15, section 2128-B.

14. It responds to the Law Court's holding in *Chasse v. State*, 2008 ME 28, & para; 1, 942 A.2d 689 that no filing deadline exists by establishing a one-year filing deadline for post-sentencing proceedings.

15. In order to ensure fairness, it provides a grace period of the same length as the new one-year filing deadline for post-sentencing proceedings.

Committee Amendment "A" (H-857)

This amendment provides to a noncitizen who, in the context of a plea in which the noncitizen was represented by counsel and who under federal immigration law, as a consequence of the particular plea, is subject to a pending deportation proceeding a jurisdictional avenue independent of that already provided by the Maine Revised Statutes, Title 15, section 2124, subsection 1. This jurisdictional avenue provides a means by which to initiate a post-conviction review proceeding to test the effective-assistance-of-counsel guarantee under the United States Constitution, Amendment VI as reflected in the United States Supreme Court decision of *Padilla v. Kentucky*, 559 U.S. ___, 130 S.Ct. 1473 (2010). To qualify, the plea must also be accepted by a trial court on or after March 31, 2010.

This amendment also provides a different filing deadline for Title 15, section 2124, subsection 3, paragraph E than that provided for in paragraphs A and D of the same section. The 60-day limitation period runs from the date the noncitizen becomes aware, or should have become aware, that under federal immigration law, as a consequence of the particular plea, a deportation proceeding has been initiated against the noncitizen.

This amendment also adds an application section to provide a grace period of the same length as the new 60-day filing deadline for this indirect impediment.

Enacted Law Summary

Public Law 2011, chapter 601 makes the following changes to post-conviction review.

1. It replaces the outdated phrase "mental disease or defect" with the word "insanity" to be consistent with Title 15, section 103, Title 17-A, sections 39 and 40 and the Maine Rules of Criminal Procedure, Rule 11(a) and Rule 11A(h).

2. It expands the term "assigned justice" to also include "judge" to more accurately reflect to whom a post-conviction case may be assigned.

3. It makes a significant change regarding remedial relief for errors in calculations of good time, meritorious good time and similar deductions pursuant to Title 17-A, section 1253. Remedial relief relative to such administrative actions by the custodian is no longer obtainable by way of post-conviction review. Remedial relief, if any, must now be obtained by way of available administrative remedies pursuant to the Maine Administrative Procedure Act. Current administrative remedies provide for an adequate hearing process and for review of final custodian action pursuant to the Maine Rules of Civil Procedure, Rule 80B or Rule 80C, making access to post-conviction review relief unnecessary and duplicative.

4. It makes clear that remedial relief for errors in calculations of deductions relative to time detained pursuant to Title 17-A, section 1253, subsection 2 remains governed by post-conviction review. Unlike the calculations for deductions for good time and similar types of deductions, the custodian does not make the calculations but instead relies upon a statement from either the transporter of the prisoner or the attorney for the State.

5. In addition to the current unavailability of post-conviction review relative to a revocation of probation

proceeding, it clarifies that such is also the case with respect to court proceedings involving the revocation of intensive supervision, supervised release for sex offenders and administrative release. Each such court proceeding is provided in the Maine Criminal Code with a statutorily created hearing process and appellate review, making access to post-conviction relief unnecessary and duplicative.

6. It clarifies what other administrative actions must be addressed by way of the available administrative remedies rather than by way of post-conviction review.

7. It eliminates the outdated reference to proceedings before the Appellate Division of the Supreme Judicial Court.

8. It replaces the word "are" with the word "were" in Title 15, section 2122 in the context of the remedies formerly available pursuant to former statutory post-conviction habeas corpus. The word "were" was incorrectly changed to "are" by Public Law 1997, chapter 399, section 1.

9. For the purpose of notice, it adds audita querela to the list of common law remedies that were abolished in Maine with the advent of the post-conviction review statute. The Maine Law Court recently held in *State v. Blakesley*, 2010 ME 19, ¶ 23, 989 A.2d 746, 751-52 that, assuming without deciding whether audita querela was potentially available in criminal matters before the advent of the post-conviction statute, audita querela was abolished by that statute.

10. It amends Title 15, section 2123, subsection 2 to be gender-neutral.

11. It enacts Title 15, section 2123-A to clarify that administrative actions excluded from the definition of "post-sentencing proceeding" in Title 15, section 2121, subsection 2 are subject to review in the manner provided by the Maine Administrative Procedure Act, which is the exclusive method of review of those actions, replacing any previous common law or statutory method of review.

12. It amends Title 15, section 2124 to: make nonsubstantive changes to the present restraint or impediments provisions to enhance readability and clarity; delete the current time limitation in subsection 1, paragraph C relating to an unconditional discharge, which the time limitations pursuant to Title 15, section 2128-B now control; add in subsection 1 a new paragraph C-1 to reflect the holding in *State v. Trott*, 2004 ME 15, 841A. 789; remove a reference to paragraph C in subsection 1, paragraph D because paragraph D is not relevant to paragraph C; in subsection 1, paragraph E relating to a fine, add 2 limitations as to a fine that has not been paid constituting an impediment for purposes of subsection 1, namely, an inexcusable violation by the person of the mandate of Title 17-A, section 1303-B and an inexcusable failure by the person to pay the fine imposed or any outstanding portion; clarify that the term "fine" also includes any imposed monetary fees, surcharges and assessments, however designated; add in subsection 1 a new paragraph F that includes restitution, a sentencing alternative that was enacted by Public Law 1977, chapter 455, but was omitted from subsection 1 when it was enacted by Public Law 1979, chapter 701, section 15; provide for 2 limitations as to restitution that has not been paid constituting an impediment for purposes of subsection 1, namely, an inexcusable violation by the person of the mandate of Title 17-A, section 1328-A and an inexcusable failure by the person to pay the restitution imposed or any outstanding portion; limit any challenge made as to the amount of restitution ordered by applying Title 17-A, section 1330-A; for purposes of clarity, strike the reference to "a juvenile disposition other than incarceration or probation" and add a new paragraph that includes any other juvenile disposition imposed by the challenged criminal judgment not earlier covered in the preceding paragraphs; strike the indirect impediments addressed in subsection 3, paragraphs B and C because the former distinction drawn between facts that elevate the class or degree or increase the potential penalty but are not technically elements of the new crime in paragraph B and actual elements of the new crime that serve to accomplish the same result in paragraph C is no longer valid in light of *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and its progeny; and create a new indirect impediment that combines 2 former provisions and specifies that the new requirement is not satisfied unless the crime is a felony or an infamous crime and the sentence alternative of incarceration has been imposed, and so does not authorize a defendant to initiate a post-conviction challenge pretrial. In Apprendi the United States Supreme Court held that "any fact that increases the penalty for a crime beyond the

prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt." Id. at 490. The Court also stated that "facts that expose a defendant to a punishment greater than otherwise legally prescribed [are] by definition 'elements' of a separate legal offense." Id. at 483 n. 10. Apprendi applies as well to nonjury trials.

13. It amends Title 15, section 2128 to address only the waiver of grounds for relief found in subsections 1, 3 and 4. Subsection 2, which addresses certain errors not waived, was stricken from section 2128 and its provisions are now located in the newly enacted Title 15, section 2128-A. Subsections 5 and 6 were stricken from section 2128. The provisions of subsections 5 and 6 address the wholly different subject matter of filing deadlines and their provisions are now located in the newly enacted Title 15, section 2128-B.

14. It responds to the Law Court's holding in *Chasse v. State*, 2008 ME 28, ¶ 1, 942 A.2d 689 that no filing deadline exists by establishing a one-year filing deadline for post-sentencing proceedings.

15. In order to ensure fairness, it provides a grace period of the same length as the new one-year filing deadline for post-sentencing proceedings.

16. It provides to a noncitizen who, in the context of a plea in which the noncitizen was represented by counsel and who under federal immigration law, as a consequence of the particular plea, is subject to a pending deportation proceeding a jurisdictional avenue independent of that already provided by the Maine Revised Statutes, Title 15, section 2124, subsection 1. This jurisdictional avenue provides a means by which to initiate a post-conviction review proceeding to test the effective-assistance-of-counsel guarantee under the United States Constitution, Amendment VI as reflected in the United States Supreme Court decision of *Padilla v. Kentucky*, 559 U.S. ___, 130 S.Ct. 1473 (2010). To qualify, the plea must also be accepted by a trial court on or after March 31, 2010.

17. Provides a different filing deadline for Title 15, section 2124, subsection 3, paragraph E than that provided for in paragraphs A and D of the same section. The 60-day limitation period runs from the date the noncitizen becomes aware, or should have become aware, that under federal immigration law, as a consequence of the particular plea, a deportation proceeding has been initiated against the noncitizen.

18. It adds an application section to provide a grace period of the same length as the new 60-day filing deadline for this indirect impediment.

LD 1867 **An Act To Protect Victims of Domestic Violence** **PUBLIC 640**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN MASON	OTP-AM	H-907

This bill:

1. Adds additional crimes to the definition of "crime involving domestic violence" in the Maine Bail Code;

2. Provides that bail must be determined by a judge, not a bail commissioner, when a crime involving domestic violence is alleged to have occurred;

3. Makes the violation of a bail condition in cases in which an underlying crime was a crime involving domestic violence a Class C crime;

4. Requires judges to order that a defendant be committed without bail pending a bail revocation hearing, unless certain conditions are met, in certain circumstances;

5. Requires judges to deny bail in certain circumstances;

6. Allows a sentence of or that includes a term of probation to be imposed upon a defendant convicted of a crime involving domestic violence; and

7. Requires law enforcement agencies to include in their mandatory policies regarding domestic violence a process for collecting information about whether the commission of an alleged crime included the use of strangulation.

Committee Amendment "A" (H-907)

This amendment does the following.

1. In certain cases involving domestic violence, it prohibits a bail commissioner from setting preconviction bail for a defendant alleged to have violated a protection from abuse order or alleged to have committed a Class A, B or C crime under the Maine Revised Statutes, Title 17-A, chapter 9, a sexual offense that is a Class A, B or C crime, kidnapping or a Class C crime involving criminal restraint, domestic stalking, domestic threatening, domestic terrorizing or domestic reckless conduct.

2. In addition to information already required under the Maine Bail Code in cases involving domestic violence, it requires the bail commissioner to make a good faith effort to obtain from the arresting officer, the responsible prosecutorial office, a jail employee or other law enforcement officer information about the severity of the alleged offense.

3. It requires a judge to order a defendant in a domestic violence case to be committed without bail pending a bail revocation hearing unless the judge makes certain findings on the record but does not require the findings to be reduced to writing.

4. It directs the judicial branch to study the application of the provisions of this legislation and report its findings to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 30, 2013 and authorizes that committee to submit legislation to the First Regular Session of the 126th Legislature that is related to the report.

5. It requires law enforcement agencies to adopt written policies for cases involving domestic violence to collect information about whether the commission of the crime included the use of strangulation.

6. It corrects a number of cross-referencing errors in current domestic violence laws so that the proper section in the Maine Bail Code is identified.

Enacted Law Summary

Public Law 2011, chapter 640 does the following.

1. In certain cases involving domestic violence, it prohibits a bail commissioner from setting preconviction bail for a defendant alleged to have violated a protection from abuse order or alleged to have committed a Class A, B or C crime under the Maine Revised Statutes, Title 17-A, chapter 9, a sexual offense that is a Class A, B or C crime, kidnapping or a Class C crime involving criminal restraint, domestic stalking, domestic threatening, domestic terrorizing or domestic reckless conduct.

2. In addition to information already required under the Maine Bail Code in cases involving domestic violence, it requires the bail commissioner to make a good faith effort to obtain from the arresting officer, the responsible prosecutorial office, a jail employee or other law enforcement officer information about the severity of the alleged offense.

3. It requires a judge to order a defendant in a domestic violence case to be committed without bail pending a bail revocation hearing unless the judge makes certain findings on the record but does not require the findings to be reduced to writing.

4. It directs the judicial branch to study the application of the provisions of this legislation and report its findings to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 30, 2013 and authorizes that committee to submit legislation to the First Regular Session of the 126th Legislature that is related to the report.

5. It requires law enforcement agencies to adopt written policies for cases involving domestic violence to collect information about whether the commission of the crime included the use of strangulation.

6. It corrects a number of cross-referencing errors in current domestic violence laws so that the proper section in the Maine Bail Code is identified.

LD 1900 **An Act To Support Members of the Law Enforcement Community Who Have Suffered a Catastrophic Illness** **PUBLIC 596 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CUSHING FARNHAM	OTP-AM	H-858

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

This bill is an emergency measure and proposes to amend current law to permit law enforcement officers to solicit funds within the law enforcement community for the support of law enforcement officers or their family members with medical needs or with unusual hardship.

Committee Amendment "A" (H-858)

This amendment replaces the bill. Current law allows a law enforcement agency or association to solicit property from the general public for the benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness. This amendment also allows a law enforcement agency or association to solicit property from a law enforcement officer, a law enforcement agency or a law enforcement association for the benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness.

Enacted Law Summary

Public Law 2011, chapter 596 allows a law enforcement agency or association to solicit property from a law enforcement officer, a law enforcement agency or a law enforcement association for the benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness.

Public Law 2011, chapter 596 was enacted as an emergency measure effective April 5, 2012.

SUBJECT INDEX

Criminal Law

Enacted

LD 1856	An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission	PUBLIC 604
LD 1861	An Act To Amend Statutory Post-conviction Review	PUBLIC 601

Not Enacted

LD 1633	An Act To Increase to a Class C Crime the Failure To Report a Missing Child within 24 Hours	ONTP
LD 1634	An Act To Establish Certain Crimes Relating to Missing or Deceased Children	MAJORITY (ONTP) REPORT

Domestic Violence

Enacted

LD 1711	An Act To Adopt the Use of Standardized Risk Assessment in the Management of Domestic Violence Crimes	PUBLIC 680
LD 1760	An Act To Ensure Notification to Victims of Domestic Violence, Sexual Assault and Stalking When Defendants Are Released on Bail	PUBLIC 639
LD 1867	An Act To Protect Victims of Domestic Violence	PUBLIC 640

Not Enacted

LD 1678	An Act To Amend the Laws Governing Stalking and Domestic Violence	ONTP
LD 1704	An Act To Amend the Maine Bail Code To Protect Victims of Domestic Violence	ONTP

Drugs

Enacted

LD 1852	An Act To Provide a More Comprehensive Ban on the Possession of Synthetic Hallucinogenic Drugs	PUBLIC 578

Not Enacted

LD 1701	**Resolve, To Establish a Pilot Program in Penobscot County for Assessment and Treatment of Individuals Arrested for Unlawful Possession of Drugs**	**ONTP**
LD 1827	**An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances**	**ONTP**

Firearms/Concealed Firearms

Enacted

LD 1603	**An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles**	**PUBLIC 537**
LD 1859	**An Act To Protect Firearm Ownership during Times of Emergency**	**PUBLIC 626 EMERGENCY**

Not Enacted

LD 1728	**An Act To Strengthen the Integrity of Nonresident Concealed Handgun Permits**	**MAJORITY (ONTP) REPORT**

Gangs

Not Enacted

LD 1707	**An Act To Define, Prevent and Suppress Gang Activity in the State**	**ONTP**

Interstate Compact

Enacted

LD 1755	**An Act Regarding the Interstate Compact for Adult Offender Supervision**	**PUBLIC 677**
LD 1756	**An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles**	**PUBLIC 676**

Jail/Inmate

Enacted

LD 1598	**An Act To Clarify the Court's Authority To Grant Credit Given for Jail Time toward Payment of Fines**	**PUBLIC 568**
LD 1635	**An Act Regarding Inmates on Public Works Projects**	**PUBLIC 506 EMERGENCY**

Juveniles

Enacted

LD 1597	**An Act To Make Certain Juvenile Case Records Confidential**	**PUBLIC 580**

LD 1599	An Act To Amend Deferred Disposition under the Maine Juvenile Code	PUBLIC 480

Not Enacted

LD 1727	An Act To Ensure That the Public Is Duly Informed When Certain Juvenile Crimes Are Committed	MINORITY (ONTP) REPORT

Law Enforcement

Enacted

LD 1900	An Act To Support Members of the Law Enforcement Community Who Have Suffered a Catastrophic Illness	PUBLIC 596 EMERGENCY

Not Enacted

LD 1143	An Act To Require That Law Enforcement Officials Collect DNA Samples from Persons Arrested for Certain Crimes	MAJORITY (ONTP) REPORT

Maine Emergency Management Agency

Enacted

LD 1720	An Act To Increase the Membership of the Homeland Security Advisory Council	PUBLIC 529

Prison/Jail/Inmate

Enacted

LD 1737	An Act Regarding the Interception of Oral or Wire Communications of Residents of State Correctional Facilities and Jails	PUBLIC 507

Not Enacted

LD 1095	An Act To Facilitate the Construction and Operation of Private Prisons by Authorizing the Transport of Prisoners out of State	ONTP

Public Safety/Emergency Medical Services

Enacted

LD 1744	An Act To Require Carbon Monoxide Detectors in Additional Residential Occupancies	PUBLIC 553
LD 1837	An Act To Authorize the Establishment of Pilot Projects for Community Paramedicine	PUBLIC 562

Not Enacted

LD 1745	An Act Regarding the Fee for Amusement Ride Inspections and the Development of Options To Move the Responsibility of the Inspections from the Office of the State Fire Marshal	VETO SUSTAINED

LD 1857	An Act To Enhance the Protection of Social Service Home Visitors	ONTP

Sex Offender Registration and Notification

Enacted

LD 1514	An Act To Amend the Sex Offender Registration Laws	PUBLIC 663

Sex Offenses -- Criminal

Enacted

LD 1673	An Act To Prohibit the Sexual Solicitation of a Child by any Means	PUBLIC 597 EMERGENCY
LD 1731	An Act To Combat Human Sex Trafficking	PUBLIC 672

Not Enacted

LD 1825	An Act To Change the Statutes of Limitations on Prosecution for Crimes of Sexual Abuse and for Civil Actions for Sexual Abuse When the Actor Is a Person in a Position of Authority	MAJORITY (ONTP) REPORT

State and County Corrections & State Board of Corrections

Enacted

LD 1754	An Act To Amend Certain Provisions of Law Governing the Department of Corrections	PUBLIC 515

Theft/Bad Checks

Enacted

LD 1088	An Act Regarding the Writing of Bad Checks	PUBLIC 504

Not Enacted

LD 648	An Act To Prohibit Organized Retail Theft	MAJORITY (ONTP) REPORT

Victim's Compensation Fund

Enacted

LD 1841	An Act To Ensure Funding for the Victims' Compensation Fund	PUBLIC 628

EDU

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

June 2012

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PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
CAROLYN RUSSO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 98 **Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PILON ALFOND	ONTP	

This resolve was carried over from the First Regular Session of the 125th Legislature. The resolve directs the Commissioner of Education to adopt a policy for schools in Maine on the management of head injuries in school athletic activities. The policy must include information, protocols and forms and requirements for removing from an athletic practice, game or activity a student suspected of having sustained a head injury and for banning that student from participation for that day and until the school has received written clearance for the student to resume participation. The resolve requires schools to adopt a policy on management of head injuries and to implement the policy beginning January 1, 2012. The resolve allows the sharing of policies, information, training, protocols and forms with statewide and local organizations that sponsor sports and athletics.

While this resolve was not enacted, the Joint Standing Committee on Education and Cultural Affairs reported out LD 1873, which was enacted as Public Law 2011, chapter 688 and contained similar provisions to address the management of head injuries in school activities and athletics.

LD 627 **An Act To Expand the Capacity of York County Community College** **PUBLIC 667**

Sponsor(s)	Committee Report	Amendments Adopted
BELIVEAU LANGLEY	OTP-AM	H-699 S-594 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the current law to expand the capacity of York County Community College due to its doubled student enrollment in the past five years.

Committee Amendment "A" (H-699)

This amendment strikes and replaces the bill to establish the Integrated Manufacturing Program Fund within the Maine Community College System to support the education and training of the manufacturing workforce in the State. The amendment provides one-time funding and ongoing funding from the General Fund and requires the Maine Community College System to seek funds from the public and private sectors for deposit into the fund. The amendment also provides that the disbursement of funds in fiscal years 2012-13 to 2016-17 must be provided to expand the capacity of the integrated manufacturing program at York County Community College.

The amendment further provides that the Legislature may not reduce General Fund appropriations to the Department of Education, the University of Maine System, the Maine Community College System or the Maine Maritime Academy in fiscal year 2012-13 to fund the Integrated Manufacturing Program Fund. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-594)

This amendment strikes the provisions of Committee Amendment "A" that establish the Integrated Manufacturing Program Fund and eliminates the provision of $820,000 in one-time funds to the Maine Community College System in fiscal year 2012-13. As amended, the bill still includes ongoing General Fund appropriations of $257,000 per year beginning in fiscal year 2012-13 for York County Community College to respond to the demand for skilled workers in the precision machining industry.

Enacted Law Summary

Public Law 2011, chapter 667 provides ongoing General Fund appropriations of $257,000 per year beginning in fiscal year 2012-13 for York County Community College to respond to the demand for skilled workers in the precision machining industry.

LD 675 **Resolve, To Create a Working Group To Study Multidistrict Online Learning Options in Maine** **RESOLVE 116**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND	OTP-AM	S-375

This bill was carried over from the First Regular Session of the 125th Legislature. The bill allows nonresident students to enroll in a school administrative unit's online learning program, with the school administrative unit of residence for that student to pay the enrolling school administrative unit the student's tuition for the program. The bill also directs the Department of Education to create a stakeholder group to study the opportunities in and challenges of creating one online learning program for the State and to report to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2012.

Committee Amendment "B" (S-375)

This amendment strikes and replaces the bill to create a resolve that directs the Department of Education to create a working group to study the opportunities in and challenges of establishing multidistrict online learning options for students in the State and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 4, 2013. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs is authorized to submit a bill to the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 116 directs the Department of Education to create a working group to study the opportunities in and challenges of establishing multidistrict online learning options for students in the State and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 4, 2013. The joint standing committee is authorized to submit a bill to the 126th Legislature.

LD 958 **Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate the Essential Programs and Services Funding Act** **RESOLVE 166 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
JOHNSON P THOMAS	OTP-AM	H-920

This bill was carried over from the First Regular Session of the 125th Legislature. The resolve directs the Department of Education to have an independent agency not previously involved with the essential programs and

services funding formula review the essential programs and services model to analyze the impact of its implementation on children from economically disadvantaged areas, the funding shifts experienced by small rural schools and the result of the regional salary adjustment variable and the economically disadvantaged student variable on the equity of the distribution of state aid to municipalities for education and to provide a report to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2011. The bill authorized the joint standing committee to submit a bill relating to the report to the Second Regular Session of the 125th Legislature.

Committee Amendment "B" (H-920)

This amendment strikes and replaces the resolve, which directs the Department of Education to have an independent agency not previously involved with the essential programs and services funding formula review the essential programs and services funding formula to analyze the impact of its implementation on certain issues involved with funding public education in Maine. The amendment authorizes the Legislature to enter into a contract for an independent review of the Essential Programs and Services Funding Act through a process that awards a contract to a qualified research entity. The review of Maine's school funding formula must be designed to provide the Legislature with an objective evaluation of the Essential Programs and Services Funding Act that includes, but is not limited to, comparisons between fair and equitable state education finance policies established in other comparable states and such policies in Maine.

The amendment requires the Office of Program Evaluation and Government Accountability to provide assistance to the Joint Standing Committee on Education and Cultural Affairs on the development and administration of a process that awards a contract to a qualified research entity to conduct the independent review of the Essential Programs and Services Funding Act. The involvement by that office in this project was approved by a vote of 12-0 by the Government Oversight Committee on March 9, 2012. The amendment also establishes an advisory committee to advise the Office of Program Evaluation and Government Accountability and the Joint Standing Committee on Education and Cultural Affairs on matters related to administering the contract for the independent review of the Essential Programs and Services Funding Act.

The amendment also provides that the qualified research entity selected to conduct the independent review must present a preliminary report of the results of the initial evaluation required under the review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by April 1, 2013. The final report, including the results of the detailed evaluation required under the independent review, must be presented to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 1, 2013. The joint standing committee is authorized to submit a bill relating to the final report to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 166 authorizes the Legislature to enter into a contract for an independent review of the Essential Programs and Services Funding Act through a process that awards a contract to a qualified research entity. The review of Maine's school funding formula must be designed to provide the Legislature with an objective evaluation of the Essential Programs and Services Funding Act that includes, but is not limited to, comparisons between fair and equitable state education finance policies established in other comparable states and such policies in Maine.

The resolve requires the Office of Program Evaluation and Government Accountability to provide assistance to the Joint Standing Committee on Education and Cultural Affairs on the development and administration of a process that awards a contract to a qualified research entity to conduct the independent review of the Essential Programs and Services Funding Act. The resolve also establishes an advisory committee to advise the Office of Program Evaluation and Government Accountability and the Joint Standing Committee on Education and Cultural Affairs on matters related to administering the contract for the independent review of the Essential Programs and Services Funding Act.

Finally, the resolve provides that the qualified research entity selected to conduct the independent review must

present a preliminary report of the results of the initial evaluation required under the review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by April 1, 2013. The final report, including the results of the detailed evaluation required under the independent review, must be presented to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 1, 2013. The joint standing committee is authorized to submit a bill relating to the final report to the Second Regular Session of the 126th Legislature.

Resolve 2011, chapter 166 was finally passed as an emergency measure effective May 16, 2012.

LD 980 **An Act To Prohibit Cyberbullying in Public Schools** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PILON LANGLEY	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. Current law requires each school board to adopt a policy that addresses injurious hazing. This bill repeals the injurious hazing law and enacts provisions requiring school boards to adopt policies prohibiting offensive student or organizational behavior, including injurious hazing, harassment, bullying and cyberbullying. It requires the school board to include in the policy a procedure for reporting the offensive behavior to the authorities. The bill also makes harassment by cyberbullying a civil violation.

LD 1003 **Resolve, To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services** **RESOLVE 145 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB SHERMAN	OTP-AM	H-788

The bill was carried over from the First Regular Session of the 125th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to increase school administrative units' access to federal Medicaid funding for medically necessary services provided by those school administrative units to special education students for whom those services are required under an individualized education plan adopted for the student and as part of a free and appropriate public education.

Committee Amendment "A" (H-788)

This amendment strikes and replaces the bill with a resolve and does the following.

1. It adds an emergency preamble and an emergency clause.

2. It directs the Department of Education and the Department of Health and Human Services to work together with an interagency stakeholder group to refine existing MaineCare policies, develop new policies or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the provision of medically necessary services to students in school-based settings.

3. It provides that, after due consideration of the input of the stakeholders and relevant work groups involved in the interagency stakeholder group and if determined to be appropriate by the Department of Education and the

Department of Health and Human Services, the departments shall pursue amendments to the MaineCare rules and to the state plan related to the provision of medically necessary services to eligible children in school-based settings by July 1, 2012.

4. It requires the Department of Education and the Department of Health and Human Services to report jointly to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services on March 30, 2012, on the status of the work undertaken by that date. The report must include a timeline that establishes specific dates for each of the initiatives included in any proposed changes to existing MaineCare policies, any new policies to be developed or any nonregulatory guidance on billing procedures to be developed by the departments.

Enacted Law Summary

Resolve 2011, chapter 145 directs the Department of Education and the Department of Health and Human Services to work together with an interagency stakeholder group to refine existing MaineCare policies, develop new policies or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the provision of medically necessary services to students in school-based settings. The resolve provides that, after due consideration of the input of the stakeholders and relevant work groups involved in the interagency stakeholder group and if determined to be appropriate by the Department of Education and the Department of Health and Human Services, the departments shall pursue amendments to the MaineCare rules and to the state plan related to the provision of medically necessary services to eligible children in school-based settings by July 1, 2012.

The resolve requires the Department of Education and the Department of Health and Human Services to report jointly to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services on March 30, 2012, on the status of the work undertaken by that date. The report must include a timeline that establishes specific dates for each of the initiatives included in any proposed changes to existing MaineCare policies, any new policies to be developed or any nonregulatory guidance on billing procedures to be developed by the departments.

Resolve 2011, chapter 145 became law as a result of the Legislature's vote to override the Governor's veto.

Resolve 2011, chapter 145 was finally passed as an emergency measure effective April 4, 2012.

LD 1033 **An Act To Support Resource Sharing among Maine Libraries** **PUBLIC 470**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO RECTOR	OTP-AM	S-369 ROSEN R

LD 1033 was enacted by the Legislature during the First Regular Session of the 125th, and the bill provides funding to support weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

Committee Amendment "A" (H-225)

This amendment specifies that the funds appropriated in the bill are to be used to defray the cost of van delivery service for those libraries that participated in the van delivery service in fiscal years 2009-10 and 2010-11.

Senate Amendment "A" (S-369)

This amendment incorporates Committee Amendment "A" and removes the funding for fiscal year 2011-12.

Enacted Law Summary

Public Law 2011, chapter 470 provides funding in fiscal year 2012-2013 to support the weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

LD 1237 **An Act To Prohibit Bullying and Cyberbullying in Schools** **PUBLIC 659**

Sponsor(s)	Committee Report	Amendments Adopted
MORRISON BARTLETT	OTP-AM	H-745 S-598 ROSEN R

This bill was carried over from the First Regular Session. The bill requires each school administrative unit to adopt, by August 15, 2012, a harassment, intimidation and bullying prevention policy based upon a model policy developed by the Commissioner of Education in conjunction with an advisory committee composed of representatives of parents, guardians, teachers, school employees, volunteers, students, administrators, community representatives, the Maine School Superintendents Association, the Maine Principals' Association and other interested parties. Harassment, intimidation and bullying prevention policies must be posted on the publicly accessible portions of the Department of Education's website and the respective school administrative unit's website.

Committee Amendment "B" (H-745)

This amendment replaces the bill, which requires the Commissioner of Education to develop a model harassment, intimidation and bullying prevention policy and requires that school administrative units adopt a policy based on the model by August 15, 2012. The amendment:

1. Requires the Department of Education to develop a model policy on bullying and cyberbullying in accordance with the requirements set forth in the Maine Revised Statutes, Title 20-A, section 6554 by January 1, 2013;

2. Defines "bullying" to include cyberbullying and establishes a prohibition on bullying to ensure a safe and secure student learning environment in public schools in the State;

3. Provides that when a school board revises the school administrative unit's existing policies and procedures established to address bullying pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, the school board shall adopt a policy that is consistent with the provisions established to prohibit bullying at school or on school grounds, including cyberbullying that takes place at school or elsewhere through the use of technology;

4. Provides that the policy adopted by a school board to address bullying must include the following provisions:

   A. The responsibility of the superintendent or the superintendent's designee to implement and enforce the policy;

   B. The requirement that school staff members, including persons involved with extracurricular or cocurricular activities, report incidents of bullying;

C. The procedures for students, school personnel, parents, legal guardians and others to report incidents of bullying;

D. The procedures for promptly investigating and responding to incidents of bullying, including communicating measures to ensure the safety of a targeted student and prevent further acts of bullying;

E. A statement of the disciplinary actions that a person who engages in bullying may be subjected to, including the imposition of a series of graduated consequences that include alternative discipline practices;

F. A procedure, consistent with the school board's other appeals procedures, to appeal the decision of a school principal or superintendent's designee involving disciplinary action taken or not taken against a person who engages in bullying; and

G. A statement that communication with law enforcement officials is permitted if a school principal or superintendent's designee believes that the pursuit of civil action or criminal charges is appropriate;

5. Requires a school board to disseminate its policies to address bullying, including posting the policies on the school administrative unit's publicly accessible website and incorporating details of the policies in the student handbook;

6. Provides that a superintendent or the superintendent's designee is responsible for ensuring that every substantiated incidence of bullying is addressed;

7. Provides that each school administrative unit shall file its policies to address bullying with the Department of Education and requires the Commissioner of Education to create a procedure for reporting incidents of bullying and cyberbullying to the department on at least an annual basis; and

8. Provides that a school administrative unit shall provide professional development and staff training in the best approaches to implementing its policies to address bullying.

Senate Amendment "A" To Committee Amendment "B" (S-598)

This amendment adds a mandate preamble.

Enacted Law Summary

Public Law 2011, chapter 659 requires the Commissioner of Education to develop a model policy on bullying and cyberbullying in accordance with the requirements set forth in the Maine Revised Statutes, Title 20-A, section 6554 by January 1, 2013. The law accomplishes the following.

1. It defines "bullying" to include cyberbullying and establishes a prohibition on bullying to ensure a safe and secure student learning environment in public schools in the State.

2. It provides that when a school board revises the school administrative unit's existing policies and procedures established to address bullying pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, the school board shall adopt a policy that is consistent with the provisions established to prohibit bullying at school or on school grounds, including cyberbullying that takes place at school or elsewhere through the use of technology.

3. It provides that the policy adopted by a school board to address bullying must include the following provisions:

A. The responsibility of the superintendent or the superintendent's designee to implement and enforce the policy;

B. The requirement that school staff members, including persons involved with extracurricular or cocurricular

activities, report incidents of bullying;

C. The procedures for students, school personnel, parents, legal guardians and others to report incidents of bullying;

D. The procedures for promptly investigating and responding to incidents of bullying, including communicating measures to ensure the safety of a targeted student and prevent further acts of bullying;

E. A statement of the disciplinary actions that a person who engages in bullying may be subjected to, including the imposition of a series of graduated consequences that include alternative discipline practices;

F. A procedure, consistent with the school board's other appeals procedures, to appeal the decision of a school principal or superintendent's designee involving disciplinary action taken or not taken against a person who engages in bullying; and

G. A statement that communication with law enforcement officials is permitted if a school principal or superintendent's designee believes that the pursuit of civil action or criminal charges is appropriate.

4. It requires a school board to disseminate its policies to address bullying, including posting the policies on the school administrative unit's publicly accessible website and incorporating details of the policies in the student handbook.

5. It provides that a superintendent or the superintendent's designee is responsible for ensuring that every substantiated incidence of bullying is addressed.

6. It provides that each school administrative unit shall file its policies to address bullying with the Department of Education and requires the Commissioner of Education to create a procedure for reporting incidents of bullying and cyberbullying to the department on at least an annual basis.

7. It provides that a school administrative unit shall provide professional development and staff training in the best approaches to implementing its policies to address bullying.

LD 1316 **An Act To Expand Magnet Schools in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LOVEJOY	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to give school districts across the State authority to create magnet schools, either within their communities or in partnerships with other districts. Magnet schools that are created under this bill will be eligible for state funds under the essential programs and services funding formula.

LD 1422 **An Act To Prepare Maine People for the Future Economy** **PUBLIC 669**

Sponsor(s)	Committee Report	Amendments Adopted
LANGLEY	OTP-AM	S-477
		S-529 LANGLEY

This bill was carried over to from the First Regular Session of the 125th Legislature. The bill:

1. Establishes an education policy, core priorities for the State's education system, education system goals, benchmarks and intervention strategies;

2. Requires the development of a strategic plan to achieve the goals within the policy framework;

3. Requires that the state budget document present proposed expenditures on early childhood development, public education, adult education, higher education and workforce development in a manner that facilitates evaluation by the Legislature of whether funds are being appropriated and allocated in a manner that best accords with the established policy framework, advances the established goals and implements the strategic plan;

4. Requires that the Commissioner of Education adopt rules prescribing a uniform process for kindergarten screening in a manner that facilitates reliable and consistent measurement of statewide kindergarten readiness;

5. Requires school administrative units to award high school diplomas based on standards established by rule; and

6. Requires that, beginning with the class of 2015, students graduating from high schools demonstrate proficiency in the content areas of English language arts, mathematics, science and technology, social studies and health, and physical education and wellness. Beginning with the class of 2018, students graduating from high schools must demonstrate proficiency in the content areas of career and education development; English language arts; world languages; health, physical education and wellness; mathematics; science and technology; social studies; and visual and performing arts.

Committee Amendment "A" (S-477)

This amendment strikes and replaces the bill to establish statutory standards and to direct the Department of Education to develop standards and procedures that enable school administrative units to transition to a standards-based system of education that awards a high school diploma based on a student's demonstrated proficiency in the areas of assessment under state learning standards. The amendment adds a mandate preamble and makes the following changes to the bill.

1. It provides that new high school diploma standards and requirements are applicable to graduations beginning January 1, 2017, and reaffirms that students must have the opportunity to gain proficiency through multiple pathways and to demonstrate their proficiency by presenting multiple types of evidence. It also provides exceptions to the proficiency-based high school diploma requirements for students in certain circumstances, including carrying forward current exceptions to the standards for awarding a high school diploma.

2. It amends the current high school diploma standards to provide that existing requirements are applicable to high school diplomas awarded before January 1, 2017, and that, if a school administrative unit wants to move to awarding a high school diploma using proficiency-based standards before that date, the school unit may apply to the Commissioner of Education to request the authority to do so.

3. It repeals the existing high school diploma standards effective July 1, 2020, in order to authorize the Commissioner of Education to provide a waiver to a school administrative unit that requests an extension of the January 1, 2017, deadline for transitioning to proficiency-based standards for awarding a high school diploma.

4. It permits the Commissioner of Education to waive or alter the application of age-based and grade-based requirements in law, if the alteration is needed to facilitate standards-based education and the commissioner approves a plan to transition to proficiency-based graduation. The commissioner must adopt rules to implement this authority.

5. It provides that a school administrative unit's comprehensive education plan must include a plan for transitioning to proficiency-based standards for awarding a high school diploma by January 1, 2017.

6. It requires the commissioner to provide an annual report by February 1st in 2017, 2018, 2019 and 2020 to the joint standing committee of the Legislature having jurisdiction over education matters on the number of transition plan waivers provided to school units and to post the annual report on the Department of Education's website.

7. It provides that a certified teacher may include training on standards-based education toward the 6-hour recertification requirement.

8. It directs the Department of Education to coordinate the development of tools needed to enable school administrative units to implement a standards-based system of education. It also directs the department to convene a working group to develop standards, assessments and assessment criteria for determining proficiency in the guiding principles as outlined in department rule that are required for secondary school graduation and to provide resources and communication opportunities for educators.

9. It directs the Department of Education to develop a technical assistance plan that includes a timeline with implementation dates for the resources and initiatives the department will provide to enable school administrative units to transition to a standards-based system of education. It requires the department to present the technical assistance plan to the joint standing committee of the Legislature having jurisdiction over education matters for review not later than March 1, 2013, and it authorizes the joint standing committee to introduce a bill to the First Regular Session of the 126th Legislature.

10. It directs the Department of Education to submit a bill to the First Regular Session of the 126th Legislature to address provisions of the Maine Revised Statutes, Title 20-A that unreasonably restrict the ability of school administrative units to advance or graduate students based on demonstrated proficiency in education standards.

Senate Amendment "C" To Committee Amendment "A" (S-529)

This amendment removes the mandate preamble and requires the Department of Education, if funds are available, to make annual grants to school administrative units to fund the costs of transitioning to proficiency-based graduation standards for awarding high school diplomas. The grants are equal to 1/10 of 1% of a school administrative unit's total cost of education. The amendment also extends the date for implementation of the new system by one year for each year in which transition grants are not made or for which levels of general purpose aid for local schools fall below school year 2012-2013 levels.

Enacted Law Summary

Public Law 2011, chapter 669 establishes statutory standards and directs the Department of Education to develop standards and procedures that enable school administrative units to transition to a standards-based system of education that awards a high school diploma based on a student's demonstrated proficiency in the areas of assessment under state learning standards. The law does the following.

1. It provides that new high school diploma standards and requirements are applicable to graduations beginning

January 1, 2017, and reaffirms that students must have the opportunity to gain proficiency through multiple pathways and to demonstrate their proficiency by presenting multiple types of evidence. It also provides exceptions to the proficiency-based high school diploma requirements for students in certain circumstances, including carrying forward current exceptions to the standards for awarding a high school diploma.

2. It amends the current high school diploma standards to provide that existing requirements are applicable to high school diplomas awarded before January 1, 2017, and that, if a school administrative unit wants to move to awarding a high school diploma using proficiency-based standards before that date, the school unit may apply to the Commissioner of Education to request the authority to do so.

3. It repeals the existing high school diploma standards effective July 1, 2020, in order to authorize the Commissioner of Education to provide a waiver to a school administrative unit that requests an extension of the January 1, 2017, deadline for transitioning to proficiency-based standards for awarding a high school diploma.

4. It permits the Commissioner of Education to waive or alter the application of age-based and grade-based requirements in law, if the alteration is needed to facilitate standards-based education and the commissioner approves a plan to transition to proficiency-based graduation. The commissioner must adopt rules to implement this authority.

5. It provides that a school administrative unit's comprehensive education plan must include a plan for transitioning to proficiency-based standards for awarding a high school diploma by January 1, 2017.

6. It requires the commissioner to provide an annual report by February 1st in 2017, 2018, 2019 and 2020 to the joint standing committee of the Legislature having jurisdiction over education matters on the number of transition plan waivers provided to school units and to post the annual report on the Department of Education's website.

7. It provides that a certified teacher may include training on standards-based education toward the 6-hour recertification requirement.

8. It directs the Department of Education to coordinate the development of tools needed to enable school administrative units to implement a standards-based system of education. It also directs the department to convene a working group to develop standards, assessments and assessment criteria for determining proficiency in the guiding principles as outlined in department rule that are required for secondary school graduation and to provide resources and communication opportunities for educators.

9. It directs the Department of Education to develop a technical assistance plan that includes a timeline with implementation dates for the resources and initiatives the department will provide to enable school administrative units to transition to a standards-based system of education. It requires the department to present the technical assistance plan to the joint standing committee of the Legislature having jurisdiction over education matters for review not later than March 1, 2013, and it authorizes the joint standing committee to introduce a bill to the First Regular Session of the 126th Legislature.

10. It directs the Department of Education to submit a bill to the First Regular Session of the 126th Legislature to address provisions of the Maine Revised Statutes, Title 20-A that unreasonably restrict the ability of school administrative units to advance or graduate students based on demonstrated proficiency in education standards.

11. It requires the Department of Education, if funds are available, to make annual grants to school administrative units to fund the costs of transitioning to proficiency-based graduation standards for awarding high school diplomas. The grants are equal to 1/10 of 1% of a school administrative unit's total cost of education. The law also extends the date for implementation of the new system by one year for each year in which transition grants are not made or for which levels of general purpose aid for local schools fall below school year 2012-2013 levels.

LD 1503 **An Act To Promote School Attendance and Increase School Achievement** **PUBLIC 614**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND	OTP-AM	H-756 ESPLING
		S-378

This bill implements the recommendations of the stakeholder group established by the Commissioner of Education pursuant to Public Law 2009, chapter 626. The charge provided to the stakeholder group was to develop methodologies and recommendations relating to increasing high school graduation rates and to address other policy issues pertaining to school expulsion, suspension, zero-tolerance practices and truancy in the State. The bill proposes the following.

1. It requires the Department of Education to obtain more accurate and complete data in calculating high school graduation rates. In addition to calculating the four-year adjusted cohort graduation rate required by the Federal Government, the department is required to collect and record graduation rates for a five-year cohort and a six-year cohort and also use other descriptors of academic success for school-age students on a statewide aggregate basis, including the Department of Education diploma, high school equivalency diploma obtained through adult education and the general equivalency diploma.

2. It changes the law regarding compulsory school age by reducing the age when a child must start school from seven to six years of age and by increasing the age threshold under which a child who has not attained high school graduation or equivalency is expected to attend secondary school from 17 to 20 years of age. The bill also amends the exceptions to the compulsory school age requirements.

3. It amends the truancy laws by striking all references to "habitual" truancy. It changes the provisions for determining truancy and removes the requirement that local law enforcement be notified of a truant student. It describes response to intervention teams for schools and their duties, including assessing situations of student truancy and developing and helping implement intervention plans for truant students.

4. It clarifies provisions pertaining to the qualifications and role of school attendance coordinators and requires superintendents to appoint attendance coordinators. In current law, school attendance coordinators are elected. It establishes that the salary costs of attendance coordinators are eligible for state subsidy under the Essential Programs and Services Funding Act.

5. It directs school boards to review policies and procedures established for the code of conduct and school discipline, including provisions that encourage school boards to focus the code of conduct on positive intervention and expectations rather than unacceptable student behavior and to focus school disciplinary policies on evidence-based positive and restorative interventions rather than set punishments for specific behavior. The bill also requires that schools provide notice to parents or legal guardians of a student's suspension regardless of whether it is an in-school or out-of-school suspension and discourages the use of zero-tolerance practices in school discipline.

6. It establishes due process standards for school expulsion proceedings to inform students and their parents or legal guardians of the procedural steps involved in and of their legal rights prior to, during and following the due process hearing and provide an explanation of the consequences of expulsion.

7. It amends the laws regarding school expulsion to require that all students who have been expelled from school must be provided with a written reentry plan, developed by the superintendent in consultation with the student and

the student's parents or legal guardian, that provides guidance to the expelled student regarding what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

8. It further amends the laws regarding school expulsion to authorize school boards to provide educational services to an expelled student in an alternative setting.

9. The bill also provides for an ongoing appropriation of funds to the Department of Education to disburse to school administrative units that request funding for providing appropriate interventions to students who are at risk of becoming truants or dropouts due to an expulsion from school or who struggle with mental health and substance abuse issues.

Committee Amendment "B" (S-378)

This amendment strikes and replaces the bill to make the following changes.

1. It strikes the definition of "response to intervention team" and all uses of the term from the bill and replaces it with references to a student assistance team or the school personnel designated by the superintendent in accordance with the system of intervention established by the school administrative unit in accordance with the Maine Revised Statutes, Title 20-A, section 4710.

2. It amends the due process standards proposed for school expulsion proceedings by removing the provisions pertaining to a student's right to appeal the decision of the school board to the Superior Court within 30 days.

3. It amends provisions regarding school boards' adopting disciplinary policies required in current law to require that, in revising the prescribed consequences for violation of the student code of conduct pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, paragraph C, a school board consider certain factors in revising the district wide disciplinary policies that are required by current law.

4. It amends the provision that requires a reentry plan to be developed for a student who has been expelled by a school board. The amendment provides that a school board may expel the student for a specific time period not to exceed the total number of instructional days approved by the school board for the current school year or the school board may expel the student and authorize the superintendent to provide the expelled student with a reentry plan that does not specify the length of the expulsion, but instead specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion. The amendment provides that, in addition to the requirements retained from the bill, if a school board authorizes the superintendent to provide the expelled student with a reentry plan, the school board shall provide that:

A. The reentry plan may require the expelled student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school;

B. The expelled student's parents are responsible for the cost of any professional services necessary to establish the student's readiness to return to school under the reentry plan, except for the costs of a child with a disability that is, or is subsequently determined to be, eligible for a free and appropriate public education in accordance with 34 Code of Federal Regulations, Sections 300.530, Paragraph (d) and 300.534, Paragraph (d); and

C. For a child with a disability who is expelled by a school board, the superintendent may, as appropriate, notify the student's individualized education program team.

5. It strikes the provision that requires a school board to use suspensions and expulsions only as a last resort when taking disciplinary action against a student who has violated the school administrative unit's student code of conduct.

6. It amends the changes to the compulsory school attendance statutes by reducing the age threshold under which a child who has not attained high school graduation or equivalency is expected to attend secondary school from 20

years of age, as in the bill, to 18 years of age. The amendment also makes technical changes to align the changes to the age requirements with the exceptions to the compulsory school attendance requirements.

7. It amends the changes to exceptions to the compulsory attendance statutes by clarifying that a student may be excused from compulsory school attendance when each of the requirements under Title 20-A, section 5001-A, subsection 2, paragraph B are met. The amendment also retains the exception to the compulsory attendance statutes that provides that one of the requirements that must be met for an exception is that the person has been approved by the principal for a suitable program of work and study or training.

8. It strikes the proposed changes to the truancy laws that would have counted excused absences, as well as unexcused absences, towards the number of days of absences that would determine when a student is truant.

9. It strikes procedural provisions proposed in the bill and makes technical changes to clarify the role of superintendents, principals, attendance coordinators and the student assistance team or other systems of intervention established by the school administrative unit pertaining to assessing situations of student truancy and developing and implementing intervention plans for truant students.

10. It strikes the provisions in the bill pertaining to the qualifications of school attendance coordinators and the provisions that propose to establish that the salary costs of attendance coordinators are eligible for state subsidy under the Essential Programs and Services Funding Act.

House Amendment "B" To Committee Amendment "B" (H-756)

This amendment removes the provisions that change the ages and exceptions for compulsory school attendance. It also makes a change in the provisions governing truancy to conform to the removal of the provision that changes the age for compulsory school attendance.

Enacted Law Summary

Public Law 2011, chapter 614 adopts changes to the education statutes that are intended to increase high school graduation rates and to address other policy issues pertaining to school expulsion, suspension, zero-tolerance practices and truancy in the State. The law makes the following changes to the education statutes.

1. It requires the Department of Education to obtain more accurate and complete data in calculating high school graduation rates. In addition to calculating the four-year adjusted cohort graduation rate required by the Federal Government, the department is required to collect and record graduation rates for a five-year cohort and a six-year cohort and also use other descriptors of academic success for school-age students on a statewide aggregate basis, including the Department of Education diploma, high school equivalency diploma obtained through adult education and the general equivalency diploma.

2. It amends the truancy laws by striking all references to "habitual" truancy. It changes the provisions for determining truancy and removes the requirement that local law enforcement be notified of a truant student.

3. It clarifies the duties of student assistance teams or the school personnel designated by the superintendent in accordance with the intervention system established by the school administrative unit in accordance with current law, including assessing situations of student truancy and developing and helping implement intervention plans for truant students.

4. It clarifies provisions pertaining to the qualifications and role of school attendance coordinators and requires superintendents to appoint attendance coordinators.

5. It provides that when a school board revises existing provisions regarding prescribed consequences for violation of the student code of conduct, the school board shall consider district wide disciplinary policies that

focus the code of conduct on positive intervention and expectations rather than unacceptable student behavior and that focus school disciplinary policies on evidence-based positive and restorative interventions rather than set punishments for specific behavior. It also discourages the use of zero-tolerance practices in school discipline.

6. It establishes due process standards for school expulsion proceedings to inform students and their parents or legal guardians of the procedural steps involved in and of their legal rights prior to, during and following the due process hearing and provide an explanation of the consequences of expulsion.

7. It amends the laws regarding school expulsion to provide that a school board may expel a student for a specific time period not to exceed the total number of instructional days approved by the school board for the current school year or the school board may expel the student and authorize the superintendent to provide the expelled student with a written reentry plan that does not specify the length of the expulsion, but instead specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion.

8. It also provides that, if a school board authorizes the superintendent to provide the expelled student with a written reentry plan, the school board shall provide that:

A. The reentry plan is developed by the superintendent, in consultation with the student and the student's parents or legal guardian;

B. The reentry plan must provide guidance to the expelled student regarding what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur;

C. The reentry plan may require the expelled student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school;

D. The expelled student's parents are responsible for the cost of any professional services necessary to establish the student's readiness to return to school under the reentry plan, except for the costs of a child with a disability that is, or is subsequently determined to be, eligible for a free and appropriate public education in accordance with 34 Code of Federal Regulations, Sections 300.530, Paragraph (d) and 300.534, Paragraph (d); and

E. For a child with a disability who is expelled by a school board, the superintendent may, as appropriate, notify the student's individualized education program team.

9. It further amends the laws regarding school expulsion to authorize school boards to provide educational services to an expelled student in an alternative setting.

LD 1592 **An Act To Update the Laws Concerning the Maine School of Science and Mathematics** **PUBLIC 473**

Sponsor(s)	Committee Report	Amendments Adopted
AYOTTE JACKSON	OTP	

This bill updates the laws concerning the Maine School of Science and Mathematics to change the designation of the school from a chartered school to a magnet school and changes the title of "superintendent" of the school to "executive director" to avoid confusion with other statutory terms.

Enacted Law Summary

Public Law 2011, chapter 473 updates the laws concerning the Maine School of Science and Mathematics to change the designation of the school from a chartered school to a magnet school and changes the title of "superintendent" of the school to "executive director" to avoid confusion with other statutory terms.

LD 1601 **Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans** **RESOLVE 119 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
FREDETTE	OTP-AM	H-686

This resolve, which is an emergency, amends Resolve 2011, chapter 102, which established the Task Force on Franco-Americans. The resolve extends the time during which appointments may be made for the task force and authorizes the task force to hold 4 meetings. The resolve also provides that the task force chairs may call and convene the first meeting of the task force during the Second Regular Session or any subsequent special session of the 125th Legislature. It also directs the Franco-American Center at the University of Maine to provide necessary staffing services to the task force when the Legislature is in regular or special session. The resolve also adds a retroactivity clause.

Committee Amendment "A" (H-686)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2011, chapter 119 amends Resolve 2011, chapter 102, which established the Task Force on Franco-Americans. The resolve extends the time during which appointments may be made for the task force and authorizes the task force to hold 4 meetings. The resolve also provides that the task force chairs may call and convene the first meeting of the task force during the Second Regular Session or any subsequent special session of the 125th Legislature. It also directs the Franco-American Center at the University of Maine to provide necessary staffing services to the task force when the Legislature is in regular or special session. The resolve also adds a retroactivity clause.

Resolve 2011, chapter 119 was finally passed as an emergency measure effective March 7, 2012.

LD 1645 **An Act To Require the Maine Community College System, the University of Maine System and the Maine Maritime Academy To Report the Number of Students Enrolled in Remedial Courses** **PUBLIC 615**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND	OTP-AM MAJ OTP-AM MIN	S-475

This bill requires the Maine Community College System, the University of Maine System and the Maine Maritime Academy to report annually on the number of traditional students who attended high school in the State and who are enrolled in remedial courses at each campus within their respective systems.

Committee Amendment "A" (S-475)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment makes the following changes to the bill.

1. It limits the compilation of information to remedial courses in English language arts and mathematics.

2. To ensure that personally identifiable information that would make a student's identity easily traceable is not disclosed, it prohibits an institution of higher education from reporting disaggregated data for students enrolled in remedial courses when there are 5 or fewer traditional students who received high school diplomas from the same secondary school and who are enrolled in the same remedial course at the same campus.

3. It eliminates the provision in the bill that requires the institutions of higher education to report information on students enrolled in remedial courses to school boards and superintendents of school administrative units whose high school graduates are enrolled in remedial courses.

4. It adds a repeal provision to provide that the compilation and reporting requirements related to remedial education are repealed July 1, 2016, unless the United States Congress enacts a law by this date that requires the compilation and reporting of substantially the same data required by this legislation by public higher education institutions.

Enacted Law Summary

Public Law 2011, chapter 615 requires the Maine Community College System, the University of Maine System and the Maine Maritime Academy to report annually on the number of traditional students who attended high school in the State and who are enrolled in remedial courses in English language arts and mathematics at each campus within their respective systems. To ensure that personally identifiable information that would make a student's identity easily traceable is not disclosed, the law prohibits an institution of higher education from reporting disaggregated data for students enrolled in remedial courses when there are 5 or fewer traditional students who received high school diplomas from the same secondary school and who are enrolled in the same remedial course at the same campus.

The law also provides that the compilation and reporting requirements related to remedial education are repealed July 1, 2016, unless the United States Congress enacts a law by this date that requires the compilation and reporting of substantially the same data required by this legislation by public higher education institutions.

LD 1668 **An Act To Improve the Regional School Unit Budget Approval and Validation Process** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

This bill changes the form of the question for a regional school unit budget validation referendum. It also provides that if a budget for the operation of a regional school unit is not approved prior to July 1st, the latest budget approved at a budget validation referendum is automatically considered the budget for operational expenses for the ensuing year until a final budget is approved.

LD 1696 **An Act To Modify the Alternative Organizational Structure Budget Approval Process** **PUBLIC 485**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS DC MASON	OTP	

This bill allows the budget of an alternative organizational structure formed pursuant to the laws governing the consolidation of school administrative units to be approved by the governing body of the alternative organizational structure rather than at a meeting of the voters of all of the member entities of the alternative organizational structure if such a budget approval process is approved by the governing body of the alternative organizational structure and at a referendum by the voters of all of the member entities of the alternative organizational structure.

Enacted Law Summary

Public Law 2011, chapter 485 allows the budget of an alternative organizational structure formed pursuant to the laws governing the consolidation of school administrative units to be approved by the governing body of the alternative organizational structure rather than at a meeting of the voters of all of the member entities of the alternative organizational structure if such a budget approval process is approved by the governing body of the alternative organizational structure and at a referendum by the voters of all of the member entities of the alternative organizational structure.

LD 1723 **Resolve, Regarding Legislative Review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education** **RESOLVE 122 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a major substantive rule of the Department of Education.

Enacted Law Summary

Resolve 2011, chapter 122 authorizes the final adoption of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a major substantive rule of the Department of Education.

Resolve 2011, chapter 122 was finally passed as an emergency measure effective March 8, 2012.

LD 1724 **Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education** **RESOLVE 134 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-749

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-749)

This amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule. The amendment also provides that final adoption of certain sections and the appendix of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, that were submitted to the Legislature for review in LD 1782 to ensure that the Chapter 101 rule complies with changes in federal regulations pertaining to the Part C provisions of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, is authorized.

Enacted Law Summary

Resolve 2011, chapter 134 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department making specified changes to the proposed rule. The law also provides that final adoption of certain sections and the appendix of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, that were submitted to the Legislature for review in LD 1782 to ensure that the Chapter 101 rule complies with changes in federal regulations pertaining to the Part C provisions of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, is authorized.

Resolve 2011, chapter 134 was finally passed as an emergency measure effective March 20, 2012.

LD 1742 **An Act To Amend Education Laws** **PUBLIC 678**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON D	OTP-AM MAJ OTP-AM MIN	H-757 S-602 ROSEN R

This bill, submitted by the Department of Education, amends and clarifies certain education statutes.

Part A amends and clarifies audit requirements in order for the State and school administrative units to be in compliance with federal regulations. Part A also enacts statutory language requiring the audit of state-funded school construction projects and repeals language that is no longer necessary.

Part B requires that the regional school unit budget meeting occur within 30 days after the failure of the budget validation referendum.

Part C repeals the Maine Revised Statutes, Title 20-A, chapter 109, which establishes the union school governance structure, and fixes cross-references to that chapter. There are no longer any school administrative units using this governance structure. It also repeals statutory language that applies to school construction projects approved prior to July 1, 1985 and clarifies statutory language that applies to current school construction projects.

Part D revises school construction language to be in compliance with the current funding requirements.

Part E clarifies the treatment of foreign exchange students and students who do not reside in the State for the purposes of counting students for state subsidy.

Part F repeals the addition of targeted funds to the elementary tuition rate for students who are residents of the unorganized territory to be consistent with the repeal of the addition of targeted funds to the secondary tuition rate by Public Law 2009, chapter 213.

Part G refines state requirements for summer school tuition rates for the first year of operation.

Part H reinstates the statutory requirement for school administrative units to operate education programs for gifted and talented students. It repeals outdated language related to funding and clarifies that approved gifted and talented education program costs are subsidizable costs under the Essential Programs and Services Funding Act.

Part I corrects a reference in the Maine Revised Statutes, Title 20-A, section 7001, subsection 2-C from Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414(d)(1)(B) to Part B.

Committee Amendment "A" (H-757)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment makes the following changes to the bill.

1. It provides that the required annual audit of school administrative units must include a determination of whether the school administrative unit has complied with unexpended balances requirements established under the Maine Revised Statutes, Title 20-A, section 15004.

2. It requires that the regional school unit budget meeting occur within 45 days after the failure of a budget validation referendum. The bill requires that the regional school unit budget meeting must occur within a 30-day time period.

3. It includes a definition of "foreign exchange student," with reference to federal laws and regulations, in the laws governing who is eligible to be counted as a resident student for state subsidy purposes.

4. It provides that a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year may apply to the Commissioner of Education for a one-year waiver if full implementation of the requirement presents an undue burden.

5. It provides that the rules amended or adopted by the Department of Education must establish the provisions applicable to the Commissioner of Education's authority to grant a one-year waiver to a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year. The rules must also address the commissioner's authority to review additional extension requests on an annual basis.

6. It amends the requirement in current law that provides that a municipality may withdraw from a regional school

unit only after a 2/3 vote approves a withdrawal agreement that is placed before the voters of the municipality in a municipal election. The amendment:

A. Provides that a municipality may withdraw from a regional school unit only after the withdrawal agreement is approved by a majority vote of those casting valid votes in the municipality and the total number of votes cast for and against the withdrawal agreement equals or exceeds 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election. These requirements are repealed January 1, 2015, at which time the 2/3 vote requirement will be reinstated; and

B. Provides an exception for a member municipality of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12 by continuing to require a 2/3 vote of those casting valid votes in the municipality before the member municipality of the reformulated school administrative district may withdraw from the regional school unit. This requirement is repealed January 1, 2015.

7. It amends the supermajority vote needed to close a school within a regional school unit by providing that a school may not be closed for lack of need unless closure of the school is approved by an affirmative vote of 2/3 of the elected membership or voting power of those serving on the regional school unit board of directors at the time of the vote.

Senate Amendment "A" To Committee Amendment "A" (S-602)

This amendment adds a mandate preamble.

Enacted Law Summary

Public Law 2011, chapter 678 amends and clarifies certain education statutes. The law does the following.

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment makes the following changes to the bill.

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment makes the following changes to the bill.

1. It provides that the required annual audit of school administrative units must include a determination of whether the school administrative unit has complied with unexpended balances requirements established under the Maine Revised Statutes, Title 20-A, section 15004.

2. It requires that the regional school unit budget meeting occur within 45 days after the failure of a budget validation referendum. The bill requires that the regional school unit budget meeting must occur within a 30-day time period.

3. It includes a definition of "foreign exchange student," with reference to federal laws and regulations, in the laws governing who is eligible to be counted as a resident student for state subsidy purposes.

4. It provides that a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year may apply to the Commissioner of Education for a one-year waiver if full implementation of the requirement presents an undue burden.

5. It provides that the rules amended or adopted by the Department of Education must establish the provisions applicable to the Commissioner of Education's authority to grant a one-year waiver to a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year. The rules must also address the commissioner's authority to review additional extension requests on an annual basis.

6. It amends the requirement in current law that provides that a municipality may withdraw from a regional school unit only after a 2/3 vote approves a withdrawal agreement that is placed before the voters of the municipality in a municipal election. The amendment:

   A. Provides that a municipality may withdraw from a regional school unit only after the withdrawal agreement is approved by a majority vote of those casting valid votes in the municipality and the total number of votes cast for and against the withdrawal agreement equals or exceeds 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election. These requirements are repealed January 1, 2015, at which time the 2/3 vote requirement will be reinstated; and

   B. Provides an exception for a member municipality of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12 by continuing to require a 2/3 vote of those casting valid votes in the municipality before the member municipality of the reformulated school administrative district may withdraw from the regional school unit. This requirement is repealed January 1, 2015.

7. It amends the supermajority vote needed to close a school within a regional school unit by providing that a school may not be closed for lack of need unless closure of the school is approved by an affirmative vote of 2/3 of the elected membership or voting power of those serving on the regional school unit board of directors at the time of the vote.

LD 1762 **An Act To Amend and Clarify the Public Charter School Law** **PUBLIC 570**

Sponsor(s)	Committee Report	Amendments Adopted
MASON	OTP-AM MAJ ONTP MIN	S-422 S-451 LANGLEY

This bill amends the law authorizing creation of public charter schools. The bill makes the following changes with regard to authorizers of public charter schools. It allows the Commissioner of Education to suspend an authorizer's authority to enter into new charter contracts if the commissioner finds the authorizer is deficient in performing its functions. It clarifies the functioning of local school boards that join together to form a regional charter school. It clarifies membership and operations of the State Charter School Commission, including specifying members who are appointed because of their membership on the State Board of Education continue to serve on the commission only as long as they are members of the State Board of Education. It provides the transitional 10-school limit on public charter schools in current law applies only to schools approved by the commission. It requires a public charter school authorizer to give a public charter school written notice of deficiencies in the school and to provide written notice of the authorizer's charter revocation procedures and criteria.

The bill makes the following changes with regard to public charter schools. It provides governing boards of public charter schools are subject to the same conflict of interest provisions as noncharter public school boards. It clarifies when public charter schools take over responsibility for special education services for a student transferring from a noncharter public school and clarifies special education funding. The bill changes the law regarding payment of special education funds to a public charter school authorized by a local school board by requiring the payments be made to the local school board, not to the public charter school. The bill ensures a public charter school student has the same access to career and technical education programs as students in the noncharter public school in the student's resident school administrative unit.

Under current laws, if a school administrative unit fails to make payment to a public charter school, the Treasurer of

State is directed to withhold payments to that school administrative unit. This bill provides the Treasurer of State may withhold those funds from the municipalities that are members of the school administrative unit. Finally, the bill provides public charter schools have access to high-risk pools and emergency funds operated by the State or by the school's authorizer, but do not have access to local high-risk or emergency funds.

Committee Amendment "A" (S-422)

The amendment does the following.

1. It changes the name of the charter school commission from "State Charter School Commission" to "Maine Charter School Commission" and allows reimbursement to commission members for all expenses.

2. It defines "catchment area" as the geographic area from which a public charter school expects to draw a majority of its students.

3. It adds a provision regarding catchment areas to the criteria a proposed public charter school's plan of organization must meet and clarifies a catchment area may not be designed to exclude areas with high rates of poverty, English language learners, at-risk students or students with disabilities.

4. It clarifies that the term of a member of the commission who is not a member of the State Board of Education ends on June 30th of the final year of the member's term and that grounds for removing a member of the commission must be specified in the commission rules.

5. It provides beginning June 30, 2014, commission rules are major substantive rules.

6. It removes authority for teachers at a public charter school to form a professional group that operates an instructional program under an agreement with the public charter school.

7. It adds detailed requirements for the auditing of public charter schools.

8. It specifies the reimbursement procedures for high-cost in-district special education placement, high-cost out-of-district special education placement and gifted and talented students served by a public charter school.

9. It removes a provision regarding access to risk pools for high-cost special education services and fiscal emergencies.

Senate Amendment "A" To Committee Amendment "A" (S-451)

This amendment alters the committee amendment to remove the emergency preamble and emergency clause from the legislation.

Enacted Law Summary

Public Law 2011, chapter 570 amends the law authorizing creation of public charter schools. It allows the Commissioner of Education to suspend an authorizer's authority to enter into new charter contracts if the commissioner finds the authorizer is deficient in performing its functions. It clarifies the functioning of local school boards that join together to form a regional charter school. It clarifies membership and operations of the Maine Charter School Commission, including specifying that members who are appointed because of their membership on the State Board of Education continue to serve on the commission only as long as they are members of the State Board of Education and further specifies that the terms of members who are not on the State Board of Education end on June 30th of the final year of the member's term. It clarifies Maine Charter School Commission rules are major substantive beginning June 30, 2014. It provides the transitional 10-school limit on public charter schools in current law applies only to schools approved by the commission. It requires a public charter school authorizer to give a public charter school written notice of deficiencies in the school and to provide written notice of the authorizer's charter revocation procedures and criteria.

The law provides governing boards of public charter schools are subject to the same conflict of interest provisions as noncharter public school boards. It clarifies when public charter schools take over responsibility for special education services for a student transferring from a noncharter public school and clarifies special education funding. It changes the law regarding payment of special education funds to a public charter school authorized by a local school board by requiring the payments be made to the local school board, not to the public charter school. It ensures a public charter school student has the same access to career and technical education programs as students in the noncharter public school in the student's resident school administrative unit.

The law provides the Treasurer of State may withhold funds from the municipalities that are members of the school administrative unit. It removes authority for teachers at a public charter school to form a professional group that operates an instructional program under an agreement with a public charter school. It adds detailed requirements for auditing public charter schools. It specifies the reimbursement procedures for high-cost in-district special education placement, high-cost out-of-district special education placement and gifted and talented students served by a public charter school.

LD 1766 **Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education** **RESOLVE 135 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ OTP-AM MIN	

This resolve provides for legislative review of portions of Chapter 61: Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education and the State Board of Education.

Enacted Law Summary

Resolve 2011, chapter 135 provides that final adoption of portions of Chapter 61: Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education and the State Board of Education, is authorized.

Resolve 2011, chapter 135 was finally passed as an emergency measure effective March 29, 2012.

LD 1767 **An Act To Authorize the Commissioner of Education To Allow Access to Criminal History Record Information to Entities Providing Document Management and To Remove Applicants' Fingerprints from the Fingerprint File** **PUBLIC 521**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON D	OTP-AM	H-730

This bill authorizes the Commissioner of Education to allow access to criminal history record information to entities providing document management to the Department of Education. It authorizes the Commissioner of Education to remove electronic and physical fingerprint records in the fingerprint file maintained by the Department of Public Safety, State Bureau of Identification when the applicant for a department credential has not had an active credential for a period of 5 years.

Committee Amendment "A" (H-730)

This amendment authorizes the Commissioner of Education to remove electronic and physical fingerprint records in the fingerprint file maintained by the Department of Public Safety, State Bureau of Identification when the applicant for a department credential has not had an active credential for a period of 7 years.

Enacted Law Summary

Public Law 2011, chapter 521 authorizes the Commissioner of Education to allow access to criminal history record information to entities providing document management to the Department of Education. The law also authorizes the Commissioner of Education to remove electronic and physical fingerprint records in the fingerprint file maintained by the Department of Public Safety, State Bureau of Identification when the applicant for a department credential has not had an active credential for a period of 7 years.

LD 1770 **An Act To Encourage Parental Involvement in Education** **PUBLIC 571**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND	OTP-AM	S-448

This bill requires school administrative units and public charter schools, in consultation with parents, teachers and administrators, to develop a parental involvement plan that promotes student achievement. Each school board and governing board is required to annually approve a parental involvement plan for the school administrative unit and the public charter school and to submit the plan to the Commissioner of Education. The bill also requires the Commissioner of Education to post on the Department of Education's publicly accessible website the names of all schools and public charter schools that do not develop a parental involvement plan.

Committee Amendment "A" (S-448)

This amendment strikes and replaces the bill. It directs the Commissioner of Education, in collaboration with school boards, school administrators, teachers, parents, students and other community members, to review parental involvement initiatives developed in this State and other jurisdictions that promote improvement in student learning and academic achievement. The commissioner is required to select exemplary parental involvement initiatives and post information on the selected initiatives on the Department of Education's publicly accessible website. The commissioner is also required to disseminate information in writing to school administrative units on the exemplary parental involvement initiatives posted on the department's publicly accessible website no later than December 31, 2012, and to strongly encourage school boards to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy. The amendment provides that, beginning with the 2013-2014 school year, a school administrative unit that adopts a parental involvement initiative may submit a copy of that initiative to the department, which the commissioner is required to post on the department's publicly accessible website along with links to the publicly accessible websites of those school administrative units that have adopted districtwide parental involvement initiatives as school board policy.

Enacted Law Summary

Public Law 2011, chapter 571 directs the Commissioner of Education, in collaboration with school boards, school administrators, teachers, parents, students and other community members, to review parental involvement initiatives developed in this State and other jurisdictions that promote improvement in student learning and academic achievement. The commissioner is required to select exemplary parental involvement initiatives and post information on the selected initiatives on the Department of Education's publicly accessible website. The commissioner is also required to disseminate information in writing to school administrative units on the exemplary

parental involvement initiatives posted on the department's publicly accessible website no later than December 31, 2012, and to strongly encourage school boards to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy. The law also provides that, beginning with the 2013-2014 school year, a school administrative unit that adopts a parental involvement initiative may submit a copy of that initiative to the department, which the commissioner is required to post on the department's publicly accessible website along with links to the publicly accessible websites of those school administrative units that have adopted districtwide parental involvement initiatives as school board policy.

LD 1772 **An Act To Enforce Prompt Payment to Career and Technical Education Regions** **PUBLIC 489**

Sponsor(s)	Committee Report	Amendments Adopted
GIFFORD	OTP	

The purpose of this bill is to enforce prompt payment from school administrative units to career and technical education regions. This bill establishes a process, similar to the process established in statute for school administrative unit assessments and regional school unit assessments, that authorizes the imposition of interest on unpaid installments of the amounts owed by school administrative units for their shares of the applicable career and technical education region assessment.

Enacted Law Summary

Public Law 2011, chapter 489 establishes provisions to enforce prompt payment from school administrative units to career and technical education regions. The law establishes a process to notify school administrative units of the failure to provide payment to a career and technical education region and authorizes the imposition of interest on unpaid installments of the amounts owed by school administrative units for their shares of the applicable career and technical education region assessment.

LD 1775 **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education** **RESOLVE 125 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-713

This resolve provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a major substantive rule of the Department of Education and the State Board of Education.

Committee Amendment "A" (H-713)

This amendment conditionally authorizes a major substantive rule of the Department of Education and the State Board of Education, Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II. The Department of Education and the State Board of Education are directed to amend the rule to clarify that in order to meet Certificate Eligibility Pathway 4, all 4 requirements need to be met.

Enacted Law Summary

Resolve 2011, chapter 125 provides final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a major substantive rule of the Department of Education and the State Board of Education, is authorized contingent upon the Department of Education amending the proposed rule to clarify Certificate Eligibility Pathway 4.

Resolve 2011, chapter 125 was finally passed as an emergency measure effective March 14, 2012.

LD 1779 **An Act To Update the Career and Technical Education Laws** **PUBLIC 679**

Sponsor(s)	Committee Report	Amendments Adopted
LANGLEY	OTP-AM	S-416
		S-604 ROSEN R

This bill provides an update in language for the career and technical education laws to reflect current terminology, including changing all statutory references to "vocational" education to "career and technical" education. It requires all career and technical education programs to be based on national industry standards, or state-level standards if national industry standards are not available or applicable. This bill also clarifies references to school units other than those school units composed of single towns in an effort to reduce confusion resulting from school reorganization.

Committee Amendment "A" (S-416)

This amendment does the following.

1. It removes the emergency preamble and emergency clause.

2. It defines "articulation agreement" in the Maine Revised Statutes, Title 20-A, chapter 313. The definition is based on federal regulations under the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270.

3. It requires career and technical education programs to provide learning pathways, including those set forth in articulation agreements with postsecondary institutions, and provides that an existing approved career and technical education program does not need to go through the entire approval process again, but only needs to certify to the Commissioner of Education that the program, as adopted, is designed to enable a student to meet industry standards. It also changes the effective date of this requirement from July 1, 2012 to July 1, 2013.

4. It reinstates the local approval requirement for reorganization of career and technical education centers or regions.

5. It clarifies that a career and technical education center is not only operated in certain municipalities but must serve its affiliated units.

6. It strikes a provision relating to the late payments of assessments by member units of a career and technical education region.

Senate Amendment "A" To Committee Amendment "A" (S-604)

This amendment adds a mandate preamble. This amendment also makes a technical change to incorporate language that was enacted in Public Law 2011, chapter 570, section 19 to prevent a conflict.

Enacted Law Summary

Public Law 2011, chapter 679 updates the career and technical education statutes to reflect current terminology, including changing all statutory references to "vocational" education to "career and technical" education. The law makes the following changes.

1. It requires all career and technical education programs to be based on national industry standards, or state-level standards if national industry standards are not available or applicable.

2. It clarifies references to school units other than those school units composed of single towns in an effort to reduce confusion resulting from school reorganization.

3. It establishes a definition for "articulation agreement" in that is based on federal regulations under the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270.

4. It requires career and technical education programs to provide learning pathways, including those set forth in articulation agreements with postsecondary institutions, no later than July 1, 2013. It also provides that an existing approved career and technical education program does not need to go through the entire approval process again, but only needs to certify to the Commissioner of Education that the program, as adopted, is designed to enable a student to meet industry standards.

5. It reinstates the local approval requirement for reorganization of career and technical education centers or regions.

LD 1780 **An Act To Enhance Career Pathways for Adult Learners** **PUBLIC 517**

Sponsor(s)	Committee Report	Amendments Adopted
LANGLEY	OTP-AM	S-410

This bill revises the definition of "adult education" by describing what services must be offered in order to receive state subsidy. It establishes career pathways services as part of adult education, removes provisions concerning adult career and technical education classes that are outside the scope of adult education funding and removes obsolete provisions regarding adult education subsidy reimbursement. The bill also confirms the State's commitment to serving adult learners with disabilities under the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973 and the federal Americans with Disabilities Act of 1990.

Committee Amendment "A" (S-410)

The bill repeals the requirement that state reimbursement for expenditures on adult education programs must be based on actual costs. This amendment retains that provision of law, but removes outdated statutory exceptions for fiscal years 1991-92, 1992-93, 1995-96 and 1996-97.

Enacted Law Summary

Public Law 2011, chapter 517 revises the definition of "adult education" by describing what services must be offered in order to receive state subsidy. The law establishes career pathways services as part of adult education, removes provisions concerning adult career and technical education classes that are outside the scope of adult education funding and removes obsolete provisions regarding adult education subsidy reimbursement. This law also confirms the State's commitment to serving adult learners with disabilities under the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973 and the federal Americans with Disabilities

Act of 1990.

LD 1781 **An Act To Restructure the National Board Certification Program for Teachers** **PUBLIC 702**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND	OTP-AM	S-488
		S-610 ROSEN R

This bill restructures the incentive established for teachers who attain certification from the National Board for Professional Teaching Standards. The bill provides, beginning with the 2012-2013 school year, the payment of the $3,000 annual salary supplement awarded to national board-certified teachers must be provided with funds from the Department of Education and the state subsidy allocated to the school administrative unit that employs the teacher. The bill also establishes an incentive to encourage teachers to apply for national board certification. The bill provides, beginning with school year 2012-2013, up to 10% of the per-pupil amount for professional development allocated to a school administrative unit must be awarded to provide payment of the application fees for teachers employed by the school administrative unit who apply for national board certification during the year of allocation. If a school administrative unit fails to use the full 10% of the per-pupil amount to pay for application fees, the Commissioner of Education may withhold from the next year's allocation the unused amount.

Committee Amendment "A" (S-488)

This amendment restructures the salary supplement incentive established for teachers who attain certification from the National Board for Professional Teaching Standards. The amendment provides, in fiscal year 2012-13, a salary supplement of $2,500 must be awarded to national board certified teachers; in fiscal year 2013-14, a salary supplement of $2,750 is awarded to national board certified teachers; and in fiscal year 2014-15 and succeeding years, a salary supplement of $3,000 is awarded to national board certified teachers. The amendment establishes, beginning in fiscal year 2012-13, the National Board Certification Salary Supplement Fund. The salary supplement must be funded through fees collected by the Department of Education for teacher recertification. The amendment also establishes an incentive to encourage teachers with at least 3 years of experience who agree to mentor another teacher through the national board certification process to apply for national board certification. The amendment provides, beginning with fiscal year 2012-13, the department must establish a nonlapsing scholarship fund to encourage teachers to apply to and enroll in the certificate program of the National Board for Professional Teaching Standards. The amendment also removes a reference to the national board certification salary supplement in the Maine Revised Statutes, Title 20-A, section 15689-A. The amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-610)

This amendment restores and amends a reference to the national board certification salary supplement in the Maine Revised Statutes, Title 20-A, section 15689-A. It also adds a new appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 702 restructures the salary supplement incentive established for teachers who attain certification from the National Board for Professional Teaching Standards. It provides that, in fiscal year 2012-13, a salary supplement of $2,500 must be awarded to national board-certified teachers; in fiscal year 2013-14, a salary supplement of $2,750 is awarded to national board-certified teachers; and in fiscal year 2014-15 and succeeding years, a salary supplement of $3,000 is awarded to national board-certified teachers. Public Law 2011, chapter 702 establishes, beginning in fiscal year 2012-13, the National Board Certification Salary Supplement Fund. The salary supplement must be funded through a portion of teacher certification fees

collected by the Department of Education. The law also establishes an incentive to encourage teachers with at least 3 years of experience who agree to mentor another teacher through the national board certification process to apply for national board certification. The law provides that, beginning with fiscal year 2012-13, the department must establish a nonlapsing scholarship fund to encourage teachers to apply to and enroll in the certification program of the National Board for Professional Teaching Standards. The law includes an appropriations and allocations section.

Public Law 2011, chapter 702 became law as a result of the Legislature's vote to override the Governor's veto.

LD 1782 **Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, Including Certain Sections and the Appendix, a Major Substantive Rule of the Department of Education** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, Including Certain Sections and the Appendix, a major substantive rule of the Department of Education.

While this resolve was not enacted, portions of these provisionally adopted rules were addressed in LD 1724, which was finally passed as Resolve 2011, chapter 134.

LD 1783 **Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education** **RESOLVE 136**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-759 S-459 LANGLEY

This resolve provides for legislative review of Chapter 140: Public Charter Schools, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-759)

This amendment addresses technical and substantive changes to the proposed major substantive rule Chapter 140: Public Charter Schools in the areas of application, procedures for conversion and enrollment, transfer of records and funding.

Senate Amendment "A" (S-459)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2011, chapter 136 provides final adoption of Chapter 140: Public Charter Schools, a Major Substantive

Rule of the Department of Education, is authorized contingent upon the Department of Education amending the proposed rule:

1. By changing the name of the application form to reflect it is a student information form;

2. By clarifying public charter schools have to transfer student records to public noncharter schools in a timely manner;

3. By clarifying when a public noncharter school that is the only public school option for students in the school administrative unit chooses to convert to a public school, town approval is determined by referendum;

4. By clarifying when the department is determining the 5% or 10% enrollment limits, it excludes from the base enrollment previously enrolled students in the public charter school;

5. By conforming transportation funding and gifted and talented funding descriptions to reflect changes in the law; and

6. By adding a plan for the provision of special education services to the charter school application process.

LD 1788 **Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank**

RESOLVE 137
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ OTP-AM MIN	H-741 S-436 LANGLEY

This resolve provides for legislative review of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education and the Maine Municipal Bond Bank.

Committee Amendment "A" (H-741)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank, is authorized contingent upon the department and the bank making 2 specified changes to the proposed rule.

Senate Amendment "A" To Committee Amendment "A" (S-436)

This amendment removes language that requires the rule governing the School Revolving Renovation Fund to be amended by restoring the priority list categories for funding renovation projects. It provides that the rule be amended by adding language that provides that approved projects must be funded based on the availability of funds and in priority order from priority one to priority five. The Commissioner of Education may approve funding for renovation projects as an exception to the priority one to priority five funding rule if category-specific funds become available from sources other than principal and interest received from the repayment of loans made from the fund, interest earned from the investment of fund balances and funds from school construction audit recoveries.

Enacted Law Summary

Resolve 2011, chapter 137 provides that final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education and the Maine Municipal Bond Bank, is authorized contingent upon the department and the bank making the following changes to the proposed rule:

1. Adds language to provide that approved renovation projects must be funded based on the availability of funds and in priority order from priority one to priority five; and

2. Adds language to provide that the Commissioner of Education may approve funding for renovation projects as an exception to the priority one to priority five funding rule if category-specific funds become available from sources other than principal and interest received from the repayment of loans made from the fund, interest earned from the investment of fund balances and funds from school construction audit recoveries.

Resolve 2011, chapter 137 was finally passed as an emergency measure effective March 29, 2012.

LD 1838 **Resolve, Regarding Legislative Review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education**

RESOLVE 146
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-820

This resolve provides for legislative review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-820)

This amendment provides that final adoption of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education, is authorized contingent upon the department making the following changes to the proposed rule:

1. Changing the definition of "covered entities" to clarify that public charter schools are one of the covered entities;

2. Amending the rule in Section 2, subsection 16, by striking and replacing the language in paragraphs C and D to clarify the definition of "physical restraint" to provide that physical restraint does not include:

A. Physical contact when the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact; and

B. Momentarily deflecting the movement of a child when the child's movements would be destructive, harmful or dangerous to the child or to others;

3. Amending the rule in Section 6, subsection 1, paragraph B to clarify that when a staff person who is not certified in a state-approved training program initiates physical restraint, trained personnel must be summoned to the scene only if the emergency situation continues;

4. Amending the rule in Section 7, subsection 1, paragraph B to clarify that a staff person who initiates physical restraint or seclusion that involves a student who has been placed in an out-of-district placement must report the incident to the entity responsible for the student's education within 24 hours or by the next business day;

5. Amending the rule in Section 8, subsection 1, paragraph M to clarify that the incident report documenting the use of physical restraint or seclusion must indicate if any of the personnel involved in the incident were certified in a state-approved training program; and

6. Amending the rule in Section 12 to clarify that the state-approved training programs may include regional training programs and regional "train the trainer" program models to provide the required training for personnel in the covered entities.

The amendment also adds a new section to the resolve to direct the Department of Education to provide, no later than September 1, 2012, nonregulatory guidance to school administrative units, public charter schools, private schools and other covered entities that are subject to the requirements of Chapter 33.

Enacted Law Summary

Resolve 2011, chapter 146 provides that final adoption of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education, is authorized contingent upon the department making 6 specified changes to the proposed rule.

The law also directs the Department of Education to provide, no later than September 1, 2012, nonregulatory guidance to school administrative units, public charter schools, private schools and other covered entities that are subject to the requirements of Chapter 33.

Resolve 2011, chapter 146 was finally passed as an emergency measure effective April 4, 2012.

LD 1839 **An Act To Define Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf** **PUBLIC 683**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND	OTP-AM MAJ ONTP MIN	S-497

This bill clarifies that the school administrative unit is responsible for the costs of transporting students who are placed in an educational program at the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

Committee Amendment "A" (S-497)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill and clarifies the laws governing the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The amendment:

1. Establishes the center preschool program;

2. Establishes as chief administrator the Executive Director of the Maine Educational Center for the Deaf and

Hard of Hearing and the Governor Baxter School for the Deaf;

3. Specifies that the center school has responsibility for providing a free, appropriate public education to enrolled students;

4. Clarifies that not all of the programs of the center school take place on Mackworth Island;

5. Specifies that, beginning July 1, 2013, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is responsible for the costs of providing transportation for students enrolled in the center school;

6. Requires that the budget be presented in a cost center summary budget format, and specifies the information that the budget must contain; and

7. Directs the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to prepare and present a joint report by February 15, 2013, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the implementation of these provisions. The report must include findings and recommendations, including any necessary changes to the Maine Revised Statutes, Title 20-A, chapter 304 or other applicable statutes or Department of Education rules, that clarify the procedural and financial responsibilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and school administrative units that send students to attend the center preschool, the center school or a satellite school. It also authorizes the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to submit a bill to the First Regular Session of the 126th Legislature related to the report.

Enacted Law Summary

Public Law 2011, chapter 683 clarifies the laws governing the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The law:

1. Establishes the center preschool program;

2. Establishes as chief administrator the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;

3. Specifies that the center school has responsibility for providing a free, appropriate public education to enrolled students;

4. Clarifies that not all of the programs of the center school take place on Mackworth Island;

5. Specifies that, beginning July 1, 2013, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is responsible for the costs of providing transportation for students enrolled in the center school;

6. Requires that the budget be presented in a cost center summary budget format, and specifies the information that the budget must contain; and

7. Directs the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to prepare and present a joint report by February 15, 2013 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the implementation of these provisions. The report must include findings and recommendations, including any

necessary changes to the Maine Revised Statutes, Title 20-A, chapter 304 or other applicable statutes or Department of Education rules, that clarify the procedural and financial responsibilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and school administrative units that send students to attend the center preschool, the center school or a satellite school. It also authorizes the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to submit a bill to the First Regular Session of the 126th Legislature related to the report.

LD 1854 **Resolve, To Require the Department of Education To Convene a Stakeholder Group To Recommend Changes to the Department of Education's Proposed School Choice Model** **PUBLIC 651**

Sponsor(s)	Committee Report	Amendments Adopted
JOHNSON P	OTP-AM MAJ OTP-AM MIN	H-885 H-901 RICHARDSON D

This bill creates a school open enrollment program under which a student may attend a school other than the school to which that student is assigned based on the street address of the student's family.

The bill provides the governing bodies of public schools and private schools approved for the receipt of public funds may elect to open their schools to enrollment by students who are not otherwise entitled to attend those schools. Opening the school to enrollment is voluntary, but the school may not select which students to enroll under the program. The student is not required to obtain permission from the superintendent of the school administrative unit of which the student is a resident in order to enroll in the open enrollment school. The governing bodies of open enrollment schools are required to set forth a process to determine how many openings will be made available to students and in which grades or programs the openings will be offered. Contracts for school privileges may not prevent students from participating in the open enrollment program.

A student who transfers from a public school in one school administrative unit to a public school in another unit under the program is considered to be a resident of the unit to which the student transfers. The student is counted as a student in the new unit, as a student is under an agreement between superintendents to transfer a student, but the change in residence is included in the funding formula earlier than it would be under an agreement between superintendents. The school administrative unit in which a student actually resides is required to pay tuition if that student enrolls under the program in a private school approved for the receipt of public funds.

The bill also amends current law under which superintendents of 2 school administrative units may grant a parent's request to have a student's residency transferred from one school unit to another. If one or both superintendents deny the transfer request, the parent may appeal to the Commissioner of Education. The bill requires superintendents provide written reasons for any denial, and specifies the grounds on which the commissioner may overturn a denial.

Committee Amendment "A" (H-885)

This amendment is the majority report. This amendment changes the bill to a resolve and requires the Commissioner of Education to convene a stakeholder group to refine the public school choice model proposed in the bill. The commissioner must report the stakeholder group's findings to the joint standing committee of the Legislature having jurisdiction over education matters by January 14, 2013. The committee is authorized to introduce a bill related to the report to the First Regular Session of the 126th Legislature. The commissioner is also required to communicate with the superintendents and school boards of school administrative units to clarify the law with regard to

superintendents' agreements regarding student placement.

House Amendment "B" To Committee Amendment "A" (H-901)

This amendment replaces Committee Amendment A. It allows the school boards of 2 or more school administrative units to adopt a policy to allow the transfer of students, with parental approval, among participating school administrative units.

This amendment requires the Commissioner of Education to convene a stakeholder group to develop a publicly funded school choice model. The amendment retains the reporting requirement specified in Committee Amendment "A" and the requirement that the commissioner communicate with the superintendents and school boards of school administrative units to clarify the law with regard to superintendents' agreements regarding student placement.

Enacted Law Summary

Public Law 2011, chapter 651 allows the school boards of 2 or more school administrative units to adopt a policy to allow the transfer of students, with parental approval, among participating school administrative units.

The bill requires the Commissioner of Education to convene a stakeholder group to develop a publicly funded school choice model. The commissioner must report the stakeholder group's findings to the joint standing committee of the Legislature having jurisdiction over education matters by January 14, 2013. The committee is authorized to introduce a bill related to the report to the First Regular Session of the 126th Legislature. The commissioner shall communicate with the superintendents and school boards of school administrative units to clarify the law with regard to superintendents' agreements regarding student placement.

LD 1858 **An Act To Ensure Effective Teaching and School Leadership** **PUBLIC 635**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON D	OTP-AM	H-900

This bill requires school administrative units to develop and implement comprehensive performance evaluation and professional growth systems for teachers and principals. The development and implementation of the systems must be phased in with full implementation required in school year 2015-2016. The bill requires the following.

1. It sets forth standards that must be met by the comprehensive performance evaluation and professional growth systems, including a requirement that multiple measures of effectiveness must be used in evaluations, that evaluators must be properly trained and that a system must include a process for using information from the evaluation process to inform professional development.

2. It directs the Department of Education to adopt rules regarding the requirements of the system.

3. It provides that effectiveness ratings must be treated as a significant factor in determining the order of layoff and recall when reductions in force occur.

4. It provides that receipt of a rating of ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract.

5. It provides that any appeal or grievance of a rating or evaluation under the system is limited to matters of implementation, not professional judgment.

6. It establishes a new targeted funding component under the Essential Programs and Services formula, to be used for development and implementation of the required performance evaluation and professional growth system.

The bill requires the Department of Education to collect data on the success and retention of teachers who complete approved teacher preparation programs in the State. It also requires the State Board of Education to include in its certification rules a requirement that an applicant for a provisional teacher certificate must complete a 10-week student teaching experience before attaining certification and a requirement that a person seeking an endorsement to teach either elementary or middle school must pass a rigorous test of mathematics and evidence-based reading instruction. Finally, the bill requires the State Board of Education to adopt rules setting forth a path to provisional certification for a person who has not completed a traditional teacher preparation program but who has a baccalaureate degree and demonstrates subject matter competency.

Committee Amendment "A" (H-900)

This amendment makes the following changes to the provisions in the bill that require school administrative units to develop and implement a comprehensive system of evaluation and support for teachers and principals.

1. It strikes the word "significant" from the provision in the bill that requires that when a reduction in force is required the effectiveness rating would have to be a significant factor in determining the order of layoff and recall.

2. It creates a definition of "professional improvement plan" and a definition of "summative effectiveness rating."

3. It clarifies that the Department of Education must approve performance evaluation and professional growth systems for educators established by school administrative units.

4. It clarifies that a summative effectiveness rating indicating ineffectiveness for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract, unless the ratings are the result of bad faith.

5. It provides that teachers found to be ineffective must be allowed to implement a professional improvement plan.

6. It provides that the rules adopted by the Department of Education must include provisions related to the department's approval of the performance evaluation and professional growth systems for educators established by school administrative units.

7. It clarifies that a school administrative unit is eligible to receive targeted educator evaluation funds if it has begun the process of developing a performance evaluation and professional growth system.

8. It creates the Maine Educator Effectiveness Council to develop detailed standards for implementation of the educator performance evaluation and professional growth systems.

9. It removes the provision requiring the State Board of Education to consider outcome data for persons who have completed an educator preparation program in the review and evaluation of educator preparation programs in the State.

10. It provides additional guidance for the development of rules that provide for alternative pathways to obtain provisional certification.

11. It clarifies that school administrative units may employ conditionally certified teachers notwithstanding the availability of fully certified teachers, which Department of Education Rule Chapter 115 currently forbids.

12. It changes the minimum student teaching time from 10 to 15 weeks, to align with existing requirements in Department of Education rules.

13. It clarifies the language related to evidence-based reading instruction and clarifies that the requirement that a person seeking an endorsement to teach kindergarten to grade 8 students must demonstrate proficiency in math and reading instruction also applies to educational specialists.

14. It establishes an alternative certification working group to develop pathways consistent with the new alternative certification laws proposed in the bill.

15. It adds a mandate preamble.

Enacted Law Summary

Public Law 2011, chapter 635 requires school administrative units to develop and implement comprehensive performance evaluation and professional growth systems for teachers and principals. The development and implementation of the systems must be phased in with full implementation required in school year 2015-2016. The law requires the following.

1. It sets forth standards that must be met by the comprehensive performance evaluation and professional growth systems, including a requirement that multiple measures of effectiveness must be used in evaluations, that evaluators must be properly trained and that a system must include a process for using information from the evaluation process to inform professional development.

2. It provides that the Department of Education must approve performance evaluation and professional growth systems for educators established by school administrative units; and it directs the department to adopt rules regarding the requirements of the performance evaluation and professional growth systems.

3. It creates a definition of "summative effectiveness rating" and clarifies that a summative effectiveness rating indicating ineffectiveness for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract, unless the ratings are the result of bad faith.

4. It creates a definition of "professional improvement plan" and provides that teachers found to be ineffective must be allowed to implement a professional improvement plan.

5. It provides that effectiveness ratings must be treated as a factor in determining the order of layoff and recall when reductions in force occur.

6. It provides that any appeal or grievance of a rating or evaluation under the system is limited to matters of implementation of the system, the existence of bad faith in an evaluation, or the assignment of a rating. It also provides that professional judgment involved in an evaluation or implementation of the system is not subject to appeal or grievance.

7. It establishes a new targeted funding component under the Essential Programs and Services formula, to be used for development and implementation of the required performance evaluation and professional growth system.

8. It creates the Maine Educator Effectiveness Council to develop detailed standards for implementation of the educator performance evaluation and professional growth systems.

9. It requires the Department of Education to collect data on the success and retention of teachers who complete approved teacher preparation programs in the State. The law provides that, notwithstanding the availability of fully certified teachers, school administrative units may employ conditionally certified teachers.

10. It requires the State Board of Education to include in its certification rules a requirement that an applicant for a provisional teacher certificate must complete a 15-week student teaching experience before attaining certification. The law also requires the State Board of Education to include in its certification rules a requirement that an

educational specialist or a person seeking an endorsement to teach either elementary or middle school must demonstrate proficiency in math and reading instruction.

11. Finally, it requires the State Board of Education to adopt rules setting forth a path to provisional certification for a person who has not completed a traditional teacher preparation program but who has a baccalaureate degree and demonstrates subject matter competency. It provides additional guidance for the development of rules that provide for alternative pathways to obtain provisional certification and establishes an alternative certification working group to develop pathways consistent with the new alternative certification provisions enacted as part of this legislation.

LD 1865 **An Act To Enhance Career and Technical Education** **PUBLIC 686**

Sponsor(s)	Committee Report	Amendments Adopted
LANGLEY	OTP-AM MAJ OTP-AM MIN	H-896 EDGECOMB S-518 S-530 LANGLEY S-605 ROSEN R

This bill increases opportunities for students in career and technical education programs by ensuring greater coordination of school calendars, requiring that students have access to career and technical education programming for the entire required instructional time and ensuring that the students get credit in their high school programs for academic competencies gained through separate or integrated courses in the career and technical education programs.

The bill also directs the President of the Maine Community College System to establish a process for determining the nature and amount of college credit that may be awarded to a student upon completion of a career and technical education program that uses national industry or state certification standards. The process will be set forth in a memorandum of understanding with the Department of Education and will not supersede any existing agreements between secondary career and technical education programs and individual colleges within the system.

Committee Amendment "A" (S-518)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides for a one-year delay, from the 2012-2013 school year to the 2013-2014 school year, for the implementation of the provision in the bill that requires that there may be no more than 5 dissimilar days in regional school calendars coordinated between school administrative units affiliated with career and technical education programs.

The amendment makes a technical correction to the provision of the bill that provides that career and technical education students are eligible for academic credit in their high school programs for academic competencies gained through separate or integrated courses provided by a career and technical education region.

The amendment also directs the Chancellor of the University of Maine System and the President of the Maine Maritime Academy to each establish a process for determining the nature and amount of college credit that must be awarded to a student upon completion of an approved secondary school program through a career and technical education program that uses national industry or state certification standards. The processes will be set forth in separate memoranda of understanding with the Department of Education.

House Amendment "A" To Committee Amendment "A" (H-896)

The bill repeals the provision in current law that allows regional school calendars to have provisions for waivers of the number of dissimilar days for extenuating circumstances. This amendment instead limits such waivers to schools in Aroostook County for the purposes of agricultural harvesting.

Senate Amendment "A" (S-530)

This amendment allows the Commissioner of Education to authorize regional school calendars that have more than 5 instructional days that are not aligned with the calendar of the career and technical education center in that region. To be eligible for authorization, all of the school administrative units in the region must have a plan, and ensure compliance with that plan, to provide access to students in that region to career and technical education programs for the entire instructional time required for those programs.

Senate Amendment "B" To Committee Amendment "A" (S-605)

This amendment adds a mandate preamble.

Enacted Law Summary

Public Law 2011, chapter 686 increases opportunities for students in career and technical education programs by ensuring greater coordination of school calendars, requiring that students have access to career and technical education programming for the entire required instructional time and ensuring that the students get credit in their high school programs for academic competencies gained through separate or integrated courses in the career and technical education programs. The law does the following.

1. It repeals the current statutory provision that allows regional school calendars to have provisions for waivers of the number of dissimilar days for extenuating circumstances and instead limits such waivers to schools in Aroostook County for the purposes of agricultural harvesting.

2. It allows the Commissioner of Education to authorize regional school calendars that have more than 5 instructional days that are not aligned with the calendar of the career and technical education center in that region. To be eligible for authorization, all of the school administrative units in the region must have a plan, and ensure compliance with that plan, to provide access to students in that region to career and technical education programs for the entire instructional time required for those programs.

3. It also directs the Maine Community College System, the University of Maine System and the Maine Maritime Academy to each establish a process for determining the nature and amount of college credit to be awarded to a student upon completion of an approved secondary school program through a career and technical education program that uses national industry or state certification standards. The processes will be set forth in separate memoranda of understanding with the Department of Education.

LD 1866 **An Act To Remove Inequity in Student Access to Certain Schools** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MCCLELLAN	ONTP MAJ OTP-AM MIN	

This bill repeals the language stating that only nonsectarian private schools may be approved for the receipt of public funds for tuition purposes.

LD 1873 **An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics** **PUBLIC 688 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	S-606 ROSEN R

This bill is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order 2011, S.P. 644. The bill directs the Commissioner of Education to propose a model policy for public schools and private schools enrolling more than 60% of their students at public expense in this State on the management of concussive and other head injuries in school activities and athletics. The bill does the following.

1. It directs the commissioner to invite representatives of educational stakeholders and interested parties to participate in a working group that will meet during the spring and summer of 2012 to develop a model policy that addresses the prevention, diagnosis and treatment of concussive and other head injuries in students and student athletes.

2. It provides that the model policy must include the following requirements:

A. That athletic directors, coaches and other school personnel involved with school activities and athletics must be provided with training in the identification and management of concussive and other head injuries;

B. That a student participating in a school athletic activity and the student's parent or legal guardian must review the school's policy on the management of concussive and other head injuries;

C. That schools must use protocols and forms in the implementation of the policy on the management of concussive and other head injuries;

D. That a student suspected of having sustained a concussive or other head injury in any activity or athletic practice or game must be removed from participation immediately and evaluated for brain injury prior to returning to the activity or practices and games; and

E. That a student suspected of having sustained a concussion after an evaluation must be banned from further participation until the student has received written medical clearance from a licensed health care provider trained in concussion management for the student to begin the gradual resumption of participation in the activity or practices and games.

3. It establishes that schools are required to adopt a policy on management of head injuries and begin implementation of the policy by January 1, 2013, and further provides that schools must gradually implement the policy during the 2012-2013 and 2013-2014 school years.

4. It provides that the Commissioner of Education and school officials may share the model policy on the management of concussive and other head injuries, including the information, training, protocols and forms included in the policy, with statewide and local organizations that sponsor sports and athletics.

Senate Amendment "A" (S-606)

This amendment adds a mandate preamble and also changes a subsection number to prevent a conflict with Public Law 2011, chapter 571, section 1.

Enacted Law Summary

Public Law 2011, chapter 688 directs the Commissioner of Education to propose a model policy for public schools and private schools enrolling more than 60% of their students at public expense in this State on the management of concussive and other head injuries in school activities and athletics. The law also does the following.

1. It directs the commissioner to invite representatives of educational stakeholders and interested parties to participate in a working group that will meet during the spring and summer of 2012 to develop a model policy that addresses the prevention, diagnosis and treatment of concussive and other head injuries in students and student athletes.

2. It provides that the model policy must include the following requirements:

   A. That athletic directors, coaches and other school personnel involved with school activities and athletics must be provided with training in the identification and management of concussive and other head injuries;

   B. That a student participating in a school athletic activity and the student's parent or legal guardian must review the school's policy on the management of concussive and other head injuries;

   C. That schools must use protocols and forms in the implementation of the policy on the management of concussive and other head injuries;

   D. That a student suspected of having sustained a concussive or other head injury in any activity or athletic practice or game must be removed from participation immediately and evaluated for brain injury prior to returning to the activity or practices and games; and

   E. That a student suspected of having sustained a concussion after an evaluation must be banned from further participation until the student has received written medical clearance from a licensed health care provider trained in concussion management for the student to begin the gradual resumption of participation in the activity or practices and games.

3. It establishes that schools are required to adopt a policy on management of head injuries and begin implementation of the policy by January 1, 2013, and further provides that schools must gradually implement the policy during the 2012-2013 and 2013-2014 school years.

4. It provides that the Commissioner of Education and school officials may share the model policy on the management of concussive and other head injuries, including the information, training, protocols and forms included in the policy, with statewide and local organizations that sponsor sports and athletics.

Public Law 2011, chapter 688 was enacted as an emergency measure effective May 21, 2012.

LD 1899 **An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs after Its Review of the Maine Health and Higher Educational Facilities Authority Pursuant to the State Government Evaluation Act** **PUBLIC 595**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

Joint Standing Committee on Education and Cultural Affairs

This bill is introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 to implement the recommendations of the committee resulting from its review of the program evaluation report submitted by the Maine Health and Higher Educational Facilities Authority pursuant to the State Government Evaluation Act.

The bill repeals the authority of the Maine Health and Higher Educational Facilities Authority to issue revenue bonds and other obligations and loan the proceeds to one or more student loan corporations for the purpose of issuing low-cost loans to qualified students to assist the students in attending institutions for higher education and lowering the cost to the students or their parents of financing the students' educations. The Maine Health and Higher Educational Facilities Authority has not used this authority since the mid-1980s and this authority is no longer considered necessary by the Joint Standing Committee on Education and Cultural Affairs.

Enacted Law Summary

Public Law 2011, chapter 595 repeals the authority of the Maine Health and Higher Educational Facilities Authority to issue revenue bonds and other obligations and loan the proceeds to one or more student loan corporations for the purpose of issuing low-cost loans to qualified students to assist the students in attending institutions for higher education and lowering the cost to the students or their parents of financing the students' educations.

LD 1908 **An Act To Implement the Recommendations of the Stakeholder Group To Review the Maine State Grant Program** **PUBLIC 642**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill implements certain recommendations made to the Joint Standing Committee on Education and Cultural Affairs by the stakeholder group to review the Maine State Grant Program pursuant to Resolve 2011, chapter 14. It modifies the Maine State Grant Program by eliminating reciprocity of the grant with other states; removes the statutory cap of 5% on grant awards to part-time students; removes the grant award differences between public and private institutions; permits the Finance Authority of Maine to establish by rule tiered award amounts; limits grant eligibility to 10 semesters or the equivalent thereof; and allows the authority to address via rulemaking certain exceptions to award denials.

The bill also requires the Finance Authority of Maine to conduct a review of the Maine State Grant Program every 10 years. The authority is required to submit a written report of the findings of the review, including any proposed legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The first decennial review is due on or before January 1, 2021.

Enacted Law Summary

Public Law 2011, chapter 642 makes the following changes to the Maine State Grant Program.

1. It eliminates reciprocity of the grant with other states.

2. It removes the statutory cap of 5% on grant awards to part-time students.

3. It removes the grant award differences between public and private institutions.

4. It permits the Finance Authority of Maine to establish by rule tiered award amounts.

5. It limits grant eligibility to 10 semesters or the equivalent thereof.

6. It allows the authority to address via rulemaking certain exceptions to award denials.

The law also requires the Finance Authority of Maine to conduct a review of the Maine State Grant Program every 10 years. The authority is required to submit a written report of the findings of the review, including any proposed legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The first decennial review is due on or before January 1, 2021.

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LD 1592	An Act To Update the Laws Concerning the Maine School of Science and Mathematics	PUBLIC 473
LD 1762	An Act To Amend and Clarify the Public Charter School Law	PUBLIC 570
LD 1783	Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education	RESOLVE 136
LD 1854	Resolve, To Require the Department of Education To Convene a Stakeholder Group To Recommend Changes to the Department of Education's Proposed School Choice Model	PUBLIC 651

Not Enacted

LD 1316	An Act To Expand Magnet Schools in Maine	ONTP
LD 1866	An Act To Remove Inequity in Student Access to Certain Schools	MAJORITY (ONTP) REPORT

Career and Technical Education

Enacted

LD 1772	An Act To Enforce Prompt Payment to Career and Technical Education Regions	PUBLIC 489
LD 1779	An Act To Update the Career and Technical Education Laws	PUBLIC 679
LD 1865	An Act To Enhance Career and Technical Education	PUBLIC 686

Cultural Affairs

Enacted

LD 1033	An Act To Support Resource Sharing among Maine Libraries	PUBLIC 470
LD 1601	Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans	RESOLVE 119 EMERGENCY

Curriculum, Instruction, Textbooks and Testing

Enacted

LD 1422	An Act To Prepare Maine People for the Future Economy	PUBLIC 669

Health, Nutrition and Safety

Enacted

LD 1873	An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics	PUBLIC 688 EMERGENCY

Not Enacted

LD 98	Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports	ONTP

Online Learning Programs and Courses

Enacted

LD 675	Resolve, To Create a Working Group To Study Multidistrict Online Learning Options in Maine	RESOLVE 116

Postsecondary Education Finance and Student Aid

Enacted

LD 1908	An Act To Implement the Recommendations of the Stakeholder Group To Review the Maine State Grant Program	PUBLIC 642

Postsecondary Education Governance and Coordination

Enacted

LD 1645	An Act To Require the Maine Community College System, the University of Maine System and the Maine Maritime Academy To Report the Number of Students Enrolled in Remedial Courses	PUBLIC 615
LD 1899	An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs after Its Review of the Maine Health and Higher Educational Facilities Authority Pursuant to the State Government Evaluation Act	PUBLIC 595

Safe Schools and Student Conduct

Enacted

LD 1237	An Act To Prohibit Bullying and Cyberbullying in Schools	PUBLIC 659
LD 1838	Resolve, Regarding Legislative Review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education	RESOLVE 146 EMERGENCY

Not Enacted

LD 980	An Act To Prohibit Cyberbullying in Public Schools	ONTP

School Budgets

Not Enacted

LD 1668	An Act To Improve the Regional School Unit Budget Approval and Validation Process	ONTP

School Construction, Facilities and Buses

Enacted

LD 1766	Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education	RESOLVE 135 EMERGENCY
LD 1788	Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank	RESOLVE 137 EMERGENCY

School District Reorganization

Enacted

LD 1696	**An Act To Modify the Alternative Organizational Structure Budget Approval Process**	**PUBLIC 485**

School Finance

Enacted

LD 958	**Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate the Essential Programs and Services Funding Act**	**RESOLVE 166 EMERGENCY**

Special Education Programs and Finance

Enacted

LD 1003	**Resolve, To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services**	**RESOLVE 145 EMERGENCY**
LD 1724	**Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education**	**RESOLVE 134 EMERGENCY**

Not Enacted

LD 1782	**Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, Including Certain Sections and the Appendix, a Major Substantive Rule of the Department of Education**	**ONTP**

Teachers and Administrators

Enacted

LD 1775	**Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education**	**RESOLVE 125 EMERGENCY**
LD 1781	**An Act To Restructure the National Board Certification Program for Teachers**	**PUBLIC 702**
LD 1858	**An Act To Ensure Effective Teaching and School Leadership**	**PUBLIC 635**

Truants, Dropouts and Homeless Students

Enacted

LD 1503	**An Act To Promote School Attendance and Increase School Achievement**	**PUBLIC 614**

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

June 2012

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STAFF:
SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 693 **An Act Concerning Solid Waste Facility Citizen Advisory Committees** **PUBLIC 543**

Sponsor(s)	Committee Report	Amendments Adopted
DUCHESNE	OTP-AM MAJ OTP-AM MIN	H-772 H-786 DUCHESNE

This bill was carried over from the First Regular Session of the 125th Legislature. The bill clarifies that a solid waste facility citizen advisory committee is to continue through the closure of the facility. It authorizes a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting proceedings if the disposition of the proceedings could impair the ability of the committee to carry out its responsibilities. It authorizes municipalities that appoint members to a citizen advisory committee to appeal licensing and permitting decisions and intervene in licensing and permitting proceedings. It directs the Executive Department, State Planning Office to provide financial and administrative support for citizen advisory committees. The bill also makes these provisions applicable to the citizen advisory committee established in connection with the Juniper Ridge landfill in Old Town and Alton.

Committee Amendment "B" (H-772)

This amendment is the majority report of the committee. The amendment prohibits the Department of Environmental Protection from issuing a license, permit, order or approval, or an amendment to a license, permit, order or approval for alterations that are not minor alterations, to a state-owned solid waste disposal facility unless the owner or operator of the facility sends:

1. To each municipality and any other entity that appoints members to the relevant citizen advisory committee, a copy of the application; and

2. To each member of the citizen advisory committee, a notice that the application has been sent to the appointing authorities as required.

House Amendment "A" To Committee Amendment "B" (H-786)

This amendment clarifies:

1. When the notice of the application for a license or an amendment to a license must be sent to the members of the relevant citizen advisory committee; and

2. When a copy of the application must be sent to each municipality and any other entity that appoints members of the relevant citizen advisory committee.

Enacted Law Summary

Public Law 2011, chapter 543 prohibits the Department of Environmental Protection from issuing a license, permit, order or approval, or an amendment to a license, permit, order or approval for alterations that are not minor alterations, to a state-owned solid waste disposal facility unless the owner or operator of the facility sends:

1. To each municipality and any other entity that appoints members to the relevant citizen advisory committee, a copy of the application; and

2. To each member of the citizen advisory committee, a notice that the application has been sent to the appointing

authorities as required.

LD 781 **An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
WALSH INNES	ONTP MAJ OTP MIN	

This bill was carried over from the First Regular Session of the 125th Legislature. The bill prohibits the packaging or labeling of consumer products for distribution or sale in the State if the package or label states that the product is flushable or safe for sewer and septic systems unless the product meets the acceptance criteria for flushability as published in the Guidance Document for Assessing the Flushability of Nonwoven Consumer Products, published by the Association of the Nonwoven Fabrics Industry in effect on January 1, 2011.

LD 879 **An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste** **PUBLIC 566**

Sponsor(s)	Committee Report	Amendments Adopted
CURTIS WHITTEMORE	OTP-AM MAJ OTP-AM MIN	H-774

This bill was carried over from the First Regular Session of the 125th Legislature. The bill amends the law regarding expansion of commercial solid waste disposal facilities and biomedical waste disposal or treatment facilities by authorizing a commercial landfill facility that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste disposal facility license. It clarifies that an expanded facility may not receive a property tax exemption on real or personal property, and it provides that the department may not process or act upon any application until certain conditions are met.

Committee Amendment "A" (H-774)

This amendment is the majority report of the committee. The amendment amends the bill, which allows commercial landfill expansion, to strike an outdated reference relating to prohibiting expansion of a commercial landfill facility before March 1, 2011. The amendment incorporates provisions that amend the laws governing public benefit determinations by:

1. Clarifying that waste used for daily cover, frost protection or stability must be used in accordance with all applicable rules and licenses;

2. Requiring the applicant instead of the Commissioner of Environmental Protection to provide public notice of the filing of an application for public benefit determination and requiring the Department of Environmental Protection to accept written public comment during the course of processing the application;

3. Requiring the commissioner to hold a public meeting on an application for a public benefit determination. Currently, the commissioner is authorized to hold a public meeting;

4. Defining "immediate," "short-term" and "long-term" for the purpose of determining whether the capacity needs of

the State are met. It requires the commissioner, when evaluating whether proposed facilities meet capacity needs of the State, to consider relevant local and regional needs as appropriate and the regional nature of the development and use of disposal capacity due to transportation distances and other factors;

5. Adding as a standard for determining whether the facility will provide a substantial public benefit that the facility or expansion must promote the solid waste management hierarchy;

6. Specifically authorizing the commissioner to issue a full or partial approval of an application, with or without conditions;

7. Clarifying that the public benefit determination review of a state-owned facility is a review that is independent of other contracts that may have been entered into between the State and the facility operator or any other party; and

8. Specifying that the modification of a public benefit determination is authorized if there has been a change in facility ownership or of the operator.

Enacted Law Summary

Public Law 2011, chapter 566 amends the law regarding expansion of commercial solid waste disposal facilities and biomedical waste disposal or treatment facilities by authorizing a commercial landfill facility that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste disposal facility license. It clarifies that an expanded facility may not receive a property tax exemption on real or personal property, and it provides that the department may not process or act upon any application until certain conditions are met.

Chapter 566 also amends the laws governing public benefit determinations by:

1. Clarifying that waste used for daily cover, frost protection or stability must be used in accordance with all applicable rules and licenses;

2. Requiring the applicant instead of the Commissioner of Environmental Protection to provide public notice of the filing of an application for public benefit determination and requiring the Department of Environmental Protection to accept written public comment during the course of processing the application;

3. Requiring the commissioner to hold a public meeting on an application for a public benefit determination. Currently, the commissioner is authorized to hold a public meeting;

4. Defining "immediate," "short-term" and "long-term" for the purpose of determining whether the capacity needs of the State are met. It requires the commissioner, when evaluating whether proposed facilities meet capacity needs of the State, to consider relevant local and regional needs as appropriate and the regional nature of the development and use of disposal capacity due to transportation distances and other factors;

5. Adding as a standard for determining whether the facility will provide a substantial public benefit that the facility or expansion must promote the solid waste management hierarchy;

6. Specifically authorizing the commissioner to issue a full or partial approval of an application, with or without conditions;

7. Clarifying that the public benefit determination review of a state-owned facility is a review that is independent of other contracts that may have been entered into between the State and the facility operator or any other party; and

8. Specifying that the modification of a public benefit determination is authorized if there has been a change in facility ownership or of the operator.

LD 1278 **An Act To Stabilize Solid Waste Management Funding** **PUBLIC 544**

Sponsor(s)	Committee Report	Amendments Adopted
DUCHESNE	OTP-AM MAJ ONTP MIN	H-776

This bill was carried over from the First Regular Session of the 125th Legislature. The bill creates a 3rd subsidiary account in the Maine Solid Waste Management Fund for the purpose of purchasing additional landfill disposal capacity. The bill imposes fees on the disposal of construction and demolition debris and construction and demolition debris processing residue and imposes higher fees on certain wastes that are disposed of at a landfill granted a license to expand after October 15, 2011. The bill also provides that a disposal fee may not be imposed on construction and demolition debris and construction and demolition debris processing residue that is disposed of at a municipal, regional association or generator-owned landfill.

Committee Amendment "A" (H-776)

This amendment, which replaces the bill, is the majority report of the committee. The amendment establishes fees on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris. Beginning January 1, 2013, the fee imposed will be $1 per ton, and beginning January 1, 2014, the fee imposed will be $2 per ton. It exempts construction and demolition debris and residue from the processing of construction and demolition debris disposed of at small municipal and regional association landfills from the fees. It provides that funding from the fees may be expended only for the State's obligations to municipalities under the closure and remediation cost-sharing program for solid waste landfills. It provides that the statutory waste handling fees are imposed for solid waste that is disposed of at state-owned landfills.

Enacted Law Summary

Public Law 2011, chapter 544 establishes fees on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris. Beginning January 1, 2013, the fee imposed will be $1 per ton, and beginning January 1, 2014, the fee imposed will be $2 per ton. It exempts construction and demolition debris and residue from the processing of construction and demolition debris disposed of at small municipal and regional association landfills from the fees. It provides that funding from the fees may be expended only for the State's obligations to municipalities under the closure and remediation cost-sharing program for solid waste landfills. It provides that the statutory waste handling fees are imposed for solid waste that is disposed of at state-owned landfills.

LD 1412 **An Act To Promote the Proper Disposal of Used Medical Sharps** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WALSH INNES	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The bill requires a manufacturer of medical sharps to participate in a program, individually or in conjunction with other manufacturers, for the collection, handling, transportation, treatment and disposal of unwanted medical sharps. It also provides that an entity that uses medical sharps is not required to dispose of them by shredding.

LD 1458 **An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MOULTON SULLIVAN	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. The bill:

1. Gives the following recycling technical assistance and solid waste disposal policy responsibilities, which are currently the responsibilities of the Executive Department, State Planning Office, to the Department of Environmental Protection:

A. Determining reasonable municipal recycling progress;

B. Providing technical and financial assistance to municipalities;

C. Providing technical assistance to businesses;

D. Collecting municipal solid waste management and recycling reports and data;

E. Providing recycling marketing assistance;

F. Assisting entities with meeting office paper recycling requirements;

G. Participating in national and interstate initiatives for uniform state laws;

H. Collecting incinerator reports and data;

I. Preparing the state waste management and recycling plan; and

J. Staffing the Solid Waste Management Advisory Council; and

2. Provides that the State Planning Office keep the following recycling technical assistance and solid waste disposal policy responsibilities:

A. Preparing the waste generation and disposal capacity report;

B. Planning for development of solid waste disposal facilities; and

C. Recommending development of state-owned solid waste disposal facilities.

LD 1646 **An Act To Facilitate the Use of Alternative Methods for Biomedical Waste Treatment and Disposal** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This bill directs the Department of Environmental Protection to establish, by rule, approved alternative treatment processes for the treatment and disposal of biomedical waste for use by medical facilities. The rules must include disposal standards and may not require a medical facility to obtain a biomedical waste treatment facility license for treating its own biomedical waste. The bill also provides that the Department of Environmental Protection adopt the rules regarding handling and disposal of biomedical waste, consistent with the Maine Revised Statutes, Title 38, section 341-H.

LD 1648 **An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites** **PUBLIC 551**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM	S-434

Current law provides that developments that are in existence, authorized, licensed or under construction prior to specified dates are exempted from the laws governing site location of development. This bill specifies that any modification, change in use or addition to such a development or to a development on a military base similarly exempt does not affect the exemption.

Committee Amendment "A" (S-434)

This amendment strikes the bill and amends certain existing exemptions and adds new exemptions to the laws governing site location of development.

1. It amends the existing exemption for development in existence on January 1, 1970, by providing that:

   A. Reuse of a building and associated facilities in existence on January 1, 1970, is exempt from review; and

   B. When reviewing an application under the laws governing site location of development or determining whether the laws governing site location of development apply to a project, the Department of Environmental Protection may not take into consideration any development that is exempt from review due to its pre-1970 status.

2. It amends the existing exemption for former military bases by providing that:

   A. Reuse of a building and associated facilities in existence on September 29, 1995, on a former military base is exempt from review;

   B. Unless exempt, development that meets the definition of "development of state or regional significance that may substantially affect the environment" is subject to review;

   C. When reviewing an application under the laws governing site location of development, the department may

not take into consideration any development that is exempt from review; and

D. Subsequent lease of a former base or a portion of the base does not affect the exemption.

3. It adds an exemption for certain development at ski areas that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities.

4. It adds an exemption for certain development on educational institution campuses that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities. The amendment clarifies that the exemption does not authorize activity on a parcel of land affected by an order or permit issued by the department that is contrary to that order or permit.

5. It clarifies that, unless specifically provided, nothing in the laws governing site location of development exempts any activity from any requirements under the Maine Revised Statutes, Title 38, rules adopted pursuant to Title 38 or the terms or conditions of a license, permit or order issued by the Board of Environmental Protection or the Commissioner of Environmental Protection.

Enacted Law Summary

Public Law 2011, chapter 551 amends certain existing exemptions and adds new exemptions to the laws governing site location of development.

1. It amends the existing exemption for development in existence on January 1, 1970, by providing that:

A. Reuse of a building and associated facilities in existence on January 1, 1970, is exempt from review; and

B. When reviewing an application under the laws governing site location of development or determining whether the laws governing site location of development apply to a project, the Department of Environmental Protection may not take into consideration any development that is exempt from review due to its pre-1970 status.

2. It amends the existing exemption for former military bases by providing that:

A. Reuse of a building and associated facilities in existence on September 29, 1995, on a former military base is exempt from review;

B. Unless exempt, development that meets the definition of "development of state or regional significance that may substantially affect the environment" is subject to review;

C. When reviewing an application under the laws governing site location of development, the department may not take into consideration any development that is exempt from review; and

D. Subsequent lease of a former base or a portion of the base does not affect the exemption.

3. It adds an exemption for certain development at ski areas that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities.

4. It adds an exemption for certain development on educational institution campuses that hold a permit pursuant to the laws governing site location of development. The exemption is similar to the existing exemption for manufacturing facilities. The law clarifies that the exemption does not authorize activity on a parcel of land affected by an order or permit issued by the department that is contrary to that order or permit.

5. It clarifies that, unless specifically provided, nothing in the laws governing site location of development exempts any activity from any requirements under the Maine Revised Statutes, Title 38, rules adopted pursuant to Title 38 or

the terms or conditions of a license, permit or order issued by the Board of Environmental Protection or the Commissioner of Environmental Protection.

LD 1683 **An Act To Provide Funding To Operate the Dolby Landfill in the Town of East Millinocket** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK H THOMAS	OTP-AM	H-750

This bill makes General Fund appropriations of $250,000 for the operation of the Dolby Landfill in the Town of East Millinocket. The substance of this bill was incorporated into Public Law 2011, chapter 657, Part A (LD 1746).

Committee Amendment "A" (H-750)

This amendment incorporates a fiscal note.

LD 1686 **An Act To Amend the Process for Issuing State Water Quality Certificates to Hydropower Projects That Withdraw Water from Great Ponds** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SARTY	ONTP	

This bill prohibits the Department of Environmental Protection from issuing a water quality certificate in connection with a hydropower project that withdraws water from a hydropower impoundment managed as a great pond unless the Department of Inland Fisheries and Wildlife and the Department of Conservation agree that the project will not violate water quality standards applicable to the impoundment related to fishing, recreation and habitat for fish and other aquatic life.

LD 1718 **An Act To Improve Maine's Capacity To Produce Low-cost Renewable Energy through Hydroelectric Power** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
JOHNSON P	ONTP MAJ OTP-AM MIN	

This bill provides that the Department of Environmental Protection may not grant a permit for an activity that will result in a reduction in the potential of a dam to produce hydroelectric power at a cost that is economically competitive with other renewable sources of electricity unless the department determines that the activity is necessary for public safety or to avoid a significant threat to the environment.

LD 1738 **An Act To Make Minor Adjustments to Laws Administered by the Department of Environmental Protection** **PUBLIC 538**

Sponsor(s)	Committee Report	Amendments Adopted
HAMPER	OTP-AM A OTP B OTP-AM C	H-752

This bill makes changes to the laws administered by the Department of Environmental Protection.

Committee Amendment "A" (H-752)

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

1. It requires a proposed consent agreement to be posted on the Department of Environmental Protection's website with the notice of the proposed agreement. The bill requires that only the notice be posted.

2. It clarifies that the permit exemption for minor expansions of structures in coastal sand dune systems does not apply to expansions of seawalls, retaining walls, closed fences or other structures used to stabilize the shoreline or to prevent the movement of sand or water. It also clarifies that the exemption does not apply to an expansion that changes the type of structure. It also amends the definition of "footprint."

3. It authorizes the Commissioner of Environmental Protection to adopt initial routine technical rules allowing for the reconstruction of an existing structure in a frontal dune if certain criteria are met. Any amendments to those rules are major substantive rules adopted by the Board of Environmental Protection.

Enacted Law Summary

Public Law 2011, chapter 538 does the following.

1. It removes the authority of the Board to adopt rules necessary for the conduct of the Department's business and gives the Board authority to adopt rules necessary for the conduct of only the Board's business.

2. It removes the requirement that the Commissioner provide written notice and opportunity for a hearing prior to recommending that the Board modify or take corrective action on a license. It does not change the requirement that the board provide written notice and opportunity for a hearing prior to modifying or taking correction action on a license.

3. It clarifies that a license or permit amendment, revision or surrender is considered an application that is subject to a decision by the department.

4. It provides that administrative consent agreements may be enforced by the department or the Attorney General.

5. It provides that a proposed consent agreement and notice of the proposed consent agreement must be posted on the department's website.

6. It provides that if an administrative consent agreement is violated the Attorney General or the department may institute injunction proceedings.

7. It changes a NRPA exemption so that expansion of an existing residential or commercial "structure" that meets certain criteria would not require a NRPA permit.

8. It amends standards and application requirements to allow an agricultural pond to be constructed adjacent to a river, stream or brook.

9. It repeals a provision in law that requires adopted rules relating to oil storage facilities and the protection of groundwater to be submitted for review to the Natural Resources Committee.

10. It changes the term of an air emission license from 5 years to 10 years, with these exceptions: (A) A license for an air contaminant source subject to 40 CFR, Part 70 - term of 5 years; and (B) A license issued pursuant to the carbon dioxide cap-and-trade program for carbon dioxide budget units - no term.

11. It makes rules implementing the wellhead protection laws major substantive rules.

12. It authorizes the Commissioner of Environmental Protection to adopt initial routine technical rules allowing for the reconstruction of an existing structure in a frontal dune if certain criteria are met. Any amendments to those rules are major substantive rules adopted by the Board of Environmental Protection.

LD 1763 **An Act To Reduce Open Burning in Neighborhoods** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP MAJ OTP-AM MIN	

Under current law, open burning of leaves, brush, deadwood and tree cuttings that are accrued from normal property maintenance by the landowner or lessee of the land is allowed with a permit, unless it is prohibited by municipal ordinance. This bill extends that authorization for such open burning to a commercial business that removes those items from residential properties to burn at the business's primary business location.

LD 1768 **An Act To Improve the Department of Environmental Protection's Annual Waste Discharge License Fee System** **PUBLIC 546 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KNAPP	OTP-AM	H-771

This bill revises the Department of Environmental Protection's annual waste discharge fee system. It eliminates the base fee, the fee for quantities of pollutants actually discharged or licensed to be discharged, the annualized license renewal service fee, the initial dilution fee and the multiple discharge point fee. In place of these fees it establishes for existing licensees a fee based on the average of the licensee's 2009 and 2010 bill amounts or a fee based on the licensee's 2011 bill amount, depending on the discharge group. It establishes for new licensees an annual fee based on the median fee of all licensees within the new licensee's discharge group. It establishes that, if no discharge occurs for an entire year, the fee is reduced to 25% of the annual fee. It establishes that an annual fee may be modified by a percentage that is equivalent to the percentage of any change to the licensed discharge flow.

Committee Amendment "A" (H-771)

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

Enacted Law Summary

Public Law 2011, chapter 546 revises the Department of Environmental Protection's annual waste discharge fee system. It eliminates the base fee, the fee for quantities of pollutants actually discharged or licensed to be discharged, the annualized license renewal service fee, the initial dilution fee and the multiple discharge point fee. In place of these fees it establishes for existing licensees a fee based on the average of the licensee's 2009 and 2010 bill amounts or a fee based on the licensee's 2011 bill amount, depending on the discharge group. It establishes for new licensees an annual fee based on the median fee of all licensees within the new licensee's discharge group. It establishes that, if no discharge occurs for an entire year, the fee is reduced to 25% of the annual fee. It establishes that an annual fee may be modified by a percentage that is equivalent to the percentage of any change to the licensed discharge flow.

Public Law 2011, chapter 546 was enacted as an emergency measure effective March 29, 2012.

LD 1793 **Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a Major Substantive Rule of the Department of Environmental Protection**

RESOLVE 131
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 131 authorizes the adoption of portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 131 was finally passed as an emergency measure effective March 18, 2012.

LD 1794 **Resolve, Regarding Legislative Review of Portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection**

RESOLVE 139
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 139 authorizes adoption of portions of Chapter 378: Variance Criteria for the Excavation of

Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 139 was finally passed as an emergency measure effective March 29, 2012.

LD 1797 **Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection** **RESOLVE 140 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ OTP-AM MIN	

This resolve provides for legislative review of portions of Chapter 305: Permit by Rule, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2011, chapter 140 authorizes the adoption of portions of Chapter 305: Permit by Rule, a major substantive rule of the Department of Environmental Protection.

Resolve 2011, chapter 140 was finally passed as an emergency measure effective March 29, 2012.

LD 1846 **Resolve, Directing the Department of Environmental Protection To Adopt Rules Pertaining to Petroleum Storage and Gravel Pits** **RESOLVE 149 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM	S-485

This resolve requires the Department of Environmental Protection to adopt an emergency rule to allow aboveground oil storage tanks used to supply diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers.

Committee Amendment "A" (S-485)

This amendment adds an emergency preamble and emergency clause and replaces the resolve. It provides that the emergency rule is a routine technical rule and provides for nonemergency routine technical rulemaking following adoption of the emergency rule. It also provides that subsequent amendments to the rule are major substantive rules. Under current law, Public Law 2007, chapter 569, subsection 7, the rule is a major substantive rule.

Enacted Law Summary

Resolve 2011, chapter 149 requires the Department of Environmental Protection to adopt an emergency rule to allow aboveground oil storage tanks used to supply diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers. It provides that the emergency rule is a routine technical rule and provides for nonemergency routine technical rulemaking following adoption of the emergency rule. It also provides that subsequent amendments to the rule are major substantive rules. Under current law, Public Law 2007, chapter 569, subsection 7, the rule is a major substantive rule.

Resolve 2011, chapter 149 was finally passed as an emergency measure effective April 6, 2012.

LD 1853 **An Act To Improve Environmental Oversight and Streamline Permitting for Metallic Mineral Mining in Maine** **PUBLIC 653**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN J JACKSON	OTP-AM MAJ ONTP MIN	H-940

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a comprehensive statutory framework to replace current mining law and rules and to establish the Department of Environmental Protection as the agency responsible for permitting and regulating the development, operation and closure of metallic mining in the State.

Committee Amendment "A" (H-940)

This amendment is the majority report of the Joint Standing Committee on Environment and Natural Resources and replaces the bill, which is a concept draft. The amendment creates a statutory framework for the regulation of metallic mineral mining in the State by the Department of Environmental Protection. Under current law, metallic mineral mining in the unorganized territories is regulated by the Maine Land Use Regulation Commission. Under the amendment, beginning in January 2014, regulation of metallic mineral mining is no longer regulated under the site location of development laws but is regulated under the Maine Metallic Mineral Mining Act. Existing Maine Land Use Regulation Commission and Department of Environmental Protection rules relating to metallic mineral mining remain in effect until the Legislature approves major substantive rules provisionally adopted by the Department of Environmental Protection, except that the Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to amend their rules regarding exploration and advanced exploration through routine technical rulemaking. The amendment transfers $250,000 from the Uncontrolled Sites Fund and $250,000 from the Ground Water Oil Clean-up Fund to the Metallic Mining Fund, Other Special Revenue Funds account.

Enacted Law Summary

Public Law 2011, chapter 653 creates a statutory framework for the regulation of metallic mineral mining in the State by the Department of Environmental Protection. Under current law, metallic mineral mining in the unorganized territories is regulated by the Maine Land Use Regulation Commission. Beginning in January 2014, regulation of metallic mineral mining is no longer regulated under the site location of development laws but is regulated under the Maine Metallic Mineral Mining Act. Existing Maine Land Use Regulation Commission and Department of Environmental Protection rules relating to metallic mineral mining remain in effect until the Legislature approves major substantive rules provisionally adopted by the Department of Environmental Protection, except that the Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to amend their rules regarding exploration and advanced exploration through routine technical rulemaking. The amendment transfers $250,000 from the Uncontrolled Sites Fund and $250,000 from the Ground Water Oil Clean-up Fund to the Metallic Mining Fund, Other Special Revenue Funds account.

LD 1911 **Resolve, Authorizing the Executive Department To Facilitate the Closure of the Maine Energy Recovery Company Facility in Biddeford by Negotiating the Transfer of the Juniper Ridge Landfill and Requiring Other Actions To Improve Recycling** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS		

This resolve authorizes the State to take action to facilitate the transfer of the Maine Energy Recovery Company facility to the City of Biddeford and the closure of this facility. It also authorizes the State to transfer the ownership and licenses of the Juniper Ridge Landfill in the City of Old Town to Casella Waste Systems, Inc. It specifies requirements that must be met before the Maine Energy Recovery Company facility may be closed, one of which is the transfer of the Juniper Ridge Landfill to Casella Waste Systems, Inc..

SUBJECT INDEX

Biomedical Waste

Not Enacted

LD 1646	An Act To Facilitate the Use of Alternative Methods for Biomedical Waste Treatment and Disposal	ONTP

Department of Environmental Protection

Enacted

LD 1738	An Act To Make Minor Adjustments to Laws Administered by the Department of Environmental Protection	PUBLIC 538

Excavation

Enacted

LD 1794	Resolve, Regarding Legislative Review of Portions of Chapter 378: Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 139 EMERGENCY
LD 1846	Resolve, Directing the Department of Environmental Protection To Adopt Rules Pertaining to Petroleum Storage and Gravel Pits	RESOLVE 149 EMERGENCY

Hydropower

Not Enacted

LD 1686	An Act To Amend the Process for Issuing State Water Quality Certificates to Hydropower Projects That Withdraw Water from Great Ponds	ONTP
LD 1718	An Act To Improve Maine's Capacity To Produce Low-cost Renewable Energy through Hydroelectric Power	MAJORITY (ONTP) REPORT

Metallic Mineral Mining

Enacted

LD 1853	An Act To Improve Environmental Oversight and Streamline Permitting for Metallic Mineral Mining in Maine	PUBLIC 653

Natural Resources Protection Act

Enacted

LD 1797	**Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule, a Major Substantive Rule of the Department of Environmental Protection**	**RESOLVE 140 EMERGENCY**

Site Location of Development

Enacted

LD 1648	**An Act To Clarify the Site Location of Development Laws Regarding Exemptions for Previously Developed Sites**	**PUBLIC 551**
LD 1793	**Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standard of the Site Location Law, a Major Substantive Rule of the Department of Environmental Protection**	**RESOLVE 131 EMERGENCY**

Solid Waste

Enacted

LD 693	**An Act Concerning Solid Waste Facility Citizen Advisory Committees**	**PUBLIC 543**
LD 879	**An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste**	**PUBLIC 566**
LD 1278	**An Act To Stabilize Solid Waste Management Funding**	**PUBLIC 544**

Not Enacted

LD 1458	**An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection**	**ONTP**
LD 1683	**An Act To Provide Funding To Operate the Dolby Landfill in the Town of East Millinocket**	**DIED ON ADJOURNMENT**
LD 1911	**Resolve, Authorizing the Executive Department To Facilitate the Closure of the Maine Energy Recovery Company Facility in Biddeford by Negotiating the Transfer of the Juniper Ridge Landfill and Requiring Other Actions To Improve Recycling**	**INDEF PP**

Waste

Not Enacted

LD 1412	**An Act To Promote the Proper Disposal of Used Medical Sharps**	**ONTP**
LD 1763	**An Act To Reduce Open Burning in Neighborhoods**	**MAJORITY (ONTP) REPORT**

Water Quality

Enacted

LD 1768	**An Act To Improve the Department of Environmental Protection's Annual Waste Discharge License Fee System**	**PUBLIC 546 EMERGENCY**

Not Enacted

LD 781	**An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable**	**MAJORITY (ONTP) REPORT**

EUT

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

June 2012

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STAFF:
JEAN GUZZETTI, LEGISLATIVE ANALYST
JON CLARK, DEPUTY DIRECTOR
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 425 **An Act To Stimulate Demand for Renewable Resources** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

Current law requires that each competitive electricity provider in this State demonstrate that no less than 30% of its portfolio of supply sources for retail electricity sales in this State is accounted for by eligible resources. This bill amends the definition of "renewable capacity resource" to add waste energy resources. 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 is required to meet Maine's air emissions standards for resource recovery facilities and licensing standards for solid waste facilities. It establishes a 3.5% portfolio requirement for electricity from waste energy resources. It allows competitive electricity providers to meet the portfolio requirements for waste energy resources through the use of renewable energy credits or an alternative compliance payment to be set by the Public Utilities Commission.

LD 935 **An Act To Create Fair and Open Competition in Line Extension Construction** **PUBLIC 484**

Sponsor(s)	Committee Report	Amendments Adopted
GUERIN	OTP-AM MAJ OTP-AM MIN	H-695

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill establishes standards governing transmission and distribution utility line extension practices, including standards for charges for line extensions, limits on cost recovery, standards for charges for make-ready work, customer service requirements and requirements for accounting of line extension construction costs.

In a letter to the Office of Public Advocate, the committee requested that office to convene a stakeholder meeting to discuss the bill and to present proposed amendments during the Second Regular Session.

Committee Amendment "A" (H-695)

This amendment is the majority report of the committee. It narrows the scope of the bill to transmission and distribution utilities serving more than 500,000 retail customers. It removes specific requirements for determining costs of line extensions and instead requires the Public Utilities Commission to determine the method to be used by such a utility to estimate the cost of line extensions. This amendment removes the requirement that utilities reimburse ratepayers retroactively to the year 2000 for any costs associated with the construction of a line extension that was recovered through electricity rates. This amendment provides that make-ready work by utilities may be charged to customers taking polyphase service but not to customers taking single-phase service; make ready costs for single-phase service may be recovered in rates. The amendment strikes the customer service requirement and contribution in aid of construction provisions in the bill.

Committee Amendment "B" (H-696)

This amendment is the minority report of the committee. It is the same as the majority report except that it does not include the provisions of the minority report relating to charges for make-ready work.

Enacted Law Summary

Public Law 2011, chapter 484 establishes standards governing line extension practices for transmission and distribution utilities serving more than 500,000 retail customers. It requires the Public Utilities Commission to determine the method to be used by these utilities to estimate the cost of line extensions. It provides that make-ready work by these utilities may be charged to customers taking polyphase service but not to customers taking single-phase service; make-ready costs for single-phase service may be recoverable in rates.

LD 1264 **An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM	S-244

This bill raises energy efficiency standards for public buildings and increases the ability of school units and counties to finance energy-related improvements in public buildings.

Part A raises efficiency standards for state-funded construction.

Part B raises efficiency standards for school construction, involves the Efficiency Maine Trust in the construction project approval process, gives school administrative units increased flexibility in contracting with energy service companies for energy efficiency, load management and distributed renewable energy improvements and makes school administrative units eligible for technical and other assistance from Efficiency Maine Trust in pursuing energy-related improvements.

Part C raises efficiency standards for county buildings and expands counties' ability to contract with energy service companies to achieve energy savings.

Part D raises efficiency standards for municipal buildings.

Part E applies the Maine Municipal Bond Bank's Efficiency Partners Program, which provides loans for efficiency upgrades to municipal and public school buildings, to renewable energy and load management projects.

Committee Amendment "A" (S-244)

This amendment strikes and replaces the bill with the following.

Part A extends existing standards for energy savings design considerations to include cost-effective load management systems.

Part B adds consideration of cost-effective load management systems to existing standards for energy savings design considerations and targets for school construction projects and gives school administrative units increased flexibility in contracting with energy service companies for energy efficiency and load management improvements.

Part C expands counties' ability to contract with energy service companies to include load management systems.

Part D expands the Maine Municipal Bond Bank's Efficiency Partners Program, which provides loans for efficiency

upgrades to municipal and public school buildings, to include load management projects and expands the bank's aggregation powers for nonprofits and municipalities to include the services of energy service companies and products vendors.

LD1264 was enacted by the Legislature during the First Regular Session of the 125th Legislature and vetoed by the Governor. The veto was sustained by the Legislature on January 10, 2012.

LD 1614 **An Act To Create Efficiency in E-9-1-1 Call Centers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THIBODEAU	ONTP	

This bill changes the goal of the Public Utilities Commission, Emergency Services Communication Bureau to establish a total of 16 to 24 public safety answering points to a requirement that the bureau establish a total of 15 to 17 public safety answering points. It requires the bureau to design the E-9-1-1 system to route a wireless E-9-1-1 call initiated more than one mile from the Interstate 95 or 295 corridor to the public safety answering point serving the municipality in which the tower receiving the call is located unless the bureau determines the wireless calls should be routed to a different public safety answering point. It requires the bureau to design the E-9-1-1 system to route a wireless E-9-1-1 call initiated one mile or less from the Interstate 95 or 295 corridor to the Department of Public Safety. This bill clarifies that municipalities may arrange for public safety answering point service through an agreement with another government entity and prohibits a contract to provide public safety answering point service from having a term of less than 5 years.

LD 1620 **An Act To Amend the Charter of the Ogunquit Sewer District** **P & S 24**

Sponsor(s)	Committee Report	Amendments Adopted
HILL	OTP-AM	S-414

This bill modifies the charter of the Ogunquit Sewer District using portions of the Maine Sanitary District Enabling Act as a model, especially as it relates to the sinking fund.

Committee Amendment "A" (S-414)

This amendment modifies the charter of the Ogunquit Sewer District to bring it into compliance with the Maine Revised Statutes, Title 38, chapter 12 and affords the sewer district some powers granted to sanitary districts under the Maine Revised Statutes. The amendment:

1. Adds language that describes the procedure to be taken when a public utility crosses the property or line of a railroad corporation;

2. Clarifies how work done by the district must be carried out;

3. Sets out the procedures that the district must follow to borrow money and to issue bonds and notes;

4. Sets out the procedures for setting rates and tolls;

5. Clarifies that landlord access to payment information related to sewer service is governed by Title 38, section 1252, subsection 11;

6. Requires the district to coordinate municipal planning and sewer extension planning in accordance with Title 38, section 1252, subsection 9; and

7. Strikes those sections of the bill that deal with increases in the debt obligation limit and sinking fund.

Enacted Law Summary

Private and Special Law 2011, chapter 24 modifies the charter of the Ogunquit Sewer District to bring it into compliance with the Maine Revised Statutes, Title 38, chapter 12 and affords the sewer district some powers granted to sanitary districts under the Maine Revised Statutes.

LD 1622 **Resolve, Regarding the Laws Governing Electric Industry Restructuring** **RESOLVE 154**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	OTP-AM	S-472

This bill amends the laws governing electric industry restructuring by providing that affiliated interests of transmission and distribution utilities, as well as transmission and distribution utilities, are not permitted to own, have a financial interest in or otherwise control generation or generation-related assets located in Maine or used to provide electric service in Maine unless permitted by the Public Utilities Commission.

Committee Amendment "A" (S-472)

This amendment changes the bill from an act to a resolve and directs the Public Utilities Commission to submit a report summarizing its findings and decision related to Docket No. 2011-170 pertaining to the request by Bangor Hydroelectric Company for exemption and for reorganization approvals to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by December 15, 2012.

Enacted Law Summary

Resolve 2011, chapter 154 directs the Public Utilities Commission to submit a report summarizing its findings and decision related to Docket No. 2011-170 pertaining to the request by Bangor Hydroelectric Company for exemption and for reorganization approvals to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by December 15, 2012.

LD 1644 **An Act To Expand the Availability of Natural Gas to Maine Residents** **PUBLIC 586 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KATZ	OTP-AM MAJ OTP-AM MIN	S-461

This bill authorizes the Finance Authority of Maine to issue bonds for energy distribution system projects that expand the supply of natural gas in the State. The authority is authorized to issue a certificate of approval to an

applicant for a natural gas project only if the applicant contributes at least 25% of the expected cost of the project. This bill also establishes in statute minimum and maximum capital reserve requirements for bonds that are issued for natural gas projects.

Committee Amendment "A" (S-461)

This amendment is the majority report. This amendment strikes the bill. It expands the definition of "energy distribution system project" for the purpose of receiving financing assistance from the Finance Authority of Maine to include systems that distribute or transmit oil, biofuels, propane, compressed natural gas or liquefied natural gas. It requires energy distribution system projects regulated by the Public Utilities Commission to provide at least a 25% equity contribution to the cost of the project in order to receive a certificate of approval from the Finance Authority of Maine. This amendment decreases the total debt obligation limit for securities to fund energy distribution system projects from $330,000,000 to $180,000,000 and removes the Finance Authority of Maine's authority to set limits for these types of securities annually. Finally, this amendment prohibits the Finance Authority of Maine from issuing revenue obligation securities for energy distribution system projects after January 1, 2018, unless a certificate of approval was issued before that date.

Committee Amendment "B" (S-462)

This amendment is the minority report. This amendment strikes and replaces the bill. It requires energy distribution system projects regulated by the Public Utilities Commission to provide at least a 25% equity contribution to the cost of the project in order to receive a certificate of approval from the Finance Authority of Maine. This amendment decreases the total debt obligation limit for securities to fund energy distribution system projects from $330,000,000 to $180,000,000 and removes the Finance Authority of Maine's authority to set limits for these types of securities annually. Finally, this amendment prohibits the Finance Authority of Maine from issuing revenue obligation securities for energy distribution system projects after January 1, 2018, unless a certificate of approval was issued before that date.

Enacted Law Summary

Public Law 2011, chapter 586 expands the definition of "energy distribution system project" for the purpose of receiving financing assistance from the Finance Authority of Maine to include systems that distribute or transmit oil, biofuels, propane, compressed natural gas or liquefied natural gas. It requires energy distribution system projects regulated by the Public Utilities Commission to provide at least a 25% equity contribution to the cost of the project in order to receive a certificate of approval from the Finance Authority of Maine. It decreases the total debt obligation limit for securities to fund energy distribution system projects from $330,000,000 to $180,000,000 and removes the Finance Authority of Maine's authority to set limits for these types of securities annually. Finally, it prohibits the Finance Authority of Maine from issuing revenue obligation securities for energy distribution system projects after January 1, 2018, unless a certificate of approval was issued before that date.

Public Law 2011, chapter 586 was enacted as an emergency measure effective March 29, 2012.

LD 1676 **An Act To Increase Energy Options** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This bill grants to communities not served by consumer-owned utilities the opportunity to manage standard-offer electricity supply for the communities in the manner that consumer-owned utilities may manage standard-offer service for the communities they serve.

LD 1703 **An Act To Create the New Gloucester Water District** **P & S 19**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
ESPLING SNOWE-MELLO	OTP-AM	H-684

This bill creates the New Gloucester Water District.

Committee Amendment "A" (H-684)

This amendment strikes redundant language from the bill. It adds a time frame according to which the trustees of the water district must be appointed and strikes the exception that the registrar of voters is not required to prepare or the clerk to post a new list of voters. Because of the limited time frame to secure funding to address water contamination in the New Gloucester Upper Village, the referendum for the legal voters to approve the creation of the New Gloucester Water District has been scheduled at a time that may occur before legislative approval of the bill as amended. Because of the unique and extraordinary circumstances giving rise to the bill, the bill and this amendment allow for that referendum to be held before legislative approval. If the referendum is held prior to legislative approval and the majority of legal voters approve creation of the water district, the bill as amended will take effect immediately upon the Governor's signature. If the referendum occurs after legislative approval, the bill as amended will take effect if approved by the majority of legal voters voting in the referendum.

Enacted Law Summary

Private and Special Law 2011, chapter 19 creates the New Gloucester Water District. The law is subject to referendum approval. Because of unique and extraordinary circumstances giving rise to the law, it allows for the referendum to be held before legislative approval. If the referendum is held prior to legislative approval and the majority of legal voters approve creation of the water district, the law will take effect immediately upon the Governor's signature. If the referendum occurs after legislative approval, the law will take effect if approved by the majority of legal voters voting in the referendum.

Private and Special Law 2011, chapter 19 was enacted as an emergency measure effective January 26, 2012, subject to referendum approval.

LD 1706 **An Act To Protect Maine's Biomass and Forest Products Industries by Allowing Biomass Generators To Enter into Short-term Contracts** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	ONTP MAJ OTP-AM MIN	

This bill authorizes the Public Utilities Commission to enter into short-term contracts with qualifying biomass generators. This bill limits the price for the capacity and renewable energy credits generated by a qualifying biomass generator to the projected market price at the time of delivery. The average price of energy generated by a qualifying biomass generator may not exceed the lesser of a rate that, together with revenues from any sales of capacity resources and renewable energy credits, is sufficient for the qualifying biomass generator to be financially capable of normal operations, and 2¢ per kilowatt-hour over the projected wholesale market price of energy at the time of delivery.

Committee Amendment "A" (H-809)

This amendment is the minority report of the committee. This amendment replaces the bill and changes the title. This amendment provides that, upon a determination by the Public Utilities Commission that a biomass facility has not been operating for 90 days or more due to economic hardship, the biomass facility is temporarily eligible as a new renewable capacity resource and for renewable energy credits for a period of 3 years. If during that 3 years the biomass facility no longer needs the additional revenue from the renewable energy credits, the value of the renewable energy credits must be transferred to the Efficiency Maine Trust for deposit into the conservation program fund established by the Efficiency Maine Trust. The Public Utilities Commission may adopt routine technical rules to implement these provisions.

The amendment further requires the Department of Economic and Community Development to convene a task force to identify ways to improve the economic stability of biomass facilities in this State. The department is required to report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by March 1, 2013.

This amendment was adopted in the Senate but not in the House.

Senate Amendment "A" To Committee Amendment "A" (S-539)

This amendment amends Committee Amendment "A" to remove the requirement that a biomass generator that is unable to operate due to economic hardship must cease operating for at least 90 days before becoming eligible to be counted towards a competitive electricity provider's new renewable capacity resource requirement.

This amendment was adopted in the Senate but not in the House.

LD 1761 **An Act To Improve and Ensure Adequate Funding for E-9-1-1 Services** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	OTP-AM	H-826

This bill takes initial steps to update the State's emergency services communications laws as the State and the nation prepare to migrate to the next evolutionary step in 9-1-1 service, increases the E-9-1-1 monthly surcharge by 5¢ and changes the E-9-1-1 surcharge remittance from monthly to quarterly for local exchange telephone utilities, cellular or wireless providers and interconnected voice over Internet protocol providers whose average monthly surcharge remittance payment for the prior calendar year is less than $5,000.

Committee Amendment "A" (H-826)

This amendment increases the E-9-1-1 monthly surcharge, which is currently 45¢, to 65¢ for 18 months and then decreases the surcharge to 40¢ thereafter. The amendment also adds an appropriations and allocations section.

LD 1784 **An Act To Reform Telecommunications Regulation** **PUBLIC 623**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-869

This bill was reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to Resolve 2011, chapter 69, section 1. As required by the resolve, the Public Utilities Commission submitted to the committee on December 30, 2011 its plan to reform telecommunications regulation, including the necessary changes to law to implement its plan. This bill incorporates all the changes to law that the commission indicated are necessary to implement its plan. The committee had not taken a position on the substance of the plan or this bill; the committee reported out the bill for the sole purpose of turning the commission's proposal into a printed bill that could be referred to the committee for an appropriate public hearing and subsequent processing in the normal course.

Committee Amendment "A" (H-869)

This amendment replaces the bill. This amendment preserves many of the substantive elements of the bill, but reorganizes them, rewrites some of them, removes others and adds still others. While the basic regulatory structure proposed in the bill is largely maintained, many of its details are modified or replaced.

In general, this amendment establishes a new regulatory structure for the telephone industry. It establishes a regulated basic local flat-rate dial-tone service called "provider of last resort service." Providers of this service, called "service providers," continue to be regulated as public utilities, though many provisions of law currently relating to telephone utilities are modified as they apply to this service. Local exchange carriers also remain subject to Public Utilities Commission jurisdiction to the extent their federal interconnection rights and obligations are regulated or overseen by the commission. All other providers of telephone services either remain unregulated or are largely deregulated, though certain provisions of the Maine Revised Statutes, Title 35-A are amended to apply to some of these entities, notably provisions relating to certain assessments, provisions granting certain rights to build lines in public roadways and across waters and provisions relating to joint use of facilities. A number of provisions of law are repealed entirely, either because they are obsolete or to conform with the streamlined regulatory structure established by the amendment.

Part A of this amendment, which relates mainly to providers of provider of last resort service and local exchange carriers, does the following.

1. It establishes various definitions for the various types of entities that provide telephone or telephone-like service.

2. It establishes provider of last resort service. This service is a basic local service provided by incumbent local exchange carriers unless a carrier petitions to have the service transferred to another entity willing to take on the responsibility and the commission determines the alternative provider can adequately meet the obligations. The service must have the capacity to maintain service during power outages, unless the commission finds that by waiving this requirement benefits would accrue to customers that would exceed the benefits to those customers of preserving the requirement.

3. It provides that customers of the service retain access to the commission for redress of problems relating to the service, regardless of what other services the customer takes from the service provider, but the other services are not thereby made subject to any commission regulation.

4. It provides that certain ancillary services closely related to the service, such as call forwarding and call waiting,

must be offered, if at all, on an individual basis; the provider may not require the customer to take the ancillary services as a bundle.

5. It provides that the commission retains many of its traditional regulatory powers over the service, though some powers are modified as they apply to service providers, including:

A. The law governing management audits, which is changed to provide that the commission may only conduct such audits if no less burdensome means of obtaining information is available and certain preconditions are met;

B. The law governing accounting standards, which is changed to limit its application only to provider of last resort accounts and to require the commission's standards be based on applicable federal standards;

C. The law governing approval of stocks and bonds, which is modified to permit the commission by rule to exempt providers from some or all of its provisions; and

D. The law governing directories, which is modified to remove requirements for publication of directories but to provide that at least one more edition of directories be published and that going forward customers are given the option of receiving directory information electronically or as a printout of the electronic database.

6. It limits the commission's power to obtain certain information, prohibiting it from requiring:

A. Network maps more detailed than those that have been submitted in the past; and

B. Outage reporting earlier than 7 days after the outage is restored.

7. It provides that the rates for provider of last resort service are initially the current local rates. The commission is directed to establish a stakeholder group to develop the regulatory structure for setting rates going forward, including appropriate cost considerations and standards for the availability and amount of support from the universal service fund established in Title 35-A, section 7104. The commission is directed to report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by January 15, 2013, and the committee is authorized to report out a bill on this subject to the First Regular Session of the 126th Legislature.

8. The current alternative form of regulation that applies to the largest incumbent local exchange carrier in the State is altered so that most of its provisions, other than those relating to provider of last resort service, are phased out. The commission is directed to establish in an adjudicatory proceeding a limited set of service quality standards that will apply from August 1, 2012 through July 31, 2013. The commission is also directed to establish by major substantive rule service quality standards going forward, including appropriate incentive penalties for failures to meet the standards. The commission may impose penalties for failures to meet service quality standards only after investigation.

9. It preserves commission jurisdiction over local exchange carriers to the extent their federal interconnection rights and obligations are regulated or overseen by the commission.

10. It provides that providers of interconnected voice over Internet protocol service and dark fiber providers are not subject to regulation by the commission unless otherwise expressly provided in law. Certain discrete provisions do apply to such providers; Part B of the amendment addresses such discrete provisions.

Part B of the amendment, which includes provisions of law that affect a broader array of telephone entities than providers of provider of last resort service and local exchange carriers, does the following.

1. It requires any provider of interconnected voice over Internet protocol service that paid any commission or Office of the Public Advocate assessment under Title 35-A, section 116, whether voluntarily, by agreement with the

commission or otherwise, prior to March 1, 2012, to continue to pay those assessments.

2. It modifies the commission's authority to obtain information so that with respect to any entity, other than a service provider with respect to provider of last resort service, the commission may only request or order information relating to laws to which the entity is subject and over which the commission has jurisdiction.

3. It provides that all voice service providers that use the public switched network must pay into a state universal service fund and the telecommunications education access fund. It also directs the commission to pursue all activities necessary to maximize the amount of federal support received by voice service providers offering voice and broadband service in the State.

4. It expands the universe of entities that are given the right to construct lines and facilities, including along public roadways, subject to permitting, to include all voice service providers, dark fiber providers and wholesale competitive local exchange carriers. It subjects these entities to the safety codes that apply to public utilities as well as the laws governing tree trimming. It also expands the jurisdiction of the commission to order joint use of equipment and prescribe reasonable compensation and reasonable terms and conditions for the joint use upon complaint to include voice service providers, dark fiber providers and wholesale competitive local exchange carriers.

5. It preserves a number of consumer protection laws, including laws governing customer privacy, caller-ID blocking, unauthorized billing and practices known as "slamming" and "cramming." The amendment streamlines the caller-ID blocking law and the "slamming" law in the same manner as proposed in the bill and prohibits the commission from requiring 3rd-party verification of customer authorization of charges billed by an affiliate of a telephone utility.

Part C of the amendment repeals the following:

1. The law regulating audiotext services;

2. Laws authorizing the commission to grant by rule exemptions for certain telephone utilities from certain provisions of law. These are obsolete provisions, given the modifications to laws made by the amendment;

3. The requirement that in order to obtain approval to furnish service, service providers and local exchange carriers furnish a bond;

4. The law governing emergency use of party lines;

5. The law providing for telephone regulation of cable television companies that offer telephone services;

6. The law requiring a public utility that operates a radio paging service to maintain separate accounts;

7. The law requiring a public utility that provides mobile telecommunications in addition to other public utility services to maintain separate accounts; and

8. As of August 1, 2013, the law authorizing the commission to adopt an alternative form of regulation for telephone utilities.

Part D of the amendment makes several technical changes to laws to conform to the telecommunications regulatory reform accomplished by the amendment. It also:

1. Specifies that rights and obligations under orders relating to the merger of FairPoint Communications, Inc. and Verizon Communications Inc. are unaffected by telecommunications regulatory reform;

2. Provides that any approval to provide service granted by the Public Utilities Commission under Title 35-A, section 2102 prior to the effective date of this law is unaffected by telecommunications regulatory reform;

3. Directs the commission to examine whether it is appropriate to require any voice service providers that are not required to pay assessments under Title 35-A, sections 116, 7104 and 7104-B to pay such assessments and if so the reasons why they should be included and how they may appropriately and fairly be included. The commission is directed to submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and technology matters by January 15, 2013. The joint standing committee may report out a bill related to the subject of the report to the First Regular Session of the 126th Legislature; and

4. Directs the commission to review the provisions of Title 35-A and the commission's implementing rules relating to or affecting telecommunications to determine what, if any, further changes to law are required to clarify or bring into effect the regulatory changes made by this law. The commission is specifically directed to examine whether the expansion of the application of Title 35-A, section 711 creates any regulatory or other issues that should be addressed. The commission is authorized to submit a bill to the First Regular Session of the 126th Legislature proposing any recommended changes to law to clarify, adjust or bring into effect the regulatory changes made by this law.

Enacted Law Summary

Public Law 2011, chapter 623 establishes a new regulatory structure for the telephone industry. It establishes a regulated basic local flat-rate dial-tone service called "provider of last resort service." Providers of this service, called "service providers," continue to be regulated as public utilities, though many provisions of law currently relating to telephone utilities are modified as they apply to this service. Local exchange carriers also remain subject to Public Utilities Commission jurisdiction to the extent their federal interconnection rights and obligations are regulated or overseen by the commission. All other providers of telephone services either remain unregulated or are largely deregulated, though certain provisions of the Maine Revised Statutes, Title 35-A are amended to apply to some of these entities, notably provisions relating to certain assessments, provisions granting certain rights to build lines in public roadways and across waters and provisions relating to joint use of facilities. A number of provisions of law are repealed entirely, either because they are obsolete or to conform with the streamlined regulatory structure established by this law.

Part A, which relates mainly to providers of provider of last resort service and local exchange carriers, does the following.

1. It establishes various definitions for the various types of entities that provide telephone or telephone-like service.

2. It establishes provider of last resort service. This service is a basic local service provided by incumbent local exchange carriers unless a carrier petitions to have the service transferred to another entity willing to take on the responsibility and the commission determines the alternative provider can adequately meet the obligations. The service must have the capacity to maintain service during power outages, unless the commission finds that by waiving this requirement benefits would accrue to customers that would exceed the benefits to those customers of preserving the requirement.

3. It provides that customers of the service retain access to the commission for redress of problems relating to the service, regardless of what other services the customer takes from the service provider, but the other services are not thereby made subject to any commission regulation.

4. It provides that certain ancillary services closely related to the service, such as call forwarding and call waiting, must be offered, if at all, on an individual basis; the provider may not require the customer to take the ancillary services as a bundle.

5. It provides that the commission retains many of its traditional regulatory powers over the service, though some

powers are modified as they apply to service providers, including:

A. The law governing management audits, which is changed to provide that the commission may only conduct such audits if no less burdensome means of obtaining information is available and certain preconditions are met;

B. The law governing accounting standards, which is changed to limit its application only to provider of last resort accounts and to require the commission's standards be based on applicable federal standards;

C. The law governing approval of stocks and bonds, which is modified to permit the commission by rule to exempt providers from some or all of its provisions; and

D. The law governing directories, which is modified to remove requirements for publication of directories but to provide that at least one more edition of directories be published and that going forward customers are given the option of receiving directory information electronically or as a printout of the electronic database.

6. It limits the commission's power to obtain certain information, prohibiting it from requiring:

A. Network maps more detailed than those that have been submitted in the past; and

B. Outage reporting earlier than 7 days after the outage is restored.

7. It provides that the rates for provider of last resort service are initially the current local rates. The commission is directed to establish a stakeholder group to develop the regulatory structure for setting rates going forward, including appropriate cost considerations and standards for the availability and amount of support from the universal service fund established in Title 35-A, section 7104. The commission is directed to report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by January 15, 2013, and the committee is authorized to report out a bill on this subject to the First Regular Session of the 126th Legislature.

8. The current alternative form of regulation that applies to the largest incumbent local exchange carrier in the State is altered so that most of its provisions, other than those relating to provider of last resort service, are phased out. The commission is directed to establish in an adjudicatory proceeding a limited set of service quality standards that will apply from August 1, 2012 through July 31, 2013. The commission is also directed to establish by major substantive rule service quality standards going forward, including appropriate incentive penalties for failures to meet the standards. The commission may impose penalties for failures to meet service quality standards only after investigation.

9. It preserves commission jurisdiction over local exchange carriers to the extent their federal interconnection rights and obligations are regulated or overseen by the commission.

10. It provides that providers of interconnected voice over Internet protocol service and dark fiber providers are not subject to regulation by the commission unless otherwise expressly provided in law. Certain discrete provisions do apply to such providers; Part B of the law addresses such discrete provisions.

Part B, which includes provisions of law that affect a broader array of telephone entities than providers of provider of last resort service and local exchange carriers, does the following.

1. It requires any provider of interconnected voice over Internet protocol service that paid any commission or Office of the Public Advocate assessment under Title 35-A, section 116, whether voluntarily, by agreement with the commission or otherwise, prior to March 1, 2012, to continue to pay those assessments.

2. It modifies the commission's authority to obtain information so that with respect to any entity, other than a service provider with respect to provider of last resort service, the commission may only request or order information

relating to laws to which the entity is subject and over which the commission has jurisdiction.

3. It provides that all voice service providers that use the public switched network must pay into a state universal service fund and the telecommunications education access fund. It also directs the commission to pursue all activities necessary to maximize the amount of federal support received by voice service providers offering voice and broadband service in the State.

4. It expands the universe of entities that are given the right to construct lines and facilities, including along public roadways, subject to permitting, to include all voice service providers, dark fiber providers and wholesale competitive local exchange carriers. It subjects these entities to the safety codes that apply to public utilities as well as the laws governing tree trimming. It also expands the jurisdiction of the commission to order joint use of equipment and prescribe reasonable compensation and reasonable terms and conditions for the joint use upon complaint to include voice service providers, dark fiber providers and wholesale competitive local exchange carriers.

5. It preserves a number of consumer protection laws, including laws governing customer privacy, caller-ID blocking, unauthorized billing and practices known as "slamming" and "cramming." The amendment streamlines the caller-ID blocking law and the "slamming" law in the same manner as proposed in the bill and prohibits the commission from requiring 3rd-party verification of customer authorization of charges billed by an affiliate of a telephone utility.

Part C repeals the following:

1. The law regulating audiotext services;

2. Laws authorizing the commission to grant by rule exemptions for certain telephone utilities from certain provisions of law.

3. The requirement that in order to obtain approval to furnish service, service providers and local exchange carriers furnish a bond;

4. The law governing emergency use of party lines;

5. The law providing for telephone regulation of cable television companies that offer telephone services;

6. The law requiring a public utility that operates a radio paging service to maintain separate accounts;

7. The law requiring a public utility that provides mobile telecommunications in addition to other public utility services to maintain separate accounts; and

8. As of August 1, 2013, the law authorizing the commission to adopt an alternative form of regulation for telephone utilities.

Part D makes several technical changes to laws to conform to the telecommunications regulatory reform accomplished by this law. It also:

1. Specifies that rights and obligations under orders relating to the merger of FairPoint Communications, Inc. and Verizon Communications Inc. are unaffected by telecommunications regulatory reform;

2. Provides that any approval to provide service granted by the Public Utilities Commission under Title 35-A, section 2102 prior to the effective date of this law is unaffected by telecommunications regulatory reform;

3. Directs the commission to examine whether it is appropriate to require any voice service providers that are not

required to pay assessments under Title 35-A, sections 116, 7104 and 7104-B to pay such assessments and if so the reasons why they should be included and how they may appropriately and fairly be included. The commission is directed to submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and technology matters by January 15, 2013. The joint standing committee may report out a bill related to the subject of the report to the First Regular Session of the 126th Legislature; and

4. Directs the commission to review the provisions of Title 35-A and the commission's implementing rules relating to or affecting telecommunications to determine what, if any, further changes to law are required to clarify or bring into effect the regulatory changes made by this law. The commission is specifically directed to examine whether the expansion of the application of Title 35-A, section 711 creates any regulatory or other issues that should be addressed. The commission is authorized to submit a bill to the First Regular Session of the 126th Legislature proposing any recommended changes to law to clarify, adjust or bring into effect the regulatory changes made by this law.

LD 1789 **Resolve, Regarding Legislative Review of Portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 138 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-790

This resolve provides for legislative review of portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-790)

This amendment conditionally authorizes the adoption of Chapter 316: Long-Term Contracting and Resource Adequacy, a major substantive rule of the Public Utilities Commission. The commission is required to incorporate the changes made by Public Law 2011, chapter 413, sections 2 and 3 to the process by which energy efficiency long-term contracts are approved and executed.

Enacted Law Summary

Resolve 2011, chapter 138 conditionally authorizes the adoption of Chapter 316: Long-Term Contracting and Resource Adequacy, a major substantive rule of the Public Utilities Commission. The commission is required to incorporate the changes made by Public Law 2011, chapter 413, sections 2 and 3 to the process by which energy efficiency long-term contracts are approved and executed.

Resolve 2011, chapter 138 was finally passed as an emergency measure effective March 29, 2012.

LD 1790 **Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This resolve provides for legislative review of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a major substantive rule of the Public Utilities Commission.

Approval of this rule was provided in LD 1803; see summary of LD 1803.

LD 1791 **Resolve, Regarding Legislative Review of Portions of Chapter 815: Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission**

RESOLVE 128
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 815: Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission.

Enacted Law Summary

Resolve 2011, chapter 128 authorizes final adoption of Chapter 815: Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission.

Resolve 2011, chapter 128 was finally passed as an emergency measure effective March 16, 2012.

LD 1792 **Resolve, Regarding Legislative Review of Portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a Major Substantive Rule of the Public Utilities Commission**

RESOLVE 143
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-787

This resolve provides for legislative review of portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-787)

This amendment conditionally authorizes portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a major substantive rule of the Public Utilities Commission. The amendment directs the commission to remove the definition of "customer," provisions related to certain snow safety requirements and the requirement for liquefied petroleum gas system operators to promote the "811" and "OK to Dig" notification process. It requires the commission to amend provisions related to operators, "Red Tag" marking requirements, record retention requirements and corrective action periods when a violation is noted.

Enacted Law Summary

Resolve 2011, chapter 143 conditionally authorizes portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a major substantive rule of the Public Utilities Commission.

The resolve directs the commission to remove the definition of "customer," provisions related to certain snow safety requirements and the requirement for liquefied petroleum gas system operators to promote the "811" and "OK to Dig" notification process. It requires the commission to amend provisions related to operators, "Red Tag" marking requirements, record retention requirements and corrective action periods when a violation is noted.

Resolve 2011, chapter 143 was finally passed as an emergency measure effective March 20, 2012.

LD 1799 **An Act Regarding the Collection of Fees for Prepaid Wireless Service** **PUBLIC 600**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	OTP-AM	H-846

This bill establishes a methodology for the determination of the amount of fees imposed on prepaid wireless telecommunications service. Under the bill, the Public Utilities Commission is required to establish by rule the amount of a fee imposed on prepaid wireless telecommunications consumers for contribution to the state universal service fund, if any, and the telecommunications education access fund. The amount of the fee is the result of $25 multiplied by a percentage determined by the commission by rule.

The bill also reallocates and amends the method of collection of the statewide prepaid wireless E-9-1-1 surcharge levied on prepaid wireless telecommunications service consumers and combines collection of the surcharge with the collection of the fees imposed on prepaid wireless telecommunications consumers for contribution to the state universal service fund and the telecommunications education access fund. The seller of prepaid wireless telecommunications services is required to collect the fees and surcharges from the prepaid wireless consumer for each retail transaction occurring in this State. The amount of the prepaid wireless fee, which is the sum of the 2 fees and the surcharge, must be separately stated on an invoice, receipt or similar document that is provided to the prepaid wireless consumer by the seller, when practicable. The seller is required to remit the fees and surcharges to the State Tax Assessor in the same manner as the sales tax. The State Tax Assessor is required to remit the fees and surcharges to the Public Utilities Commission for disbursement by the commission to the various funds.

Committee Amendment "A" (H-846)

This amendment limits the Public Utilities Commission's adjustment of the amount of fees collected for the state universal service fund and the telecommunications education access fund to not more often than once every 24 months. This amendment establishes a fund at the commission to accept the fees from the State Tax Assessor, and this amendment removes some unnecessary language and makes technical changes. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 600 establishes a methodology for the determination of the amount of fees imposed on prepaid wireless telecommunications service. Under the law, the Public Utilities Commission is required to establish by rule the amount of a fee imposed on prepaid wireless telecommunications consumers for contribution to the state universal service fund, if any, and the telecommunications education access fund. The amount of the fee is the result of $25 multiplied by a percentage determined by the commission by rule. The law limits the Public Utilities Commission's adjustment of the amount of fees collected for the state universal service fund and the telecommunications education access fund to not more often than once every 24 months.

The law also amends the method of collection of the statewide prepaid wireless E-9-1-1 surcharge levied on prepaid wireless telecommunications service consumers and combines collection of the surcharge with the collection of the fees imposed on prepaid wireless telecommunications consumers for contribution to the state universal service fund

and the telecommunications education access fund. The seller of prepaid wireless telecommunications services is required to collect the fees and surcharges from the prepaid wireless consumer for each retail transaction occurring in this State. The amount of the prepaid wireless fee, which is the sum of the 2 fees and the surcharge, must be separately stated on an invoice, receipt or similar document that is provided to the prepaid wireless consumer by the seller, when practicable. The seller is required to remit the fees and surcharges to the State Tax Assessor in the same manner as the sales tax. The State Tax Assessor is required to remit the fees and surcharges to the Public Utilities Commission for disbursement by the commission to the various funds.

LD 1803 **An Act To Implement the Recommendations of the Dig Safe Work Group** **PUBLIC 588 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-842

This bill amends the so-called dig safe law to exclude liquefied propane gas distribution systems that are not included within the scope of safety regulation of the Public Utilities Commission in its role as an agent to the United States Department of Transportation from the definition of an underground facility. The bill clarifies that the dig safe law applies to state agencies and departments and allows the Public Utilities Commission to impose administrative penalties on any person who violates the dig safe law, including a state agency or department. The administrative penalties paid to resolve violations of the dig safe law are dedicated to further the prevention of damage to underground facilities in specific proportions through funding training by private nonprofit groups; dissemination of damage prevention information through the use of radio, television and print media advertising; and the creating of grants to assist facilities operators in funding mapping of their facilities. Finally, the bill requires the Public Advocate to establish and convene a dig safe work group to facilitate the creation of a centralized one-call system to notify the operators of underground facilities of pending excavations.

Committee Amendment "A" (H-842)

This amendment creates an exemption from the requirement to notify the underground facility damage prevention system, established pursuant to the so-called dig safe law, for grading private unpaved roads. It also changes the circumstances under which an excavator notifies a private landowner of excavations that occur on that landowner's property and the excavator's liability for work completed on that land. This amendment removes the provisions of the bill that directs how the administrative penalties are used. This amendment specifies the membership of the "dig safe" work group, requires the work group convene within 60 days of the effective date of the bill, and adds additional items to the work group's scope of work. Finally, this amendment addresses major substantive rulemaking proposed for authorization in LD 1790, H.P. 1315, "Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission," by conditionally authorizing final adoption of portions of Chapter 895 only if the Public Utilities Commission makes specific changes to the rule.

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

Enacted Law Summary

Public Law 2011, chapter 588 amends the so-called dig safe law. It excludes from the definition of an underground facility liquefied propane gas distribution systems not subject to safety regulation by the Public Utilities Commission. It clarifies that the dig safe law applies to state agencies and departments and allows the Public Utilities Commission to impose administrative penalties on any person who violates the dig safe law, including a state agency or department. It creates an exemption from the requirement to notify the underground facility damage prevention system for grading completed on private unpaved roads. It also changes the circumstances under which an excavator notifies a private landowner of excavations that occur on that landowner's property and the excavator's

liability for work completed on that land. It requires the Public Advocate to establish and convene a dig safe work group to facilitate the creation of a centralized one-call system to notify the operators of underground facilities of pending excavations.

This law also addresses major substantive rulemaking proposed for authorization in LD 1790, H.P. 1315, "Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission," by conditionally authorizing final adoption of portions of Chapter 895 only if the Public Utilities Commission makes specific changes to the rule.

Public Law 2011, chapter 588 was enacted as an emergency measure effective April 4, 2012.

LD 1820 **An Act To Implement Recommendations To Provide Additional Flexibility for Funding Infrastructure Improvements for Water Utilities** **PUBLIC 602**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-852

This bill was reported by the Joint Standing Committee on Energy, Utilities and Technology pursuant to Public Law 2011, chapter 106, section 2. As required by that public law, the Public Utilities Commission had submitted to the committee on January 15, 2012 a report regarding providing additional flexibility to water utilities for funding infrastructure improvements; the bill incorporates proposed changes to the law as suggested by the commission: It allows a water utility, in accordance with certain requirements and rules adopted by the commission, to fund future infrastructure improvements through recovery in rates and the establishment of a capital reserve fund or to fund completed improvements through the establishment of a surcharge.

Committee Amendment "A" (H-852)

This amendment clarifies the Public Utilities Commission's review of a water utility's capital reserve account and requires that, if the commission investigates a water utility's temporary surcharge to determine if it is just and reasonable, the determination must be made within 75 days. The amendment eliminates the requirement that the commission include in rulemaking the types of capital projects that are eligible for funding under these new provisions. The amendment requires the commission to require by rule that a plan be submitted if a water utility is going to establish and use a capital reserve account.

Enacted Law Summary

Public Law 2011, chapter 602 allows a water utility, in accordance with certain requirements and rules adopted by the commission, to fund future infrastructure improvements through recovery in rates and the establishment of a capital reserve fund or to fund completed improvements through the establishment of a surcharge. If the commission investigates a water utility's temporary surcharge to determine if it is just and reasonable, the determination must be made within 75 days. The commission by rule must require a plan to be submitted if a water utility is going to establish and use a capital reserve account.

LD 1834 **An Act To Amend the Boothbay Region Water District Charter** **P & S 25 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD JOHNSON	OTP-AM	H-828

This bill amends the Boothbay Region Water District charter by increasing the number of trustees from 5 to 7, including in the district's territory the Town of Southport and providing for how the 2 new trustees from the Town of Southport will be elected. The bill also requires the Boothbay Region Water District to acquire the assets and debt of the Southport water system. These provisions are subject to referendum approval.

Committee Amendment "A" (H-828)

This amendment removes, subject to referendum approval, the prohibition on municipal officers of the towns within the Boothbay Region Water District serving as trustees of the district.

Enacted Law Summary

Private and Special Law 2011, chapter 25 amends the Boothbay Region Water District charter by increasing the number of trustees from 5 to 7, including in the district's territory the Town of Southport and providing for how the 2 new trustees from the Town of Southport will be elected. It also requires the Boothbay Region Water District to acquire the assets and debt of the Southport water system. These provisions are subject to referendum approval.

Private and Special Law 2011, chapter 25 also removes, subject to separate referendum approval, the current prohibition on municipal officers of the towns within the Boothbay Region Water District serving as trustees of the district.

Private and Special Law 2011, chapter 25 was enacted as an emergency measure effective April 6, 2012, subject to referendum approvals.

LD 1842 **An Act To Amend the Charter of the Bingham Water District and To Direct That Certain Issues Be Studied** **P & S 26 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
DUNPHY	OTP-AM	H-879

This bill amends the charter of the Bingham Water District by amending the procedure by which the board of trustees receives compensation, changing the vote to amend the bylaws from a 2/3 vote to a simple majority and authorizing the board of trustees to adopt a resolution that provides that the minimum charge for water service continues to apply to property that is voluntarily disconnected from the system.

Committee Amendment "A" (H-879)

This amendment removes a provision of the bill that authorizes the board of trustees of the Bingham Water District to adopt a resolution that provides that the minimum charge for water service continues to apply to property that is voluntarily disconnected from the system.

This amendment directs the Public Utilities Commission to convene a stakeholder group to examine issues relating to the loss of customers by water utilities and the effect this has on the utilities' ability to pay for infrastructure and the effect on remaining customers. The commission is directed to invite participation from a broad range of interested entities. The stakeholder group is directed to examine whether there are appropriate means by which contributions to system costs may be collected from customers who discontinue service or from property owners whose property has been served or may be served by the system and if so how the collection might be done in a manner that is just and reasonable. The commission must report the findings and recommendations of the stakeholder group, together with any proposals for changes to law to implement the recommendations, to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by February 15, 2013. The committee is authorized to report out a bill on the subject to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Private and Special Law 2012, chapter 26 amends the charter of the Bingham Water District by amending the procedure by which the board of trustees receives compensation and changing the vote to amend the bylaws from a 2/3 vote to a simple majority.

It also directs the Public Utilities Commission to convene a stakeholder group to examine issues relating to the loss of customers by water utilities and the effect this has on the utilities' ability to pay for infrastructure and the effect on remaining customers. The commission is directed to invite participation from a broad range of interested entities. The stakeholder group is directed to examine whether there are appropriate means by which contributions to system costs may be collected from customers who discontinue service or from property owners whose property has been served or may be served by the system and if so how the collection might be done in a manner that is just and reasonable. The commission must report the findings and recommendations of the stakeholder group, together with any proposals for changes to law to implement the recommendations, to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by February 15, 2013. The committee is authorized to report out a bill on the subject to the First Regular Session of the 126th Legislature.

Private and Special Law 2012, chapter 26 was enacted as an emergency measure effective April 12, 2012.

LD 1863 **An Act To Lower the Price of Electricity for Maine Consumers** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
THIBODEAU	OTP-AM MAJ OTP-AM MIN	

This bill removes the 100-megawatt limits for qualifying as a renewable resource or renewable capacity resource for purposes of meeting the State's Class 1 and Class 2 portfolio requirements.

The bill adds new language to the long-term contracting provisions of Title 35-A to provide that the "primary consideration" for the contracts must be anticipated lower prices for ratepayers over the life of the contract. It also resolves a non-substantive conflict in law. The bill modifies the priority listing of resources for long-term contracting to remove preferences for new renewable resources over other capacity resources and to remove a preference for capacity resources that enhance reliability of the grid with no net emission of greenhouse gasses over those that do increase net emissions. Finally, it sets certain limits on long-term contracts: they may not in total encompass more than 25% of total annual statewide electricity usage; they may not require non-renewable resources to purchase CO2 allowances under the regional greenhouse gas in initiative; they may not require renewable resources to purchase renewable energy credits; and they must provide that contracted renewable resources

automatically satisfy the Class 1 portfolio requirement.

Committee Amendment "A" (S-494)

This amendment, which is the majority report of the committee, does the following.

1. The amendment removes those sections of the bill that propose to remove the 100-megawatt limit on certain renewable resources that qualify under the Class 1 and Class 2 electricity portfolio requirements under the Maine Revised Statutes, Title 35-A, section 3210.

2. It retains the section of the bill that makes a technical correction to Title 35-A, section 3210-C, subsection 2.

3. It replaces the section of the bill that makes certain changes to the Public Utilities Commission's authority to enter into long-term contracts. It makes a technical change that resolves a conflict of laws but otherwise retains the substance of the current law.

4. It retains the section of the bill that makes certain modifications to the law prioritizing capacity resources for long-term contracts, but it clarifies that, consistent with other provisions of that law, the commission shall select resources that are anticipated to lower the cost of electricity to ratepayers.

5. It amends the portion of the bill imposing certain limits on long-term contracts: it retains the provision limiting contracts to no more than 25% of the total annual statewide electricity usage, but removes the other proposed limitations.

6. It adds a provision directing the Public Utilities Commission to request proposals for long-term contracts that will reduce the cost of electricity to ratepayers. The commission is directed to solicit proposals in a manner that does not exclude entities located outside this State or outside this country and, notwithstanding any requirements of Title 35-A, section 3210-C or any other provision of law, must accept proposals that are contingent on modification of or accommodation under any otherwise applicable requirements of law. In its solicitation, the commission must indicate that it will accept proposals that are contingent on modification of or accommodation under any otherwise applicable requirements of law. The commission must examine the proposals and may direct a transmission and distribution utility to enter into a contract that does not require any modification of or accommodation under applicable laws. If the commission determines that an appropriate modification of or accommodation under any otherwise applicable requirement of law would result in a long-term contract that would be in the best interests of ratepayers and reduce the cost of electricity to ratepayers, the commission must submit its recommendations for necessary changes to law to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by March 15, 2013. The committee is authorized to report out a bill relating to long-term contracts to the First Regular Session of the 126th Legislature.

This amendment was adopted in the House but not in the Senate.

Committee Amendment "B" (S-495)

This amendment, which is the minority report, authorizes the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into contracts with electricity resources for the purpose of reducing the price of electricity to ratepayers. The contracts for electricity must be priced at least 10% less than the applicable market clearing price at the time of delivery, except that if the commission determines that a discount price closer to the applicable market clearing price is necessary to achieve the purposes of this section, the commission may by major substantive rule establish a lower discount. Contracts may not involve in aggregate an amount of electric energy that exceeds 10% of the total statewide electric energy load and may not have a term that exceeds 20 years. The commission may require contracts for the electric energy and associated renewable energy credits, with appropriate valuation of each component. Resources under these contracts that otherwise qualify as renewable resources under the portfolio requirements but that exceed the current 100-megawatt limitations will become qualified to meet those portfolio requirements in accordance with rules adopted by the commission. The contracts

may not involve an amount of qualified renewable resources that exceed in aggregate 50% of the applicable statewide portfolio requirements.

This amendment was adopted in the Senate but not in the House.

Senate Amendment "B" To Committee Amendment "B" (S-555)

This amendment modifies Committee Amendment "B" as follows.

1. It provides that the new contracts with renewable resources for the purposes of reducing the price of electricity to ratepayers must comply with the current requirement that the price paid by the investor-owned transmission and distribution utility for any renewable energy credits must be lower than the price received for those renewable energy credits at the time they are sold by the transmission and distribution utility.

2. It removes the provision that allows a generator whose total power production capacity exceeds 100 megawatts to qualify as a renewable capacity resource under the so-called Class 1 portfolio requirement under the Maine Revised Statutes, Title 35-A, section 3210, subsection 3.

3. It limits the amount of electricity that can be contracted from generators whose total power production capacity exceeds 100 megawatts, to the extent those generators, as a result of the contracts, are allowed to qualify for the so-called Class 2 portfolio requirement under the Maine Revised Statutes, Title 35-A, section 3210, subsection 3-A. In the aggregate such contracts may not in any year account for more than 50% of the statewide Class 2 portfolio requirement.

The result of this amendment together with Committee Amendment "B" is to authorize the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into contracts with renewable resources for the purpose of reducing the price of electricity to ratepayers. The contracts for electricity must be priced less than the applicable market clearing price at the time of delivery, except that if the commission determines that a discount price closer to the applicable market clearing price is necessary to achieve the purposes of this legislation, the commission may by major substantive rule establish a lower discount. Contracts may not involve in aggregate an amount of electric energy that exceeds 10% of the total statewide electric energy load and may not have a term that exceeds 20 years. The commission may require contracts for the electric energy and associated renewable energy credits, with appropriate valuation of each component. Resources under these contracts that otherwise qualify as renewable resources under the portfolio requirements but that exceed the current 100-megawatt limitations will become qualified to meet those portfolio requirements, commonly known as Class 2 renewable energy credits, in accordance with rules adopted by the commission. Such resources may not qualify for the portfolio requirements applicable to new renewable capacity resources, commonly known as Class 1 renewable energy credits. The contracts may not involve an amount of qualified renewable resources that exceeds in aggregate 50% of the applicable statewide portfolio requirements.

This amendment was adopted in the Senate but not in the House.

LD 1864 **An Act To Improve Efficiency Maine Trust Programs To Reduce Heating Costs and Provide Energy Efficient Heating Options for Maine's Consumers** **PUBLIC 637**

Sponsor(s)	Committee Report	Amendments Adopted
THIBODEAU	OTP-AM	S-508

This bill amends the Efficiency Maine Trust (EMT) Act by:

1. Changing the wording describing the trust, eliminating the word "independent" and adding "body corporate and politic and public instrumentality of the State";

2. Providing that the chair of the EMT board is appointed by the Governor (of the 9 members, 7 are appointed by the Governor, 2 are ex officio);

3. Providing that the budget of the trust is submitted "as part of the budget for State Government";

4. Adding a new indemnification provision providing that each trustee is indemnified by the trust against expenses arising from actions involving the trust;

5. Directing EMT to provide programs in partnership with energy providers and transmission and distribution utilities (T&Ds) to provide consumers with information about energy options;

6. Creating a new efficient electric heating program to help customers supplement or replace less efficient heating systems with efficient electric space or water heating systems. The program would include loans for low-income customers. Funding would come from the electric conservation program funded by the T&D system benefit charge. T&Ds would be authorized to provide on-bill financing for lenders under the program. T&Ds would also be authorized to provide loans under which the T&D would determine financing charges and a rate of return based on its weighted cost of capital and the T&D would recover from EMT any differences between that cost of capital and the financing charges it set; EMT would be required to provide the funds from the conservation program SBC. Any T&D costs not otherwise recovered would be recoverable through its T&D's rates;

7. Modifying the Renewable Resources Fund, which is funded by voluntary contributions, to include funding for energy efficiency projects and to limit the amount of the funds that may annually be provided on a competitive bid basis to university system, the community college system and the maritime academy to the average annual funding provided between July 07 and July 10; and

8. Creating a new home heating equipment rebate program. Rebates would be for installation of efficient home heating equipment, including space and water equipment and including oil, gas, electric, biomass, solar and geothermal systems. Evidence of an energy audit would be a precondition for the rebate. The rebates would be 5% of the price, up to $500. EMT is directed to identify up to $1,000,000 from existing resources to fund the program. Additional funding may be derived from existing resources.

Committee Amendment "A" (S-508)

This amendment does the following.

1. It preserves that portion of the bill that renames and expands the Renewable Resource Fund to include energy efficiency, but removes all the other changes made by the bill to that fund.

2. It preserves that portion of the bill that clarifies that the Efficiency Maine Trust is a body corporate and politic and a public instrumentality of the State, but removes the changes to the board made by the bill.

3. It replaces the portion of the bill relating to the Efficiency Maine Trust budget to clarify and maintain the current allocation process for those funds of the trust that are collected by the Public Utilities Commission for use by the trust and subject to allocation. It directs the joint standing committee of the Legislature having jurisdiction over energy matters to make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with respect to any proposed allocation of the trust's funds. It also adds a requirement that the trust provide semiannual budget reports to the joint standing committee of the Legislature having jurisdiction over energy matters that include all the trust's revenues and expenses for the current and next

fiscal years and that identify any significant departures from the trust's triennial plan. That committee is authorized to report out legislation relating to the trust upon review of the report.

4. It adds a provision directing the Efficiency Maine Trust to provide the joint standing committee of the Legislature having jurisdiction over energy matters an opportunity to provide input during the development of the trust's triennial plan.

5. It preserves that portion of the bill that adds a standard indemnification provision for trustees of the Efficiency Maine Trust.

6. It preserves that portion of the bill that directs the Efficiency Maine Trust to develop in partnership with energy providers and transmission and distribution utilities programs to provide customers with information on energy options to promote efficiency and alternative energy resources.

7. It replaces the portions of the bill that created an efficient electric heat program and home heating equipment rebate program with an authorization for transmission and distribution utilities to develop and implement pilot programs to measure the effectiveness of electric heat pumps and electric thermal storage units. The pilot programs are subject to review and approval by the Public Utilities Commission. Each transmission and distribution utility may provide up to 500 heating units within its service territory. It also directs the Efficiency Maine Trust to report to the joint standing committee of the Legislature having jurisdiction over energy matters by March 31, 2013 on its findings and recommendations relating to efficient heating options for residential and small business consumers.

8. It adds additional provisions that provide that natural gas conservation programs administered by the Efficiency Maine Trust must ensure that the programs benefit the consumers served by the gas utilities assessed under the natural gas conservation programs and directs the Governor's Office of Energy Independence and Security or its successor to assess the trust's effectiveness in delivering these programs.

Enacted Law Summary

Public Law 2012, chapter 637 makes the following changes to the Efficiency Maine Trust.

1. It renames and expands the trust's Renewable Resource Fund to include energy efficiency.

2. It clarifies that the Efficiency Maine Trust is a body corporate and politic and a public instrumentality of the State.

3. It clarifies and maintains the current allocation process for those funds of the trust that are collected by the Public Utilities Commission for use by the trust and subject to allocation. It directs the joint standing committee of the Legislature having jurisdiction over energy matters to make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with respect to any proposed allocation of the trust's funds. It also adds a requirement that the trust provide semiannual budget reports to the joint standing committee of the Legislature having jurisdiction over energy matters that include all the trust's revenues and expenses for the current and next fiscal years and that identify any significant departures from the trust's triennial plan. That committee is authorized to report out legislation relating to the trust upon review of the report.

4. It adds a provision directing the Efficiency Maine Trust to provide the joint standing committee of the Legislature having jurisdiction over energy matters an opportunity to provide input during the development of the trust's triennial plan.

5. It adds a standard indemnification provision for trustees of the Efficiency Maine Trust.

6. It directs the Efficiency Maine Trust to develop in partnership with energy providers and transmission and distribution utilities programs to provide customers with information on energy options to promote efficiency and

alternative energy resources.

7. It authorizes transmission and distribution utilities to develop and implement pilot programs to measure the effectiveness of electric heat pumps and electric thermal storage units. The pilot programs are subject to review and approval by the Public Utilities Commission. Each transmission and distribution utility may provide up to 500 heating units within its service territory. It also directs the Efficiency Maine Trust to report to the joint standing committee of the Legislature having jurisdiction over energy matters by March 31, 2013, on its findings and recommendations relating to efficient heating options for residential and small business consumers.

8. It requires the Efficiency Maine Trust to ensure its natural gas conservation programs benefit the consumers served by the gas utilities assessed under the natural gas conservation programs. It also directs the Governor's Office of Energy Independence and Security or its successor to assess the trust's effectiveness in delivering these programs.

LD 1872 **An Act To Change the Name of the Governor's Office of Energy Independence and Security** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COTTA	ONTP	

This bill changes the name of the Governor's Office of Energy Independence and Security to the Governor's Energy Office. The bill also fixes cross-references to reflect the name change.

The changes proposed by this bill were also proposed, along with changes regarding funding for the office, in LD 1903, An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012, and June 30, 2013. The Energy, Utilities and Technology Committee voted ONTP on this bill and sent a letter to the Appropriations and Financial Affairs Committee recommending that in LD 1903 the name of the office be changed as proposed. The committee also recommended that the initial funding source for the office should be federal funds, including funds of the State Energy Program, which currently support the office; to the extent these are inadequate to fund the office, the office should be able to receive funds from Efficiency Maine Trust (EMT), but only to the extent activities of the office reasonably relate to the purposes of EMT; any additional funding needs of the office should be paid for from the General Fund or other available resources.

See LD 1903.

LD 1875 **An Act To Provide Transparency in Electricity Pricing for Maine Ratepayers** **PUBLIC 590**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	OTP-AM	H-827

This bill requires the Public Utilities Commission and the Public Advocate to submit their budget recommendations as part of the unified current services budget legislation using a zero-based budgeting process; requires the Public Utilities Commission and the Public Advocate to post a "detailed explanation" of the total impact to ratepayers in dollars per year of all components of rates and price, including supply and transmission and distribution charges and all additional state and federal charges and assessments; and requires transmission and distribution utilities to

include a line-item on ratepayer statements that provides a total of all additional state and federal charges and assessments.

Committee Amendment "A" (H-827)

This amendment provides that the Public Utilities Commission and the Office of the Public Advocate must develop their budgets using a zero-based budgeting process or other process or method directed by the State Budget Officer. It also removes from the bill the provisions relating to notices of state and federal charges and assessments and replaces it with a requirement that the Public Utilities Commission develop information useful to electricity ratepayers regarding the costs and effects of state policies on electricity ratepayers. The commission and the Office of the Public Advocate must post the information on their publicly accessible websites. The commission is also directed to examine means by which transmission and distribution utilities may inform customers of the information developed. The commission is directed to report on its actions, including any recommendations, to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by February 15, 2013. The committee is authorized to report out a bill relating to the commission's report to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 590 provides that the Public Utilities Commission and the Office of the Public Advocate must develop their budgets using a zero-based budgeting process or other process or method directed by the State Budget Officer. It requires that the Public Utilities Commission develop information useful to electricity ratepayers regarding the costs and effects of state policies on electricity ratepayers. The commission and the Office of the Public Advocate must post the information on their publicly accessible websites. The commission is also directed to examine means by which transmission and distribution utilities may inform customers of the information developed. The commission is directed to report on its actions, including any recommendations, to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by February 15, 2013. The committee is authorized to report out a bill relating to the commission's report to the First Regular Session of the 126th Legislature.

LD 1883 **An Act To Clarify the Regulation of Private Natural Gas Pipelines** **PUBLIC 592**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM	S-479

This bill:

1. Specifies that only private natural gas pipelines whose owners and operators are not otherwise regulated by the Public Utilities Commission as a utility are private natural gas pipelines, and specifies that the term "customer" includes the affiliate of a customer, for the purposes of the laws governing such pipelines;

2. Provides that a private natural gas pipeline that delivers natural gas to its affiliate who then liquefies or compresses the natural gas for sale or distribution to others by means other than by a pipeline is not, as a result of the delivery, considered a public utility; and

3. Provides that the owner or operator of an affiliate of a private natural gas pipeline that receives deliveries of natural gas that it liquefies or compresses for sale or distribution to others by means other than by a pipeline is not considered a public utility if the owner or operator of the affiliate is not otherwise regulated by the commission as a public utility.

Committee Amendment "A" (S-479)

This amendment clarifies that the Public Utilities Commission has safety jurisdiction over facilities that are used to liquefy or compress natural gas for sale or distribution to others by means other than a pipeline and that are owned or operated by an affiliate of the owner of a private natural gas pipeline.

Enacted Law Summary

Public Law 2011, chapter 592:

1. Specifies that only private natural gas pipelines whose owners and operators are not otherwise regulated by the Public Utilities Commission as a utility are private natural gas pipelines, and specifies that the term "customer" includes the affiliate of a customer, for the purposes of the laws governing such pipelines;

2. Provides that a private natural gas pipeline that delivers natural gas to its affiliate who then liquefies or compresses the natural gas for sale or distribution to others by means other than by a pipeline is not, as a result of the delivery, considered a public utility;

3. Provides that the owner or operator of an affiliate of a private natural gas pipeline that receives deliveries of natural gas that it liquefies or compresses for sale or distribution to others by means other than by a pipeline is not considered a public utility if the owner or operator of the affiliate is not otherwise regulated by the commission as a public utility; and

4. Provides that Public Utilities Commission has safety jurisdiction over facilities that are used to liquefy or compress natural gas for sale or distribution to others by means other than a pipeline and that are owned or operated by an affiliate of the owner of a private natural gas pipeline.

LD 1901 **An Act To Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority** **P & S 27**

Sponsor(s)	Committee Report	Amendments Adopted
BEAULIEU	OTP	

This bill amends the charter of the Lewiston-Auburn Water Pollution Control Authority to permit the acting City Administrator of the City of Lewiston or acting City Manager of the City of Auburn or those officials' designees to serve on the board of trustees of the authority when the office of City Administrator or City Manager is vacant.

Enacted Law Summary

Private and Special Law 2011, chapter 27 amends the charter of the Lewiston-Auburn Water Pollution Control Authority to permit the acting City Administrator of the City of Lewiston or acting City Manager of the City of Auburn or those officials' designees to serve on the board of trustees of the authority when the office of City Administrator or City Manager is vacant.

Joint Standing Committee on Energy, Utilities and Technology

SUBJECT INDEX

Agency Matters -- PUC/OPA/OEIS

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LD 1872	An Act To Change the Name of the Governor's Office of Energy Independence and Security	ONTP

Dig Safe

Enacted

LD 1803	An Act To Implement the Recommendations of the Dig Safe Work Group	PUBLIC 588 EMERGENCY

Not Enacted

LD 1790	Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission	ONTP

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LD 1614	An Act To Create Efficiency in E-9-1-1 Call Centers	ONTP
LD 1761	An Act To Improve and Ensure Adequate Funding for E-9-1-1 Services	VETO SUSTAINED

Electricity

Enacted

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LD 1622	Resolve, Regarding the Laws Governing Electric Industry Restructuring	RESOLVE 154
LD 1789	Resolve, Regarding Legislative Review of Portions of Chapter 316: Long-Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 138 EMERGENCY
LD 1875	An Act To Provide Transparency in Electricity Pricing for Maine Ratepayers	PUBLIC 590

Not Enacted

LD 425	An Act To Stimulate Demand for Renewable Resources	ONTP

LD 1863	An Act To Lower the Price of Electricity for Maine Consumers	DIED BETWEEN HOUSES

Energy

Enacted

LD 1864	An Act To Improve Efficiency Maine Trust Programs To Reduce Heating Costs and Provide Energy Efficient Heating Options for Maine's Consumers	PUBLIC 637

Not Enacted

LD 1264	An Act To Improve the Energy Efficiency of Public Buildings and Create Jobs	VETO SUSTAINED
LD 1676	An Act To Increase Energy Options	ONTP
LD 1706	An Act To Protect Maine's Biomass and Forest Products Industries by Allowing Biomass Generators To Enter into Short-term Contracts	DIED BETWEEN HOUSES

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Enacted

LD 1791	Resolve, Regarding Legislative Review of Portions of Chapter 815: Consumer Protection Standards for Electric and Gas Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 128 EMERGENCY

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LD 1644	An Act To Expand the Availability of Natural Gas to Maine Residents	PUBLIC 586 EMERGENCY
LD 1792	Resolve, Regarding Legislative Review of Portions of Chapter 421: Safety and Operation Standards for Liquefied Petroleum Gas (LPG) Distribution Systems, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 143 EMERGENCY
LD 1883	An Act To Clarify the Regulation of Private Natural Gas Pipelines	PUBLIC 592

Telecommunications

Enacted

LD 1784	An Act To Reform Telecommunications Regulation	PUBLIC 623
LD 1799	An Act Regarding the Collection of Fees for Prepaid Wireless Service	PUBLIC 600

Water/Sewer - Charters

Enacted

LD 1620	**An Act To Amend the Charter of the Ogunquit Sewer District**	**P & S 24**
LD 1703	**An Act To Create the New Gloucester Water District**	**P & S 19 EMERGENCY**
LD 1834	**An Act To Amend the Boothbay Region Water District Charter**	**P & S 25 EMERGENCY**
LD 1842	**An Act To Amend the Charter of the Bingham Water District and To Direct That Certain Issues Be Studied**	**P & S 26 EMERGENCY**
LD 1901	**An Act To Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority**	**P & S 27**

Water/Sewer - General

Enacted

LD 1820	**An Act To Implement Recommendations To Provide Additional Flexibility for Funding Infrastructure Improvements for Water Utilities**	**PUBLIC 602**

HHS

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

June 2012

STAFF:

JANE ORBETON, SENIOR ANALYST

ANNA BROOME, LEGISLATIVE ANALYST

OFFICE OF POLICY AND LEGAL ANALYSIS

13 STATE HOUSE STATION

AUGUSTA, ME 04333

(207) 287-1670

&

CHRIS NOLAN

OFFICE OF FISCAL AND PROGRAM REVIEW

5 STATE HOUSE STATION

AUGUSTA, ME 04333

(207) 287-1635

MEMBERS:

SEN. EARLE L. MCCORMICK, CHAIR

SEN. NICHI S. FARNHAM

SEN. MARGARET M. CRAVEN

REP. MEREDITH N. STRANG BURGESS, CHAIR

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LD 612 **An Act To Provide Reimbursement for Medication Therapy Management Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill creates a category of pharmacy services, designated as medication therapy management services, for which pharmacists may charge separately from a charge for the prescription drug or a dispensing fee. The bill defines "medication therapy management services," "qualified pharmacist" and "targeted patient." The bill authorizes the MaineCare program to reimburse for these services if they are found by the Commissioner of Health and Human Services to be cost-effective. The bill requires health insurance carriers to pay for medication therapy management services to targeted patients by qualified pharmacists if the carrier provides coverage for prescription drugs. This bill requires an evaluation by the Commissioner of Health and Human Services of the effect of medication therapy management services by January 1, 2017, and establishes the Medication Therapy Management Advisory Committee to advise the Superintendent of Insurance within the Department of Professional and Financial Regulation on implementation of medication therapy management services.

LD 646 **An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WELSH CRAVEN	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill provides specific requirements for the provision of antipsychotic medications to children in the MaineCare program. It provides for uses approved and for uses not approved by the United States Department of Health and Human Services, Food and Drug Administration. It provides for documentation in the child's health care record and for monitoring for effectiveness and side effects. It directs the Department of Health and Human Services to adopt routine technical rules to implement the new requirements.

LD 806 **An Act To Increase Access to Information Regarding Health Care Facility and Practitioner Payments** **PUBLIC 525**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY LANGLEY	OTP-AM	H-719

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill requires a licensed hospital to post in the hospital in an area used by the public a list of prices charged by the hospital for the 100 most commonly performed procedures in the hospital. The hospital shall also post a link or page on its publicly accessible website stating its pricing policy and current prices for the 100 most commonly performed procedures in the hospital. The bill requires ambulatory surgical facilities to post similar price lists. The bill requires review and a report on hospital efforts to control costs from the Office of Program Evaluation and Government Accountability.

Committee Amendment "A" (H-719)

This amendment replaces the bill. It provides a new title. It requires the Maine Health Data Organization, when posting on its website price information regarding health care facilities and practitioners, to post the information semiannually, to post information that is current to within 12 months of the date of submission of the information and to display on the website the date of posting, beginning October 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 525, beginning October 1, 2012, requires the Maine Health Data Organization, when posting on its website price information regarding health care facilities and practitioners, to post the information semiannually, to be current to within 12 months of the date of submission of the information and to display the date of posting.

LD 897 **An Act To Amend the Application Process for the Progressive Treatment Program** **PUBLIC 492**

Sponsor(s)	Committee Report	Amendments Adopted
HILL	OTP-AM	S-389

This bill was carried over from the First Regular Session of the 125th Legislature.

Current law limits who may obtain an order from the District Court to admit a patient to a progressive treatment program. This bill allows a health officer, law enforcement officer or any other person to obtain the order. The bill also requires that when an examiner forms an opinion it must be based on history as well as personal observation.

Committee Amendment "A" (S-389)

This amendment strikes and replaces the bill. It adds medical practitioners, law enforcement officers and legal guardians of individuals to the list of persons who may apply for admission to the progressive treatment program of an individual in need of psychiatric treatment. The amendment clarifies that available community providers for a progressive treatment program patient must be licensed and qualified. The amendment requires the application for admission to the program to include a proposed individualized treatment plan and to identify one or more licensed and qualified community providers willing to support the plan. The amendment requires that the applicant serve notice of hearing on a patient who is not hospitalized and provide proof of service to the court. The amendment also repeals provisions of law that apply when a patient is going to be served by an assertive community treatment team.

Enacted Law Summary

Public Law 2011, chapter 492 adds medical practitioners, law enforcement officers and legal guardians of individuals to the list of persons who may apply for admission to the progressive treatment program of an individual in need of psychiatric treatment. The law clarifies that available community providers for a progressive treatment

program patient must be licensed and qualified. The law requires the application for admission to the program to include a proposed individualized treatment plan and to identify one or more licensed and qualified community providers willing to support the plan. The law requires that the applicant serve notice of hearing on a patient who is not hospitalized and provide proof of service to the court. The law also repeals provisions that would have applied when a patient was going to be served by an assertive community treatment team.

LD 936 **An Act To Conform Maine Menu Labeling Laws to Federal Standards** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRANG BURGESS MCCORMICK	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill repeals provisions of law regarding menu labeling that have been preempted by the federal Patient Protection and Affordable Care Act, Public Law 111-148, Section 4205(2010), which creates a uniform national approach to nutrition labeling for restaurant menus with a primary focus on calorie content. The bill retains the current statutory definition of "chain restaurant" and directs the Department of Health and Human Services to adopt major substantive rules to locally enforce the provisions of 21 United States Code, Section 343 (2010).

LD 1114 **An Act To Improve Preventive Dental Health Care and Reduce Future Avoidable Costs** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
STRANG BURGESS CRAVEN	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill directs the Department of Health and Human Services to establish criteria to determine those groups of adults for which the provision of preventive and restorative services would be cost effective by reducing expenditures under MaineCare, and authorizes the department to provide such services to persons within those identified groups.

Committee Amendment "B" (H-818)

This amendment, which is the minority report of the committee, replaces the bill. It retains the provisions of the bill that seek to provide cost-effective dental services for adult MaineCare members and adds a process for identifying those services and a requirement that the services be cost-effective. It is the same as Committee Amendment "A" from the First Regular Session with the addition of a clarification that any provision of dental services must be consistent with federal law.

The amendment was not adopted.

LD 1115 **An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRANG BURGESS ALFOND	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

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

This bill proposes to modify the Maine Revised Statutes to clarify the structure and responsibilities of the Maine Developmental Services Oversight and Advisory Board.

LD 1364 **An Act To Improve the Quality and Reduce the Cost of Health Care** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS RAYE	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill directs the Department of Health and Human Services to coordinate the purchase of prescription drugs for MaineCare members through certain organizations eligible for prescription drug discounts under the federal Public Health Service Act, referred to as "340B covered entities," in order for the MaineCare program to negotiate the lowest possible prices and avoid retail markup beginning January 1, 2012. The bill provides a mechanism to calculate savings from establishing the 340B program and distribute the savings among 340B covered entities. The bill provides for routine technical rulemaking as required to implement the provisions of the bill.

LD 1624 **An Act To Lessen the Regulatory Burden on Medical Laboratories by Removing Outdated Requirements from the Maine Medical Laboratory Act** **PUBLIC 531**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM	S-396

This bill amends the Maine Medical Laboratory Act as follows.

1. It removes the requirement that an application for a medical laboratory license be notarized. Other licensing laws do not have this requirement.

2. It removes a provision that allows the technical personnel of a licensed medical laboratory to collect certain specimens. Eliminating this provision provides that no person other than a licensed physician or a person authorized

by law is allowed to manipulate a person for the collection of specimens or process or submit or act as an agent for the transmittal of specimens.

3. It removes the requirement that a licensed medical laboratory send a copy of an itemized statement of laboratory services to the patient. Current practice is to send the itemized statement to the insurance company, the laboratory's client or the patient.

Committee Amendment "A" (S-396)

This amendment allows specimens to be collected or processed by licensed health care professionals and their designees acting within their scope of practice and qualified medical laboratory personnel who are authorized by the director of the medical laboratory. The bill eliminates the requirement for a licensed medical laboratory to send a copy of the itemized statement of laboratory services to the patient. This amendment keeps the requirement for the patient to receive an itemized statement, but enacts it as a separate section within the Maine Medical Laboratory Act.

Enacted Law Summary

Public Law 2011, chapter 531 amends the Maine Medical Laboratory Act as follows.

1. It removes the requirement that an application for a medical laboratory license be notarized. Other licensing laws do not have this requirement.

2. It allows certain specimens to be collected or processed by licensed health care professionals and their designees acting within their scope of practice and qualified medical laboratory personnel who are authorized by the director of the medical laboratory.

3. It enacts the current requirement for the patient to receive an itemized statement as a separate section within the Maine Medical Laboratory Act.

LD 1625 **An Act To Amend the Organization of the Quality Assurance Review Committee** **PUBLIC 495**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP	

This bill gives the Department of Health and Human Services the duty to establish a statewide quality assurance review committee to review the provision of home care coordination services for long-term services and supports for elders and adults with disabilities. Previously, an agency that contracted to provide home care coordination services for the department was required to establish the committee. This bill also eliminates the requirement that the committee annually report to the department, and eliminates a reference to the Long-term Care Implementation Committee, which was repealed in 2003.

Enacted Law Summary

Public Law 2011, chapter 495 gives the Department of Health and Human Services the duty to establish a statewide quality assurance review committee to review the provision of home care coordination services for long-term services and supports for elders and adults with disabilities. Previously, an agency that contracted to provide home care coordination services for the department was required to establish the committee. It also eliminates the requirement that the committee annually report to the department, and eliminates a reference to the Long-term Care Implementation Committee, which was repealed in 2003.

LD 1626 **An Act To Clarify the Authority of the Department of Health and Human Services To Impose Administrative Sanctions upon Vendors, Providers and Participants in the Women, Infants and Children Special Supplemental Food Program** **PUBLIC 512**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM	S-404

This bill clarifies that the Department of Health and Human Services has the authority to impose fines or penalties upon Women, Infants and Children Special Supplemental Food Program vendors, disqualify local agency providers and require repayment from participants or disqualify participants from program benefits for violation of program laws or rules. This authority is consistent with federal statutes and regulations. The department is required to adopt routine technical rules to define prohibited conduct and to establish penalties for such conduct.

Committee Amendment "A" (S-404)

This amendment adds to the bill a citation to another section of the Code of Federal Regulations to ensure an opportunity for a hearing in making a determination that a vendor, provider or participant has violated a provision of the Women, Infants and Children Special Supplemental Food Program.

Enacted Law Summary

Public Law 2011, chapter 512 clarifies that the Department of Health and Human Services has the authority to impose fines or penalties upon Women, Infants and Children Special Supplemental Food Program vendors, disqualify local agency providers and require repayment from participants or disqualify participants from program benefits for violation of program laws or rules. The department is required to adopt routine technical rules to define prohibited conduct and to establish penalties for such conduct.

LD 1627 **An Act Regarding the Filing of Birth, Death and Marriage Data** **PUBLIC 511**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM	S-419

This bill expedites electronic filing of vital records and protects persons named in vital records from identity theft and fraud by closing to public inspection filed notices of intentions to marry for the same time frame that marriage certificates are closed, except for the names of the persons who intend to marry and the intended date of marriage. The bill helps align state law regarding the delayed filing of records with the requirements of the Federal Government.

Committee Amendment "A" (S-419)

This amendment allows a researcher engaged in genealogical research who holds a researcher identification card under the Maine Revised Statutes, Title 22, section 2706, subsection 8 to have access to applications recording intentions to marry and permits a custodian of those applications to issue a noncertified copy of an application to a researcher.

Enacted Law Summary

Public Law 2011, chapter 511 expedites electronic filing of vital records and helps align state law regarding the delayed filing of records with the requirements of the Federal Government. It closes to public inspection applications recording notice of intention to marry for the same time frame that marriage certificates are closed. The names of the persons who intend to marry and the intended date of marriage continue to be public and a researcher engaged in genealogical research with a researcher identification card continues to have access to applications.

LD 1628 **An Act To Limit Payment for Care and Treatment of Residents of State Institutions** **PUBLIC 674**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM MAJ OTP-AM MIN	S-468

This bill limits the amount that a provider may charge the State for medical services provided to a resident of a state institution outside of the state institution. The amount is restricted to the amount established by the rules of the Department of Health and Human Services for the MaineCare program for those services. The bill also removes references to the Homestead facility, which closed in 2007.

Committee Amendment "A" (S-468)

This amendment, which is the majority report of the committee, sets a reimbursement rate for medical services provided to a resident of a state institution off the premises of the state institution at the level of Medicare rather than at the rates set by the Department of Health and Human Services for the MaineCare program. It also adds an appropriations and allocations section to the bill.

Committee Amendment "B" (S-469)

This amendment, which is the minority report of the committee, limits the amount that the Commissioner of Health and Human Services may pay a provider for medical services provided to a resident of a state institution off the premises of the state institution to the amount payable under insurance, including Medicare, for residents that have insurance; to the amount established by rule by the Department of Health and Human Services under the MaineCare program, divided by 75% for physicians and hospitals other than critical access hospitals; or to the MaineCare rate for all other providers. It also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 674 limits the amount that a provider may charge the State for medical services provided to a resident of a state institution outside of the state institution to the level of Medicare reimbursement. It also removes from statute references to the Homestead facility, which closed in 2007.

LD 1629 **An Act To Allow for a Contingency Fee Agreement with a MaineCare Program Integrity Recovery Audit Contractor** **PUBLIC 593**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM MAJ ONTP MIN	S-470

This bill authorizes the Department of Health and Human Services to enter into agreements with a MaineCare audit recovery contractor, including contingency fee agreements, as required under Section 6411 of the federal Patient Protection and Affordable Care Act, Public Law 111-148.

Committee Amendment "A" (S-470)

This amendment is the majority report of the committee. This amendment adds an emergency preamble and emergency clause to the bill. It changes the title of the bill. It retains the provisions of the bill that authorize the Department of Health and Human Services to enter into agreements for the purpose of ensuring Maine Care program integrity with a recovery audit contractor as required under Section 6411 of the federal Patient Protection and Affordable Care Act, Public Law 111-148. It clarifies that the audits are intended to identify and correct underpayments and identify and recoup overpayments. It requires an agreement to provide that the contractor may be paid only from amounts recovered and that payments for identifying underpayments and collecting overpayments must be made on a contingent fee basis. It adds a requirement that the overpayments collected, less the contingent fees paid to the contractor, are paid into the Medical Care - Payments to Providers program, Other Special Revenue Funds account in the Department of Health and Human Services.

Enacted Law Summary

Public Law 2011, chapter 593 authorizes the Department of Health and Human Services to enter into agreements for the purpose of ensuring Maine Care program integrity with a recovery audit contractor as required under Section 6411 of the federal Patient Protection and Affordable Care Act, Public Law 111-148. The law states that the audits are intended to identify and correct underpayments and identify and recoup overpayments. The law requires an agreement to provide that the contractor may be paid only from amounts recovered and that payments for identifying underpayments and collecting overpayments must be made on a contingent fee basis. The law requires that overpayments collected, less the contingent fees paid to the contractor, are paid into the Medical Care - Payments to Providers program, Other Special Revenue Funds account in the Department of Health and Human Services.

Public Law 2011, chapter 593 was enacted as an emergency measure effective April 5, 2012.

LD 1679 **An Act To Conform Maine's Prescription Drug Privacy Laws with the United States Constitution** **PUBLIC 494**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM	S-397

This bill repeals provisions of Maine's laws providing confidentiality for certain prescription drug information relating to prescribers to conform state law to the United States Supreme Court decision in *Sorrell v. IMS Health Inc.*, 131 S. Ct. 2653 (2001), which held unconstitutional similar provisions in the laws of Vermont.

Committee Amendment "A" (S-397)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 494 repeals provisions of Maine's laws providing confidentiality for certain prescription drug information relating to prescribers to conform state law to the United States Supreme Court decision in *Sorrell v. IMS Health Inc.*, 131 S. Ct. 2653 (2011). The Sorrell case declared invalid similar prescription drug information provisions in the laws of Vermont.

LD 1688 **An Act To Clarify the Status of Patients Held under Involuntary Commitment Applications** **PUBLIC 541**

Sponsor(s)	Committee Report	Amendments Adopted
MOULTON	OTP-AM	H-747

This bill clarifies that an application for involuntary commitment, also known as a "blue paper," or the subsequent review and endorsement of that application by a judge or justice, is not a judicial determination of commitment and that emergency hospitalization under a blue paper application is not involuntary commitment.

Committee Amendment "A" (H-747)

This amendment replaces the bill and clarifies that an application for admission to a psychiatric hospital under the Maine Revised Statutes, Title 34-B, section 3863 is not a commitment to a psychiatric hospital. It retains the effect of the bill. The amendment strikes a reference to commitment under Title 34-B, section 3863 in the criminal laws on firearms possession.

Enacted Law Summary

Public Law 2011, chapter 541 clarifies that an application for admission to a psychiatric hospital under the Maine Revised Statutes, Title 34-B, section 3863 is not a commitment to a psychiatric hospital and that emergency hospitalization under such an application is not involuntary commitment. The law also strikes a reference to commitment under Title 34-B, section 3863 in the criminal laws on firearms possession.

LD 1692 **An Act To Provide Reimbursement for MaineCare Services Provided by Qualified, Unlicensed Professionals Who Are Supervised by Licensed Health Professionals** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
EVES CRAVEN	ONTP MAJ OTP-AM MIN	H-782

This bill ensures continuation of federal financial participation under the MaineCare program by clarifying the authority of certain licensed professionals to provide and supervise the provision of case management services under the program.

Committee Amendment "A" (H-782)

This amendment is the minority report of the committee and replaces the bill. The amendment provides for qualified, unlicensed professionals to provide MaineCare services when supervised by licensed health professionals and authorizes the Department of Health and Human Services to cover those services. The amendment also directs the department to adopt routine technical rules to implement the provisions.

This amendment was not adopted.

LD 1694 **Resolve, Directing the Department of Health and Human Services To Review Rules Governing Reimbursement to MaineCare Recipients for Transportation to and from MaineCare Services** **RESOLVE 142**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS DC THOMAS	OTP-AM MAJ ONTP MIN	H-783

This resolve directs the Department of Health and Human Services to review reimbursement to MaineCare recipients for transportation to freestanding methadone clinics and to adopt rules to ensure uniformity in reimbursement throughout the State and reduce the incidence of fraud. The department is directed to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 15, 2012.

Committee Amendment "A" (H-783)

This amendment directs the Department of Health and Human Services to review reimbursement for transportation for MaineCare members to and from MaineCare services, including but not limited to freestanding methadone clinics that provide methadone treatment services. The amendment directs the Department of Health and Human Services to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 15, 2012.

Enacted Law Summary

Resolve 2011, chapter 142 directs the Department of Health and Human Services to review reimbursement for transportation for MaineCare members to and from MaineCare services, including but not limited to freestanding methadone clinics that provide methadone treatment services. The resolve directs the Department of Health and Human Services to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 15, 2012.

LD 1700 **An Act To Provide an Alternative Method of Calculating Minimum Staffing Levels in Nursing Homes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRANG BURGESS MCCORMICK	ONTP	

Currently, nursing home staffing ratios are calculated based on individual 8-hour shifts. This bill requires the Department of Health and Human Services to develop alternative staffing ratios that encourage person-centered care, increase quality and improve efficiency by developing a standard calculated over a 24-hour period. Nursing homes would still ultimately be required to staff according to residents' needs. The bill directs the department to convene a working group to develop such a standard and to invite the participation of representatives of the Maine Long-Term Care Ombudsman Program, the Maine Health Care Association, LeadingAge of Maine and New Hampshire, the Alzheimer's Association, Maine Chapter and other interested stakeholders. The bill provides that amendments to the licensing rules are major substantive rules.

The Health and Human Services Committee requested by letter that the Department of Health and Human Services continue working with interested parties and report back on its progress, with any proposed changes to law and rule,

by December 1, 2012.

LD 1705 **Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children** **RESOLVE 162 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MAKER RAYE	OTP-AM	H-796 S-571 COURTNEY

This resolve establishes the Task Force on the Prevention of Sexual Abuse of Children, which is directed to research issues regarding child sexual abuse in Maine and to adopt policies to address those issues. The policies may include age-appropriate curricula for schoolchildren from prekindergarten to grade 5 and methods to increase teacher, student and parent awareness of the issues regarding child sexual abuse. The task force is also directed to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, and the joint standing committee is authorized to submit legislation to the First Regular Session of the 126th Legislature based on that report.

Committee Amendment "A" (H-796)

This amendment changes the composition of the Task Force on the Prevention of Sexual Abuse of Children and increases membership to 13 members. It changes the task force duties to clarify that the task force is directed to make recommendations to prevent and address child sexual abuse.

Senate Amendment "A" (S-571)

This amendment revises the language regarding compensation. Under this amendment, legislative members of the task force receive per diem and expenses in accordance with the Joint Rules.

Enacted Law Summary

Resolve 2011, chapter 162 establishes the Task Force on the Prevention of Sexual Abuse of Children. The resolve directs the task force to research issues regarding child sexual abuse in Maine and to recommend policies to address those issues. The policies may include age-appropriate curricula for schoolchildren from prekindergarten to grade 5 and methods to increase teacher, student and parent awareness of the issues regarding child sexual abuse. The task force is also directed to submit a report by November 7, 2012, to the joint standing committee of the Legislature having jurisdiction over health and human services matters, and the joint standing committee is authorized to submit legislation to the First Regular Session of the 126th Legislature based on that report.

Resolve 2011, chapter 162 was passed as an emergency measure effective April 21, 2012.

LD 1714 **An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold** **PUBLIC 584**

Sponsor(s)	Committee Report	Amendments Adopted
WILLETTE A MCCORMICK	OTP-AM	H-822

This bill amends the current restrictions on the sale of a targeted methamphetamine precursor to limit sales to 3.6 grams per day and 9 grams per 30 days. It also places the same restrictions on purchases.

The bill requires a purchaser to present a valid identification to the retailer and requires the retailer to record the name and address of the purchaser, the name and quantity of targeted methamphetamine precursor purchased, the date and time of the purchase and the form of identification presented. The retailer is required to maintain a logbook, and the purchaser must sign the logbook. The bill makes it a Class E crime to sell more than 3.6 grams per day and 9 grams per 30 days of a targeted methamphetamine precursor.

The bill requires beginning January 1, 2013, a retailer to, before completing a sale, electronically submit information about the sale and the person purchasing a targeted methamphetamine precursor to a real-time electronic logging system that tracks sales of over-the-counter cold and allergy medications containing a targeted methamphetamine precursor.

The bill provides that a retailer is immune from any civil liability if the sale was made in good faith.

The bill provides that the law regarding targeted methamphetamine precursors supersedes any local, municipal or county ordinance regulating sales of cold and allergy medications containing a targeted methamphetamine precursor.

The bill also requires the Maine Board of Pharmacy to select a real-time electronic logging system and by December 1, 2012, to notify retailers of the system.

Committee Amendment "A" (H-822)

This amendment replaces the bill. The amendment retains the original intent of the bill to replace current restrictions on the sale of a targeted methamphetamine precursor and to limit sales to 3.6 grams per person per day and 9 grams per person per 30 days to comply with federal law. It also places the same restrictions on purchases. The amendment requires the electronic logging system to block illegal sales, subject to override if the seller has a concern for personal safety if the sale is not made. The amendment exempts from the electronic logging system a retailer who does not have access to the Internet. The amendment provides a presumption of good faith for the retailer in a civil proceeding in which use of the electronic logging system is an issue. The amendment requires the Department of Public Safety, Maine Drug Enforcement Agency to select a real-time electronic logging system by August 1, 2012, and by September 1, 2012, to notify retailers of the system.

Enacted Law Summary

Public Law 2011, chapter 584 replaces current restrictions on the sale of a targeted methamphetamine precursor and limits sales to 3.6 grams per person per day and 9 grams per person per 30 days to comply with federal law. The law also places the same restrictions on purchases. The law requires the electronic logging system to block illegal sales, subject to override if the seller has a concern for personal safety if the sale is not made. The law exempts from the electronic logging system a retailer who does not have access to the Internet. The law provides a presumption of good faith for the retailer in a civil proceeding in which use of the electronic logging system is an issue. The law requires the Department of Public Safety, Maine Drug Enforcement Agency to select a real-time electronic logging system by August 1, 2012, and by September 1, 2012, to notify retailers of the system.

LD 1743 **Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization** **RESOLVE 124 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.

Enacted Law Summary

Resolve 2011, chapter 124 provides legislative approval for major substantive rules submitted by the Maine Health Data Organization.

Resolve 2011, chapter 124 was finally passed as an emergency measure effective March 14, 2012.

LD 1811 **Resolve, Directing the Department of Health and Human Services To Review Reimbursement for Prescription Drugs under the MaineCare Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN J SHERMAN	ONTP	

This resolve requires the Commissioner of Health and Human Services to undertake a full review of the rules governing reimbursement for prescription drugs under the MaineCare program, including a review of the MaineCare reimbursement rates for prescription drugs purchased in retail pharmacies and for prescription drugs purchased by mail order. The commissioner is directed to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2012, and the joint standing committee is authorized to submit a bill to the First Regular Session of the 126th Legislature.

LD 1812 **Resolve, Directing the Department of Health and Human Services To Submit an Application for a Waiver from the United States Department of Agriculture** **RESOLVE 155**

Sponsor(s)	Committee Report	Amendments Adopted
HARVELL COURTNEY	OTP-AM MAJ ONTP MIN	H-817

This resolve requires the Department of Health and Human Services to amend its rules governing the electronic benefits transfer system to provide that a person must show photographic identification in order to use an electronic benefits transfer card that is drawing on the person's food supplement benefit account unless the card user is known to the person accepting the card for payment.

Committee Amendment "A" (H-817)

This amendment, which is the majority report of the committee, replaces the resolve. It requires the Department of Health and Human Services to submit an application for a waiver from the requirements of federal law and regulations to the United States Department of Agriculture. The waiver must seek approval for the Department of Health and Human Services to amend its rules to require a person to show photographic identification in order to use an electronic benefits transfer card when it is requested in an establishment that accepts Supplemental Nutritional Assistance Program benefits. The Department of Health and Human Services is required to seek the waiver by October 1, 2012. The Department of Health and Human Services is also required to continue to develop strategies to combat fraud and abuse in the use of electronic benefits transfer cards in the Supplemental Nutritional Assistance Program and report its progress in developing new strategies to the joint standing committee of the Legislature

having jurisdiction over health and human services matters by December 1, 2012.

Enacted Law Summary

Resolve 2011, chapter 155 requires the Department of Health and Human Services to submit an application for a waiver from the requirements of federal law and regulations to the United States Department of Agriculture. The waiver must seek approval for the Department of Health and Human Services to amend its rules to require a person to show photographic identification in order to use an electronic benefits transfer card when it is requested in an establishment that accepts Supplemental Nutritional Assistance Program benefits. The Department of Health and Human Services is required to seek the waiver by October 1, 2012. The Department of Health and Human Services is also required to continue to develop strategies to combat fraud and abuse in the use of electronic benefits transfer cards in the Supplemental Nutritional Assistance Program and report its progress in developing new strategies to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 1, 2012.

LD 1813 **An Act To Amend the Laws Governing Confidentiality of Health Care Information** **PUBLIC 572 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-797

This bill is the report of the Joint Standing Committee on Health and Human Services pursuant to Joint Order H.P. 1328. It amends the law regarding confidentiality of health care information to allow health care practitioners or facilities to report to federal, state or local governmental entities if an alleged crime has been committed on the premises. Federal Health Insurance Portability and Accountability Act of 1996 regulations allow for disclosure if a practitioner or a facility believes a crime has been committed on the premises. This bill amends the state law to be consistent with federal law.

Committee Amendment "A" (H-797)

This amendment replaces the bill. It replaces the language from the bill with language that mirrors the federal Health Insurance Portability and Accountability Act of 1996 regulations in 45 Code of Federal Regulations, Section 164.512(f)(5). It also adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2011, chapter 572 amends the law regarding confidentiality of health care information to allow health care practitioners or facilities to report to federal, state or local governmental entities if an alleged crime has been committed on the premises. Federal Health Insurance Portability and Accountability Act of 1996 regulations allow for disclosure if a practitioner or a facility believes a crime has been committed on the premises. This law amends the state law to be consistent with federal law.

Public Law 2011, chapter 572 was enacted as an emergency measure effective March 30, 2012.

LD 1818 **Resolve, To Extend the Reporting Deadline of the Working Group on an All-payor Claims Database System** **RESOLVE 121**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve is the report of the Joint Standing Committee on Health and Human Services pursuant to Joint Rule 353. It amends the reporting date of Resolve 2011, chapter 109 to extend the reporting date of the working group on an all-payor claims database system from January 31, 2012 to December 1, 2012.

Enacted Law Summary

Resolve 2011, chapter 121 amends the reporting date of Resolve 2011, chapter 109 to extend the reporting date of the working group on an all-payor claims database system from January 31, 2012, to December 1, 2012.

LD 1823 **An Act To Amend the Maine Wild Mushroom Harvesting Certification Program** **PUBLIC 587**

Sponsor(s)	Committee Report	Amendments Adopted
SIROCKI	OTP-AM	H-823

This bill increases the maximum fees for training, examination and certification under the Maine Wild Mushroom Harvesting Certification Program within the Department of Health and Human Services from $20 to $75 to permit the program to be funded solely from the revenue from program fees.

Committee Amendment "A" (H-823)

This amendment replaces the bill and changes the title. It amends the Maine Wild Mushroom Harvesting Certification Program as follows.

1. The amendment removes from the duties of the Maine Wild Mushroom Harvesting Advisory Committee the development and delivery of training courses and the identification of technical and educational advisors.

2. The amendment specifies that the Maine Wild Mushroom Harvesting Advisory Committee members serve on a voluntary basis and conforms their duties to within the scope of the Department of Health and Human Services.

3. The amendment repeals the Wild Mushroom Harvesting Fund and specifies that revenues from certification application fees are payable into a special revenue account dedicated to a health inspection program within the department.

4. The amendment specifies that certification for mushroom harvesting, brokering or selling is issued to applicants based on completion of department-approved training.

5. The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 587 amends the Maine Wild Mushroom Harvesting Certification Program as follows.

1. The law removes from the duties of the Maine Wild Mushroom Harvesting Advisory Committee the development and delivery of training courses and the identification of technical and educational advisors.

2. The law specifies that the Maine Wild Mushroom Harvesting Advisory Committee members serve on a voluntary basis and conforms their duties to within the scope of the Department of Health and Human Services.

3. The law repeals the Wild Mushroom Harvesting Fund and specifies that revenues from certification application fees are payable into a special revenue account dedicated to a health inspection program within the department.

4. The law specifies that certification for mushroom harvesting, brokering or selling is issued to applicants based on completion of department-approved training.

LD 1829 **An Act To Require Photographic Identification for Prescriptions for Certain Controlled Substances** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill is a recommendation from the Substance Abuse Services Commission's work group convened pursuant to Resolve 2011, chapter 81 and is reported out by the Joint Standing Committee on Health and Human Services pursuant to Joint Order 2011, H.P. 1328. This bill requires a pharmacist or person acting at the direction of a pharmacist to demand, inspect and record proof of identification before filling a prescription for a controlled substance. For the purposes of this bill, "controlled substance" means a drug or other substance included in schedules II, III or IV of 21 United States Code, Section 812 or 21 Code of Federal Regulations, Section 1308.

LD 1840 **An Act To Limit MaineCare Reimbursement for Methadone Treatment** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS DC	OTP-AM MAJ	H-912
THIBODEAU	OTP-AM MIN	

This bill proposes to limit MaineCare reimbursement for methadone for the treatment of addiction to opiates to a lifetime maximum of 24 months, effective January 1, 2013. The bill authorizes reimbursement for longer than 24 months if the Department of Health and Human Services provides prior authorization. The bill proposes to limit services to the clinic closest to the home of the member. The bill requires the department to review the options to restrict transportation services reimbursement for methadone treatment under the MaineCare program to encourage efficient use of transportation services and to discourage and penalize fraud. The review must include a study of limitations based on one-way or round-trip reimbursement and a requirement to use the provider whose office is the closest to the MaineCare member's home. The department is required to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 15, 2012, on the department's findings and recommendations as a result of the review.

Committee Amendment "A" (H-912)

This amendment is the majority report of the committee. The amendment removes from the bill the requirement that methadone services reimbursed under the MaineCare program be accessed at the clinic closest to the home of the MaineCare member. The amendment removes from the bill the directive to the Department of Health and Human Services to review MaineCare transportation services because a similar directive was included by the committee in the committee amendment to LD 1694, which was enacted as Resolve 2011, chapter 142. The amendment adds to the routine technical rulemaking a requirement that the Department of Health and Human Services seek input for the prior authorization rules from stakeholders and experts in the field of substance abuse addiction and recovery, including, but not limited to, representatives of the Office of Substance Abuse and individuals with expertise in medication-assisted treatment. This amendment adds an appropriations and allocations section.

Committee Amendment "B" (H-913)

This amendment is the minority report of the committee. The amendment removes from the bill the requirement that methadone services reimbursed under the MaineCare program be accessed at the clinic closest to the home of the MaineCare member. The amendment removes from the bill the directive to the Department of Health and Human Services to review MaineCare transportation services because a similar directive was included by the committee in the committee amendment to LD 1694. The amendment changes the rulemaking to major substantive rules and adds a requirement that the Department of Health and Human Services seek input for the prior authorization rules from stakeholders and experts in the field of substance abuse addiction and recovery, including, but not limited to, representatives of the Office of Substance Abuse and individuals with expertise in medication-assisted treatment. The amendment restores the $10 per week rate cut to methadone clinics enacted in Public Law 2011, chapter 477, and provides funding for services to persons with intellectual disabilities. The amendment also adds an appropriations and allocations section.

This bill was not enacted. The provisions of the bill, as amended by the majority, were included in the second DHHS supplemental budget, LD 1746, which was enacted as Public Law 2011, chapter 657, Part S.

LD 1845 **An Act To Implement the Recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council Regarding Respectful Language** **PUBLIC 542 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill is the report of the Joint Standing Committee on Health and Human Services. Part A of this bill implements the recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council regarding respectful language developed pursuant to Public Law 2011, chapter 186, Part B and makes other minor technical amendments to those statutory provisions to conform them to current drafting standards.

Part B renames certain programs within the Department of Health and Human Services. It also directs the department, when adopting or amending its rules and when developing, publishing and issuing forms, policies and publications, to replace references to "mental retardation" and "mentally retarded" with references to "intellectual disability" and "person with an intellectual disability" and to ensure that language referring to persons with disabilities is consistent with the recommendations of the respectful language working group contained in the report submitted by the Maine Developmental Disabilities Council to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 62.

Enacted Law Summary

Public Law 2011, chapter 542 does the following.

1. It implements the recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council regarding respectful language developed pursuant to Public Law 2011, chapter 186, Part B and makes other minor technical amendments to those statutory provisions to conform them to current drafting standards.

2. It renames certain programs within the Department of Health and Human Services.

3. It directs the department, when adopting or amending its rules and when developing, publishing and issuing forms, policies and publications, to replace references to "mental retardation" and "mentally retarded" with references to "intellectual disability" and "person with an intellectual disability" and to ensure that language referring to persons with disabilities is consistent with the recommendations of the respectful language working group contained in the report submitted by the Maine Developmental Disabilities Council to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 62.

Public Law 2011, chapter 542 was enacted as an emergency measure effective March 20, 2012.

LD 1848 **An Act To Expand the Notification Requirements of the Maine Certificate of Need Act of 2002** **PUBLIC 636**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM	S-493

This bill requires that notice be given in a newspaper published in the service area of a health care facility that may be negatively affected by a certificate of need application filed with the Department of Health and Human Services and to municipal officers of and Legislators representing the municipality where the facility is located. The bill requires the department to adopt rules specifying the conditions that constitute a negative impact on a facility.

Committee Amendment "A" (S-493)

This amendment replaces the bill and changes its title. The amendment expands the notification requirements of the Maine Certificate of Need Act of 2002 in the bill to specify that if an existing health care facility may close or lose bed capacity as a result of a proposal for which a certificate of need application has been filed, the Department of Health and Human Services must notify the municipal officers of the municipality in which that health care facility is located and the members of the State House of Representatives and the State Senate representing any part of that municipality. The amendment requires the published notice to identify the name and location of any health care facility that may close or lose bed capacity as a result of the proposal for which a certificate of need has been filed.

Enacted Law Summary

Public Law 2011, chapter 636 expands the notification requirements of the Maine Certificate of Need Act of 2002 to specify that if an existing health care facility may close or lose bed capacity as a result of a proposal for which a certificate of need application has been filed, the Department of Health and Human Services must notify the municipal officers of the municipality in which that health care facility is located and the members of the State House of Representatives and the State Senate representing any part of that municipality. The law requires the published notice to identify the name and location of any health care facility that may close or lose bed capacity as a result of the proposal for which a certificate of need has been filed.

LD 1851 **An Act To Amend the Laws Concerning Municipal Inspections of Establishments** **PUBLIC 589**

Sponsor(s)	Committee Report	Amendments Adopted
STRANG BURGESS MCCORMICK	OTP-AM	H-824

The purpose of this bill is to remove language that prohibits a municipality from licensing eating establishments. The bill also corrects a conflict created by Public Law 2011, chapters 193 and 295, which affected the same provision of law. The bill repeals the provision and replaces it with the chapter 295 version.

Committee Amendment "A" (H-824)

This amendment clarifies that any inspections of establishments by municipalities that have not been delegated authority by the Department of Health and Human Services are void.

Enacted Law Summary

Public Law 2011, chapter 589 clarifies that any inspections of establishments by municipalities that have not been delegated authority by the Department of Health and Human Services are void.

LD 1855 **An Act Regarding the Fund for a Healthy Maine's Prevention, Education and Treatment Activities Concerning Unhealthy Weight and Obesity** **PUBLIC 617**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-830

This bill is the report of the Joint Standing Committee on Health and Human Services pursuant to Joint Order H.P. 1355. It proposes changes to the Fund for a Healthy Maine as recommended by the Commission To Study Allocations of the Fund for a Healthy Maine established pursuant to Resolve 2011, chapter 112. It adds prevention, education and treatment activities concerning unhealthy weight and obesity to the health promotion purposes of the fund. It requires the Commissioner of Administrative and Financial Services to review the program structure for the programs of the fund and to recommend a new program structure, including a program for prevention, education and treatment activities concerning unhealthy weight and obesity, to be used in the state budget beginning in fiscal year 2014-15. It directs the commissioner to report to the Legislature on the review and recommendations by October 1, 2012.

Committee Amendment "A" (H-830)

This amendment clarifies that the Commissioner of Administrative and Financial Services in consultation with the Commissioner of Health and Human Services is required to create a separate entry for prevention, education and treatment activities concerning unhealthy weight and obesity to be used in the state budget beginning in fiscal year 2014-15. The entry must include the funds being spent on obesity prevention. By October 1, 2012, the Commissioner of Administrative and Financial Services is required to to make a progress report to the Legislature on creating the separate entry.

Enacted Law Summary

Public Law 2011, chapter 617 makes changes to the Fund for a Healthy Maine as recommended by the Commission To Study Allocations of the Fund for a Healthy Maine established pursuant to Resolve 2011, chapter 112. It adds prevention, education and treatment activities concerning unhealthy weight and obesity to the health promotion purposes of the fund. It also requires the Commissioner of Administrative and Financial Services, in consultation with the Commissioner of Health and Human Services, to create a separate entry for prevention, education and treatment activities concerning unhealthy weight and obesity to be used in the state budget beginning in fiscal year 2014-15. The entry must include the funds being spent on obesity prevention. By October 1, 2012, the Commissioner of Administrative and Financial Services is required to make a progress report to the Legislature on creating the separate entry.

LD 1862 **An Act To Limit Eligibility under the Municipal General Assistance Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This bill excludes from eligibility for a municipal general assistance program a person who is a member of a household that is ineligible to receive Temporary Assistance for Needy Families program benefits because the household has exhausted the 60-month lifetime limit on Temporary Assistance for Needy Families program benefits.

LD 1884 **An Act To Revise the Laws Regarding the Fund for a Healthy Maine** **PUBLIC 701**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	S-612 ROSEN R

This bill is the report of the Joint Standing Committee on Health and Human Services pursuant to Joint Rule 353. This bill, which is based on recommendations from the Commission To Study Allocations of the Fund for a Healthy Maine, proposes changes to the Fund for a Healthy Maine. The bill changes the Fund for a Healthy Maine from an Other Special Revenue Funds account to a separate fund. It requires an annual report on targeted uses of fund money to the Commissioner of Administrative and Financial Services and provides for an annual report to the Legislature. It places in law review by the joint standing committee of the Legislature having jurisdiction over health and human services matters of legislative proposals affecting the fund, which is currently in effect through Joint Rule 317. It requires the Legislature to establish a study commission to review allocations of the fund every 4 years in the same manner in which those allocations were reviewed in 2011 and to report with recommendations 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.

Senate Amendment "A" (S-612)

This amendment removes the Fund for a Healthy Maine Study Commission proposed in the bill.

Enacted Law Summary

Public Law 2011, chapter 701, which is based on recommendations from the Commission To Study Allocations of the Fund for a Healthy Maine, makes changes to the Fund for a Healthy Maine. The law changes the Fund for a Healthy Maine from an Other Special Revenue Funds account to a separate fund. The law requires an annual report

on targeted uses of fund money to the Commissioner of Administrative and Financial Services and provides for an annual report to the Legislature. It places in law review by the joint standing committee of the Legislature having jurisdiction over health and human services matters of legislative proposals affecting the fund, which review is currently in effect through Joint Rule 317.

LD 1886 **Resolve, Directing Review of Strategies To Improve Communication between Patients and Physicians** **RESOLVE 159**

Sponsor(s)	Committee Report	Amendments Adopted
HAYES LANGLEY	OTP-AM MAJ ONTP MIN	H-905

This bill requires mammography reports or other information provided to patients to include information regarding breast density.

Committee Amendment "A" (H-905)

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve that directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention, in conjunction with the Maine Medical Association, to convene a broadly representative work group to review strategies to improve the dialogue between patients and physicians regarding breast density and breast imaging options and report with recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 7, 2012.

Enacted Law Summary

Resolve 2011, chapter 159 directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention, in conjunction with the Maine Medical Association, to convene a broadly representative work group to review strategies to improve the dialogue between patients and physicians regarding breast density and breast imaging options and report with recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 7, 2012.

LD 1887 **An Act To Restructure the Department of Health and Human Services** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM MAJ ONTP MIN	S-533

This bill restructures the Department of Health and Human Services. The bill does not eliminate the duties and functions of those organizational units eliminated in the bill; under the bill, the department and the Commissioner of Health and Human Services are directed to carry out those duties and functions.

Part A eliminates as a separate and distinct office the Office of Substance Abuse.

Part B eliminates as a separate and distinct office the Office of Elder and Adult Services.

Part C eliminates as a separate and distinct office the Office of Adults with Cognitive and Physical Disabilities.

Part D eliminates as a separate and distinct office the Office of Adult Mental Health Services.

Part E eliminates the Office of Advocacy and directs the department to contract with an agency to provide services to individuals with intellectual disabilities and autism.

Part F directs the commissioner to review the current organizational structure, systems and operations of the department and restructure the department in order to improve and streamline services. Part F also requires the commissioner and the State Budget Officer to provide a report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs outlining the progress towards the new organizational structure and any transferred amounts.

Part G makes appropriations and allocations to support this restructuring and authorizes the State Budget Officer to transfer positions, appropriations and allocations between accounts and line categories by financial order upon approval of the Governor.

Committee Amendment "A" (S-533)

This amendment is the majority report of the committee. The amendment clarifies that the authority of the Commissioner of Health and Human Services to restructure the Department of Health and Human Services is limited to actions to achieve the enacted provisions. The amendment corrects errors in the designation of fiscal years, requires the report from the Commissioner of Health and Human Services and the State Budget Officer by December 1, 2012 and requires another report by June 30, 2013. The amendment corrects appropriations and allocations in Part G. The amendment to Part G keeps as departmental personnel the intensive case managers who are connected to correctional facilities. The amendment retains the provisions of the bill that eliminate the positions of departmental personnel who are intensive case managers for adult mental health clients of the department and contract out that service.

This amendment also amends certain sections of the bill to incorporate changes to the laws in Public Law 2011, chapters 477 and 542.

Senate Amendment "A" To Committee Amendment "A" (S-541)

This amendment restores 21 positions in the Mental Health Services - Community program and restores 4 positions associated with the restructuring of the Department of Health and Human Services, Office of Substance Abuse and Office of Adult Mental Health Services.

House Amendment "A" To Committee Amendment "A" (H-934)

This amendment restores 21 positions in the Mental Health Services - Community program and restores 4 positions associated with the restructuring of the Department of Health and Human Services, Office of Substance Abuse and Office of Adult Mental Health Services.

This bill was not enacted. The provisions of the bill were included in the second DHHS supplemental budget, LD 1746, enacted as Public Law 2011, chapter 657, Parts AA to FF.

LD 1888 **An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits** **PUBLIC 687**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM MAJ OTP-AM MIN	S-542 S-608 ROSEN R

This bill provides successor liability for all health care providers in the MaineCare program; prohibits misuse of public benefits instruments; authorizes administrative recovery of improperly received municipal general assistance and MaineCare benefits; bans the use of electronic benefits transfer system benefits at liquor stores, gambling facilities and adult entertainment businesses; criminalizes the trafficking of electronic benefits by making the unauthorized transfer or possession of electronic benefits devices a Class D crime; conforms Maine law to federal requirements regarding suspension of payments to MaineCare providers upon determination of a credible allegation of fraud; and adds 8 Fraud Investigator and 2 Office Associate II positions to the Department of Health and Human Services, Office of Family Independence.

Committee Amendment "A" (S-542)

This amendment is the majority report of the committee. The amendment removes from the bill a provision regarding the scope of administrative hearings with regard to appeals of suspensions of payments for credible allegations of fraud. The amendment adds a provision on confidentiality. The amendment authorizes the Department of Health and Human Services to adopt by rule a procedure for expedited relief from suspension of payments. The amendment revises the requirement on adoption of rules and requires rules to define "credible allegation of fraud" and to provide exception and appeal procedures as required by and in accordance with the requirements of federal law and regulations. The amendment narrows the definition of "overpayment" with respect to certain public assistance program benefits. The amendment provides that the provisions concerning credible allegations of fraud and MaineCare provider payment suspensions are repealed if Section 6402(h)(2) of the federal Patient Protection and Affordable Care Act of 2010 and 42 Code of Federal Regulations, Part 455 are invalidated by the United States Supreme Court.

Senate Amendment "A" To Committee Amendment "A" (S-608)

This amendment delays the funding for the positions provided in Committee Amendment "A" until January 1, 2013, and adjusts the appropriations and allocations section accordingly.

Enacted Law Summary

Public Law 2011, chapter 687 establishes successor liability for all health care providers in the MaineCare program; prohibits misuse of public benefits instruments; authorizes administrative recovery of improperly received municipal general assistance and MaineCare benefits; bans the use of electronic benefits transfer system benefits at liquor stores, gambling facilities and adult entertainment businesses; criminalizes the trafficking of electronic benefits by making the unauthorized transfer or possession of electronic benefits devices a Class D crime; conforms Maine law to federal requirements regarding suspension of payments to MaineCare providers upon determination of a credible allegation of fraud; and adds 8 Fraud Investigator and 2 Office Associate II positions to the Department of Health and Human Services, Office of Family Independence effective January 1, 2013.

LD 1902 **Resolve, Regarding Legislative Review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a Major Substantive Rule of the Department of Health and Human Services**

RESOLVE 157
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ OTP MIN	H-914

This resolve provides for legislative review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a major substantive rule of the Department of Health and Human Services.

Committee Amendment "A" (H-914)

This amendment is the majority report of the committee. The amendment provides that the rule is approved only if it

is amended to reflect that restricted revenue is income from organizations and individuals that require the funds to be used for a specific purpose within a program and unrestricted revenue is revenue from funding sources to a community agency that is not restricted for a particular purpose within a program by the donor. The rule must reflect that revenue that has been designated to a specific program, but not for a specific purpose, is considered unrestricted revenue.

Enacted Law Summary

Resolve 2011, chapter 157 approves the major substantive rule if it is amended to reflect that restricted revenue is income from organizations and individuals that require the funds to be used for a specific purpose within a program and unrestricted revenue is revenue from funding sources to a community agency that is not restricted for a particular purpose within a program by the donor. The rule must reflect that revenue that has been designated to a specific program, but not for a specific purpose, is considered unrestricted revenue.

Resolve 2011, chapter 157 was finally passed as an emergency measure effective April 18, 2012.

LD 1909 **An Act To Simplify the Certificate of Need Process and Lessen the Regulatory Burden on Providers** **PUBLIC 648**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill is the report of the Joint Standing Committee on Health and Human Services pursuant to Public Law 2011, chapter 424. It amends the Maine Certificate of Need Act of 2002 as follows.

1. The bill modifies the definition of "person directly affected by a review" to conform to provisions that permit 5 persons in a health service area to request a hearing.

2. The bill standardizes and simplifies the process for submission of a department-approved annual report form on reserved beds. The report must be submitted on or before July 1st of each year. Annual reports may be submitted by an individual facility or on behalf of multiple facilities by a single filing by a department-approved membership organization. This change will eliminate the requirement that facilities submit multiple reports on multiple dates throughout the year on the anniversary date the facility established the bed as a reserved bed.

3. The bill requires divisions within the Department of Health and Human Services that are responsible for licensing and MaineCare reimbursement for nursing facilities and residential care facilities to work cooperatively to review and consider approving transfers between nursing facilities and residential care facilities on an expedited basis and to review and consider approving projects that expand nursing facility bed capacity on an expedited basis. This provision is included because residential care beds are managed by the Bureau of Elder and Adult Services and nursing facility beds are managed by the Division of Licensing and Regulatory Services.

4. The bill clarifies that projects may be reviewed on a competitive basis when the projects propose the same or similar services.

5. The bill permits contacts with the Commissioner of Health and Human Services or the department regarding certificate of need applications and letters of intent as long as these communications are made part of the record.

6. The bill exempts from the Bureau of Insurance actuarial analysis, in addition to nursing facility projects, any project that qualifies for simplified review. The bill removes reference to review cycles, consistent with Public Law 2011, chapter 424.

7. The bill adds a second technical assistance meeting to the application process prior to the department's publication of its preliminary analysis to encourage dialogue regarding whether the application is likely to be approved so that the applicant will be given the opportunity to comment on the department's proposed findings before they are formally issued in the form of the preliminary analysis. The other technical assistance meeting in the certificate of need process occurs after submission of the letter of intent.

8. The bill makes the following changes to the certificate of need review process. The bill permits the commissioner to delegate certificate of need decisions to a designee for certain projects. It states that emergency nursing facility projects and other emergency projects are exceptions to the requirement for detailed findings. It provides a more streamlined process for simplified reviews. It clarifies which projects are subject to expanded review and which projects qualify for simplified reviews. It clarifies "fit, willing and able" and "economic feasibility" determinations for applicants whose prior services are consistent with pertinent licensing and certification standards. It modifies provisions requiring reliance on particular types of data, including data from the Maine Health Data Organization.

9. The bill clarifies the application of simplified review with respect to projects that are required for code compliance and for certain other needs. It broadens simplified review to cover a wider range of projects, including transfers of ownership of nursing facilities to existing in-state providers of nursing facility services. It clarifies that eligible capital expenditure projects include those that foster compliance or quality improvement. It gives the commissioner authority to identify other categories of projects that qualify for simplified review that are consistent with the purposes of the law and will foster timely review of qualifying projects.

10. The bill modifies the certificate of need application process, allowing the applicant to waive the technical assistance meeting after filing the letter of intent and requiring multiple project-specific application forms and other certificate of need forms to be made available on the department's website. It allows the department to require additional information if an application is contested by another provider or another person directly affected by a review or the department determines that a public hearing must be held. It requires the department to publish on the department's website, as well as in the newspaper, the public notice that the applicant has filed a certification that the application is complete. It specifies when a public informational meeting is required and includes processes for requesting a public hearing.

11. The bill enacts a new procedure for an applicant to request a suspension of the review process and permits suspensions of no less than 10 days and no greater than one 12-month period in duration.

12. The bill allows the department to adopt by rule reasonable fees for the administration of its duties.

13. The bill allows the commissioner to consult with persons with relevant skills and experience regarding the need to replace, renovate or upgrade health care facilities to meet current and future needs.

14. The bill permits any person directly affected by a review to request a public hearing, including health care facilities, providers or insurers. The public hearing must be requested within 15 days of the public informational meeting. If no public informational meeting is held, a public hearing must be requested within 15 days of publication of the notice of filing of the certificate of completion.

15. The bill modifies the time frames to provide that, to the extent practicable, a review must be completed and the commissioner must make a decision within 60 days after the application has been certified as complete by the applicant for a simplified review, or within 90 days for an expanded review.

16. The bill permits extension of review time to 120 days after an application is certified as complete in case of public necessity.

17. The bill specifies that a certificate of need expires if the underlying project is not commenced within 24 months. Current law provides 12 months.

18. The bill eliminates the mandatory nature of 3 categories of reports and allows the department to seek reports on a project for up to 3 years following completion of the project.

Enacted Law Summary

Public Law 2011, chapter 648 amends the Maine Certificate of Need Act of 2002 as follows.

1. The law modifies the definition of "person directly affected by a review" to conform to provisions that permit 5 persons in a health service area to request a hearing.

2. The law standardizes and simplifies the process for submission of a department-approved annual report form on reserved beds. The report must be submitted on or before July 1st of each year. Annual reports may be submitted by an individual facility or on behalf of multiple facilities by a single filing by a department-approved membership organization. This change will eliminate the requirement that facilities submit multiple reports on multiple dates throughout the year on the anniversary date the facility established the bed as a reserved bed.

3. The law requires divisions within the Department of Health and Human Services that are responsible for licensing and MaineCare reimbursement for nursing facilities and residential care facilities to work cooperatively to review and consider approving transfers between nursing facilities and residential care facilities on an expedited basis and to review and consider approving projects that expand nursing facility bed capacity on an expedited basis. This provision is included because residential care beds are managed by the Bureau of Elder and Adult Services and nursing facility beds are managed by the Division of Licensing and Regulatory Services.

4. The law clarifies that projects may be reviewed on a competitive basis when the projects propose the same or similar services.

5. The law permits contacts with the Commissioner of Health and Human Services or the department regarding certificate of need applications and letters of intent as long as these communications are made part of the record.

6. The law exempts from the Bureau of Insurance actuarial analysis, in addition to nursing facility projects, any project that qualifies for simplified review. The law removes reference to review cycles, consistent with Public Law 2011, chapter 424.

7. The law adds a second technical assistance meeting to the application process prior to the department's publication of its preliminary analysis to encourage dialogue regarding whether the application is likely to be approved so that the applicant will be given the opportunity to comment on the department's proposed findings before they are formally issued in the form of the preliminary analysis. The other technical assistance meeting in the certificate of need process occurs after submission of the letter of intent.

8. The law makes the following changes to the certificate of need review process. The law permits the commissioner to delegate certificate of need decisions to a designee for certain projects. It states that emergency nursing facility projects and other emergency projects are exceptions to the requirement for detailed findings. It provides a more streamlined process for simplified reviews. It clarifies which projects are subject to expanded review and which projects qualify for simplified reviews. It clarifies "fit, willing and able" and "economic feasibility" determinations for applicants whose prior services are consistent with pertinent licensing and certification standards. It modifies provisions requiring reliance on particular types of data, including data from the Maine Health Data Organization.

9. The law clarifies the application of simplified review with respect to projects that are required for code compliance and for certain other needs. It broadens simplified review to cover a wider range of projects, including transfers of ownership of nursing facilities to existing in-state providers of nursing facility services. It clarifies that eligible capital expenditure projects include those that foster compliance or quality improvement. It gives the commissioner authority to identify other categories of projects that qualify for simplified review that are consistent with the purposes of the law and will foster timely review of qualifying projects.

10. The law modifies the certificate of need application process, allowing the applicant to waive the technical assistance meeting after filing the letter of intent and requiring multiple project-specific application forms and other certificate of need forms to be made available on the department's website. It allows the department to require additional information if an application is contested by another provider or another person directly affected by a review or the department determines that a public hearing must be held. It requires the department to publish on the department's website, as well as in the newspaper, the public notice that the applicant has filed a certification that the application is complete. It specifies when a public informational meeting is required and includes processes for requesting a public hearing.

11. The law enacts a new procedure for an applicant to request a suspension of the review process and permits suspensions of no less than 10 days and no greater than one 12-month period in duration.

12. The law allows the department to adopt by rule reasonable fees for the administration of its duties.

13. The law allows the commissioner to consult with persons with relevant skills and experience regarding the need to replace, renovate or upgrade health care facilities to meet current and future needs.

14. The law permits any person directly affected by a review to request a public hearing, including health care facilities, providers or insurers. The public hearing must be requested within 15 days of the public informational meeting. If no public informational meeting is held, a public hearing must be requested within 15 days of publication of the notice of filing of the certificate of completion.

15. The law modifies the time frames to provide that, to the extent practicable, a review must be completed and the commissioner must make a decision within 60 days after the application has been certified as complete by the applicant for a simplified review, or within 90 days for an expanded review.

16. The law permits extension of review time to 120 days after an application is certified as complete in case of public necessity.

17. The law specifies that a certificate of need expires if the underlying project is not commenced within 24 months. Current law provides 12 months.

18. The law eliminates the mandatory nature of 3 categories of reports and allows the department to seek reports on a project for up to 3 years following completion of the project.

LD 1914 **Resolve, Regarding Legislative Review of Portions 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 160
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions 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 2011, chapter 160 approves portions 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 2011, chapter 160 was finally passed as an emergency measure effective April 23, 2012.

LD 1915 **Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded (ICF-MR) Services, a Major Substantive Rule of the Department of Health and Human Services**

RESOLVE 161
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-955

This resolve provides for legislative review of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded (ICF-MR) Services, a major substantive rule of the Department of Health and Human Services.

Committee Amendment "A" (H-955)

This amendment approves the major substantive rule as provisionally adopted if the rule is amended to bring the distribution of funding from the increase in tax from 5.5% to 6% into conformance with the funding requirements of the Maine Revised Statutes, Title 36, section 2873, subsection 4, paragraph B and to bring the language of the rule into conformance with Public Law 2011, chapter 542.

Enacted Law Summary

Resolve 2011, chapter 161 approves the major substantive rule as provisionally adopted if the rule is amended to bring the distribution of funding from the increase in tax from 5.5% to 6% into conformance with the funding requirements of the Maine Revised Statutes, Title 36, section 2873, subsection 4, paragraph B and to bring the language of the rule into conformance with Public Law 2011, chapter 542.

Resolve 2011, chapter 161 was finally passed as an emergency measure effective April 23, 2012.

SUBJECT INDEX

Aging and Long-term Care

Not Enacted

LD 1700	An Act To Provide an Alternative Method of Calculating Minimum Staffing Levels in Nursing Homes	ONTP

Certificate of Need

Enacted

LD 1848	An Act To Expand the Notification Requirements of the Maine Certificate of Need Act of 2002	PUBLIC 636
LD 1909	An Act To Simplify the Certificate of Need Process and Lessen the Regulatory Burden on Providers	PUBLIC 648

Children's Services

Enacted

LD 1705	Resolve, To Create the Task Force on the Prevention of Sexual Abuse of Children	RESOLVE 162 EMERGENCY

Departmental Organization and Administration

Enacted

LD 1625	An Act To Amend the Organization of the Quality Assurance Review Committee	PUBLIC 495
LD 1627	An Act Regarding the Filing of Birth, Death and Marriage Data	PUBLIC 511
LD 1628	An Act To Limit Payment for Care and Treatment of Residents of State Institutions	PUBLIC 674
LD 1902	Resolve, Regarding Legislative Review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 157 EMERGENCY

Not Enacted

LD 1887	An Act To Restructure the Department of Health and Human Services	DIED ON ADJOURNMENT

Developmental Disabilities

Enacted

LD 1845	An Act To Implement the Recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council Regarding Respectful Language	PUBLIC 542 EMERGENCY

Not Enacted

LD 1115	An Act To Clarify the Responsibilities of the Maine Developmental Services Oversight and Advisory Board	ONTP

Health

Enacted

LD 1884	An Act To Revise the Laws Regarding the Fund for a Healthy Maine	PUBLIC 701

Health Care

Enacted

LD 806	An Act To Increase Access to Information Regarding Health Care Facility and Practitioner Payments	PUBLIC 525
LD 1624	An Act To Lessen the Regulatory Burden on Medical Laboratories by Removing Outdated Requirements from the Maine Medical Laboratory Act	PUBLIC 531
LD 1886	Resolve, Directing Review of Strategies To Improve Communication between Patients and Physicians	RESOLVE 159

Health Information and Data

Enacted

LD 1743	Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 124 EMERGENCY
LD 1813	An Act To Amend the Laws Governing Confidentiality of Health Care Information	PUBLIC 572 EMERGENCY
LD 1818	Resolve, To Extend the Reporting Deadline of the Working Group on an All-payor Claims Database System	RESOLVE 121

Licensing

Enacted

LD 1851	An Act To Amend the Laws Concerning Municipal Inspections of Establishments	PUBLIC 589

Medicaid/MaineCare

Enacted

LD 1629	An Act To Allow for a Contingency Fee Agreement with a MaineCare Program Integrity Recovery Audit Contractor	PUBLIC 593 EMERGENCY

LD 1694	Resolve, Directing the Department of Health and Human Services To Review Rules Governing Reimbursement to MaineCare Recipients for Transportation to and from MaineCare Services	RESOLVE 142
LD 1888	An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits	PUBLIC 687
LD 1914	Resolve, Regarding Legislative Review of Portions 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 160 EMERGENCY
LD 1915	Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded (ICF-MR) Services, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 161 EMERGENCY

Not Enacted

LD 646	An Act To Ensure the Safety of Children in the MaineCare Program Who Are Prescribed Antipsychotic Medications	ONTP
LD 1114	An Act To Improve Preventive Dental Health Care and Reduce Future Avoidable Costs	MAJORITY (ONTP) REPORT
LD 1692	An Act To Provide Reimbursement for MaineCare Services Provided by Qualified, Unlicensed Professionals Who Are Supervised by Licensed Health Professionals	INDEF PP
LD 1811	Resolve, Directing the Department of Health and Human Services To Review Reimbursement for Prescription Drugs under the MaineCare Program	ONTP
LD 1840	An Act To Limit MaineCare Reimbursement for Methadone Treatment	DIED ON ADJOURNMENT

Mental Health

Enacted

LD 897	An Act To Amend the Application Process for the Progressive Treatment Program	PUBLIC 492
LD 1688	An Act To Clarify the Status of Patients Held under Involuntary Commitment Applications	PUBLIC 541

Oral Health/Dental Care

Not Enacted

LD 936	An Act To Conform Maine Menu Labeling Laws to Federal Standards	ONTP

Prescription Drugs

Enacted

LD 1679	An Act To Conform Maine's Prescription Drug Privacy Laws with the United States Constitution	PUBLIC 494
LD 1714	An Act To Restrict Further the Amount of Methamphetamine Precursors That May Be Bought or Sold	PUBLIC 584

Not Enacted

LD 612	An Act To Provide Reimbursement for Medication Therapy Management Services	ONTP
LD 1364	An Act To Improve the Quality and Reduce the Cost of Health Care	ONTP
LD 1829	An Act To Require Photographic Identification for Prescriptions for Certain Controlled Substances	ONTP

Public Assistance

Enacted

LD 1626	An Act To Clarify the Authority of the Department of Health and Human Services To Impose Administrative Sanctions upon Vendors, Providers and Participants in the Women, Infants and Children Special Supplemental Food Program	PUBLIC 512
LD 1812	Resolve, Directing the Department of Health and Human Services To Submit an Application for a Waiver from the United States Department of Agriculture	RESOLVE 155

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LD 1862	An Act To Limit Eligibility under the Municipal General Assistance Program	ONTP

Public Health

Enacted

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LD 1855	An Act Regarding the Fund for a Healthy Maine's Prevention, Education and Treatment Activities Concerning Unhealthy Weight and Obesity	PUBLIC 617

IFS

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

June 2012

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REP. PAULETTE G. BEAUDOIN

STAFF:
COLLEEN MCCARTHY REID, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 882 **An Act To Limit Health Care Mandates** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	OTP-AM MAJ ONTP MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill prohibits carriers from offering a health plan in this State on or after January 1, 2014 that exceeds the minimum essential benefits package determined in accordance with federal law. The bill also requires the Department of Professional and Financial Regulation, Bureau of Insurance to evaluate the minimum essential benefits package to be determined by the Secretary of the United States Department of Health and Human Services in comparison to existing mandated health insurance benefits required by state law. The bill directs the bureau to determine which mandated benefits are not included in the federal minimum essential benefits package and develop proposed legislation to eliminate those mandated benefits in state law. The bureau must submit its report within three months of the adoption of the minimum essential benefits package. The bill authorizes the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters to report out a bill based on the report to the First Regular Session of the 126th Legislature.

Committee Amendment "A" (H-723)

This amendment replaces the bill and changes the title. The amendment provides that, on or after January 1, 2014, health insurance carriers may not be required to provide benefits or coverage that exceeds benefits in the minimum essential benefits package determined in accordance with federal law.

Committee Amendment "A" was adopted in the House, but was not adopted in the Senate.

LD 1030 **An Act To Reduce Costs for Small Businesses** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
EVES BRANNIGAN	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill is a concept draft pursuant to Joint Rule 208. The bill proposes to establish subsidies, tax credits and other initiatives designed to lower the employer and employee costs of health insurance provided through small business owners to their employees. The bill would dedicate fees currently assessed on health insurers for funding affordable health care coverage to eligible small employers to fund the subsidies, tax credits and other initiatives proposed in the bill.

Committee Amendment "A" (H-736)

This amendment is the minority report and replaces the bill, which is a concept draft. The amendment establishes

the small business health coverage income tax credit for small businesses with up to 50 employees that purchase health coverage through a small business health exchange established in the State pursuant to federal law. The credit is calculated as 5% of up to $25,000 of expenditures paid and expenses incurred to purchase health coverage and is not refundable. The credit is phased in over 3 years beginning January 1, 2014 based on the number of eligible employees. To qualify for the tax credit, a small business must contribute at least 60% of the cost of coverage and have at least 50% of its employees earning less than the State's average hourly wage.

Committee Amendment "A" was not adopted.

LD 1179 **An Act To Require Advance Review and Approval of Certain Small Group Health Insurance Rate Increases and To Implement the Requirements of the Federal Patient Protection and Affordable Care Act**

MAJORITY (ONTP) REPORT

Sponsor(s)	Committee Report	Amendments Adopted
GOODE BRANNIGAN	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

Part A of the bill makes the rate review process for small group health insurance rates the same as the process for individual health insurance. Part A requires that, if a filing proposes an increase in rates in a small group health plan, the Superintendent of Insurance shall hold a hearing on the proposed rate increase at the request of the Attorney General. Part A makes it clear that in any hearings the burden of proving proposed rates are not excessive, inadequate or unfairly discriminatory is on the insurer. Part A also repeals the optional rate review process that permits small group health insurers that meet a minimum 78% medical loss ratio to file rates with the Department of Professional and Financial Regulations, Bureau of Insurance for informational purposes.

Part B of the bill amends the Maine Insurance Code to conform to the requirements of the federal Patient Protection and Affordable Care Act, Public Law 111-148. Part B also authorizes the Superintendent of Insurance to amend rules for consistency with the requirements of the federal law and any regulations adopted pursuant to that law.

Committee Amendment "A" (H-725)

This amendment replaces the bill and is the minority report of the committee. The amendment restores the statutory process for advance review and prior approval of individual health insurance rates and repeals the changes to the rate review process for individual health insurance made by Public Law 2011, chapter 90. The amendment also extends the same process for advance review and prior approval for small group health insurance rates, but makes those provisions contingent on the repeal of the federal Patient Protection and Affordable Care Act by Congress or the invalidation of the federal law by the United States Supreme Court, either in whole or in part.

Committee Amendment "A" was not adopted.

LD 1497 **An Act Relating to Navigators under Health Benefit Exchanges** **PUBLIC 631**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE WHITTEMORE	OTP-AM MAJ ONTP MIN	H-840 H-925 MCKANE

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill establishes the Maine Health Benefit Exchange pursuant to the federal Patient Protection and Affordable Care Act. The exchange is established as authorized by federal law to facilitate the purchase of health care coverage by individuals and small businesses. The bill requires coverage to be available through the exchange no later than January 1, 2014. The bill authorizes the use of an assessment or user fee on health insurance carriers to support the operations of the exchange.

Committee Amendment "A" (H-840)

This amendment replaces the bill and changes the title. The amendment requires that only licensed insurance producers may sell, solicit or negotiate health insurance or enroll an individual or employer in a qualified health plan offered through an exchange established or operated in this State pursuant to state or federal law.

The amendment also requires the Superintendent of Insurance to develop criteria for the selection and certification of navigators prior to the establishment of any exchange in this State pursuant to state or federal law and prohibits individuals from acting as navigators without certification from the superintendent unless the individuals are licensed insurance producers.

House Amendment "A" To Committee Amendment "A" (H-870)

This amendment clarifies that any requirements for navigators to submit to fingerprinting or criminal history record checks or regulatory background checks must be adopted through rulemaking.

House Amendment "A" to Committee Amendment "A" was not adopted.

House Amendment "B" To Committee Amendment "A" (H-925)

This amendment incorporates the substantive provisions of House Amendment "A" except that the amendment removes references to fingerprinting. The amendment also clarifies the definition of "navigator" to include individuals performing the duties of a navigator on behalf of an organization or business entity. The amendment makes other technical and clarifying changes to Committee Amendment "A" to be consistent with existing state law and rule and federal law and regulations.

Enacted Law Summary

Public Law 2011, chapter 631 requires that only licensed insurance producers may sell, solicit or negotiate health insurance or enroll an individual or employer in a qualified health plan offered through an exchange established or operated in this State pursuant to state or federal law.

The law also requires the Superintendent of Insurance to develop criteria for the selection and certification of navigators prior to the establishment of any exchange in this State pursuant to state or federal law and prohibits individuals from acting as navigators without certification from the superintendent unless the individuals are licensed insurance producers.

LD 1498 **An Act To Phase Out Dirigo Health and Establish the Maine Health Benefit Exchange for Small Businesses and Individuals**

MAJORITY (ONTP) REPORT

Sponsor(s)	Committee Report	Amendments Adopted
TREAT BRANNIGAN	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill repeals Dirigo Health effective January 1, 2014 and, in its place, establishes the Maine Health Benefit Exchange. The exchange is established as authorized by federal law to facilitate the purchase of health care coverage by individuals and small businesses. The bill requires coverage to be available through the exchange no later than January 1, 2014. Coverage of individuals and small businesses under the current Dirigo Health program will end on January 1, 2014 as coverage will transition to the exchange. The bill retains the Maine Quality Forum established within the Dirigo Health program and transfers its oversight to the exchange. The bill requires health insurance carriers and third-party administrators to pay an access payment on paid claims to support the operations of the exchange.

The bill makes changes to the Maine Insurance Code to preserve the authority of the Superintendent of Insurance to enforce the federal Patient Protection and Affordable Care Act. The bill also clarifies that the Superintendent of Insurance has oversight over health insurance plans offered through the Maine Health Benefit Exchange.

The bill also requires the Department of Professional and Financial Regulation, Bureau of Insurance to evaluate the minimum essential benefits package to be determined by the Secretary of the United States Department of Health and Human Services in comparison to existing mandated health insurance benefits required by state law. The bill directs the Bureau of Insurance to determine the projected cost impact of maintaining mandated benefits not included in the essential benefits package in qualified health plans made available through the exchange. The bureau must submit its report within three months of the adoption of the minimum essential benefits package.

Committee Amendment "A" (H-867)

This amendment reflects the recommendations of the minority of the committee. The amendment makes the following changes to the bill.

1. It designates the position of Executive Director of the Maine Health Benefit Marketplace as a major policy-influencing position under state law and establishes the salary range for the position.

2. It makes changes to strengthen the conflict of interest provisions related to members and staff of the Board of Directors of the Maine Health Benefit Marketplace.

3. It authorizes the marketplace to offer qualified stand-alone dental benefit plans and other dental benefit plans.

4. It authorizes the board to standardize health plan coverage to be offered through the marketplace and also requires carriers to offer certain levels of coverage both through the marketplace and outside of the marketplace.

5. It requires the board to consult with the Department of Health and Human Services and the MaineCare Advisory Committee when considering whether to establish a basic health program and requires the board to submit its recommendation to the Legislature by April 1, 2013.

6. It establishes standards for the participation of navigators through the marketplace and authorizes insurance producers to act as navigators with respect to both individuals and small employers.

7. It removes the provisions in the bill that eliminate the Dirigo Health program effective January 1, 2014 and transfer the health access payment from Dirigo Health, since the health access payment is eliminated as of January 1, 2014 pursuant to Public Law 2011, chapter 380, Part BBB. The amendment requires the board to report to the Legislature and the Governor with recommendations for how the marketplace can be self-sustaining by 2015 and also requires the board to study the effect of adverse selection on the marketplace.

8. It removes the provisions in the bill making changes to the Maine Insurance Code that preserve the authority of the Superintendent of Insurance to enforce the federal Patient Protection and Affordable Care Act since substantially similar provisions were enacted by Public Law 2011, chapter 364.

9. It removes the provision in the bill requiring the Department of Professional and Financial Regulation, Bureau of Insurance to review the minimum essential benefits package to be determined by the Secretary of the United States Department of Health and Human Services in comparison with existing state mandated health insurance benefit laws.

10. It allocates funds for the Executive Director of the Maine Health Benefit Marketplace.

Committee Amendment "A" was not adopted.

LD 1636 **An Act To Extend Certain Insurance Protection to Emergency Responders** **PUBLIC 493**

Sponsor(s)	Committee Report	Amendments Adopted
LUCHINI LANGLEY	OTP-AM	H-722

Current law prohibits an insurer from increasing the insurance policy premium of a law enforcement officer for a motor vehicle accident that occurs while the officer is acting in the course and scope of employment. This bill extends this protection to emergency responders.

Committee Amendment "A" (H-722)

This amendment changes the definition of "emergency responder" to clarify that the protection extended in the bill applies only to motor vehicle accidents involving the use of a municipal vehicle or an emergency medical services vehicle licensed in accordance with state law and does not include accidents involving a personal vehicle of an emergency responder.

Enacted Law Summary

Public Law 2011, chapter 493 prohibits an insurer from increasing the insurance policy premium of an emergency responder for a motor vehicle accident involving the use of a municipal vehicle or an emergency medical services vehicle licensed in accordance with state laws while an emergency responder is acting in the course and scope of employment.

LD 1637 **An Act To Permit Financial Institutions To Share Certain Information for the Purpose of Preventing Electronic Bank Card Losses and Other Fraud** **PUBLIC 518**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	OTP-AM	H-717

Current law permits the sharing of financial records information under the exemptions in the federal Gramm-Leach-Bliley Act and its implementing regulations. Financial institutions can share information about individuals in order to protect against fraud, unauthorized transactions, claims and other liability. This bill allows financial institutions to share financial records information about business customers, other than individuals, for the same purposes.

Committee Amendment "A" (H-717)

This amendment clarifies the bill to ensure that disclosure of financial records of a business and, in particular, business records of a sole proprietor may be made by a financial institution to protect against fraud, unauthorized transactions and other liability.

Enacted Law Summary

Current law permits the sharing of financial records information under the exemptions in the federal Gramm-Leach-Bliley Act and its implementing regulations. Financial institutions can share information about individuals in order to protect against fraud, unauthorized transactions, claims and other liability. Public Law 2011, chapter 518 allows financial institutions to share financial records of a business and, in particular, records of a sole proprietor for the same purposes.

LD 1666 **An Act To Guarantee Basic Preventive Dental Health Services for Children in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KATZ	ONTP	

This bill requires dental insurers and health insurers and health maintenance organizations that include coverage for dental services in their policies and contracts to provide coverage for preventive dental health services for children. The bill applies to policies and contracts issued or renewed on or after January 1, 2013.

LD 1670 **An Act Relating to Rating on the Basis of Group Size in the Small Group Health Insurance Market** **PUBLIC 638**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	OTP-AM	S-522

This bill extends the provisions of the law governing the Maine Guaranteed Access Reinsurance Association to insurers that offer small group health plans to groups of 10 or fewer members.

Committee Amendment "A" (S-522)

This amendment replaces the bill and changes the title. The amendment provides that, beginning October 1, 2012, the rating factor used by small group health insurance carriers for group size must be combined within the maximum rate differential due to age of 2.5 to 1. The combined rating band for age and group size would be increased to 3 to 1 on January 1, 2014 and, to the extent permitted by the federal Affordable Care Act, further increased each year by a factor of 1 up to a combined 5 to 1 rating band on January 1, 2016. Under current law, the rating factor for group size falls outside of the rating bands.

Enacted Law Summary

Public Law 2011, chapter 638 provides that, beginning October 1, 2012, the rating factor used by small group health insurance carriers for group size must be combined within the maximum rate differential due to age of 2.5 to 1. The combined rating band for age and group size would be increased to 3 to 1 on January 1, 2014 and, to the extent permitted by the federal Affordable Care Act, further increased each year by a factor of 1 up to a combined 5 to 1 rating band on January 1, 2016. Under current law, the rating factor for group size falls outside of the rating bands.

LD 1682 **An Act To Allow Employees of the Small Enterprise Growth Board To Participate in the State's Group Health Plan** **PUBLIC 514 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	OTP-AM	S-393

This bill allows the employees of the Small Enterprise Growth Board to participate in the State's group health plan.

Committee Amendment "A" (S-393)

This amendment provides that employees of the Small Enterprise Growth Board are eligible to participate in the State's group health plan effective July 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 514 allows employees of the Small Enterprise Growth Board to participate in the State's group health plan beginning July 1, 2012.

Public Law 2011, chapter 514 was enacted as an emergency measure effective March 16, 2012.

LD 1691 **An Act Related to Specialty Tiers in Prescription Medication Pricing** **PUBLIC 611**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	OTP-AM MAJ ONTP MIN	H-813

This bill provides that a health plan covering prescription drugs may not require cost sharing, deductibles or coinsurance obligations for prescription drugs that exceed the dollar amount for nonpreferred brand drugs or for

brand drugs if there is no nonpreferred brand drug category.

Committee Amendment "A" (H-813)

This amendment replaces the bill and is the majority report of the committee. To the extent not inconsistent with the federal Affordable Care Act, the amendment requires health benefit plans that provide prescription drugs to provide a separate total limit for out-of-pocket expenses for prescription drugs provided under the health plan subject to coinsurance that does not exceed $3,500 per year if the carrier does not include out-of-pocket expenses for prescription drugs subject to coinsurance under the health plan's total limit for out-of-pocket expenses for all benefits provided under the health plan. The amendment authorizes a carrier to adjust its limit for out-of-pocket expenses to minimize any premium increase that might otherwise result.

The amendment also adds an application clause so that the provisions apply to health insurance policies, contracts and certificates issued or renewed on or after January 1, 2013.

Enacted Law Summary

Public Law 2011, chapter 611 requires health benefit plans to provide a separate total limit for out-of-pocket expenses that does not exceed $3,500 per year for prescription drugs provided under the health plan subject to coinsurance if the carrier does not include out-of-pocket expenses for prescription drugs subject to coinsurance under the health plan's total limit for out-of-pocket expenses for all benefits provided under the health plan. The law authorizes a carrier to adjust its limit for out-of-pocket expenses to minimize any premium increase that might otherwise result.

The law applies to health insurance policies, contracts and certificates issued or renewed on or after January 1, 2013.

LD 1702 **An Act To Correct Inconsistencies and Ambiguities in the Maine Guaranteed Access Reinsurance Association Act** **PUBLIC 621**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	OTP-AM MAJ OTP-AM MIN	H-847

This bill makes technical corrections to address inconsistencies and ambiguities in the Maine Guaranteed Access Reinsurance Association Act.

1. It clarifies that the initial claim reimbursement period for the first year of the program is the calendar year, beginning January 1, 2012 and ending December 31, 2012. All claims must be incurred in the same calendar year for which reimbursement is sought.

2. It allows a member insurer to designate a person for reinsurance through the use of claims history, risk scores and other reasonable means, in addition to the use of a health statement. It also allows a member insurer to designate a person for reinsurance in the event the person omitted material information from the health statement or misrepresented the person's health status on the health statement.

3. It clarifies that a member insurer has the option of designating a person for reinsurance based upon the existence or history of a medical or health condition that is on a list developed by the board for this purpose.

4. It allows a member insurer to designate a person for reinsurance if the person changes policies or benefit levels or adds new members to a policy.

5. It clarifies that the law is not intended to limit the ability of a member insurer to designate a currently covered

person for reinsurance.

6. It requires a member insurer who seeks reimbursement with respect to a covered person who is in the member insurer's closed book of business for individual health plans and who would have been designated for reinsurance by the member insurer to do so by October 1, 2012.

Committee Amendment "A" (H-847)

This amendment replaces the bill and is the majority report of the committee. The amendment makes the following technical corrections to address inconsistencies and ambiguities in the Maine Guaranteed Access Reinsurance Association Act.

1. It clarifies that reimbursement is based on the calendar year in which the claim was incurred, except that the initial claim reimbursement period for the first year of the program is the period beginning July 1, 2012 and ending December 31, 2012.

2. It allows a member insurer to designate a person for reinsurance through the use of claims history, risk scores and other reasonable means, in addition to the use of a health statement. It also allows a member insurer to designate a person for reinsurance in the event the person omitted material information from the health statement or misrepresented the person's health status on the health statement. It clarifies that a person's health statement, claims history or risk scores or the omission of material information from the health statement or misrepresentation of a person's health status may not be used by a carrier as a basis for denying, cancelling or refusing to renew an individual health plan.

3. It allows a member insurer to designate a person for reinsurance if the person is added to a policy.

4. It clarifies that protected health information obtained by the association that is confidential under federal and state law remains confidential and is not open to public inspection.

5. It clarifies that the Maine Revised Statutes, Title 24-A, section 3961 applies to the closed book of business for individual health plans sold between December 1, 1993 and July 1, 2012, and that reimbursement to member insurers with respect to closed books of business is subject to the same claims reimbursement periods and retention levels as open books of business. It also clarifies that Title 24-A, section 3961 is not intended to limit the ability of a member insurer to designate a covered person for reinsurance pursuant to Title 24-A, section 3959.

6. It requires a member insurer who seeks reimbursement with respect to a covered person who is in the member insurer's closed book of business for individual health plans to designate the member insurer for reinsurance by October 1, 2012.

7. It clarifies that member insurers are required to pay reinsurance premium rates with respect to covered persons designated under Title 24-A, section 3961.

Committee Amendment "B" (H-848)

This amendment replaces the bill and is the minority report of the committee. This amendment incorporates all of the provisions in Committee Amendment "A" and also adds provisions making meetings of the Board of Directors of the Maine Guaranteed Access Reinsurance Association public under the State's freedom of access laws.

Committee Amendment "B" was not adopted.

Enacted Law Summary

Public Law 2011, chapter 621 makes technical corrections to address inconsistencies and ambiguities in the Maine Guaranteed Access Reinsurance Association Act.

1. The law clarifies that reimbursement is based on the calendar year in which the claim was incurred, except that the initial claim reimbursement period for the first year of the program is the period beginning July 1, 2012 and ending December 31, 2012.

2. The law allows a member insurer to designate a person for reinsurance through the use of claims history, risk scores and other reasonable means, in addition to the use of a health statement. It also allows a member insurer to designate a person for reinsurance in the event the person omitted material information from the health statement or misrepresented the person's health status on the health statement. It clarifies that a person's health statement, claims history or risk scores or the omission of material information from the health statement or misrepresentation of a person's health status may not be used by a carrier as a basis for denying, cancelling or refusing to renew an individual health plan.

3. The law allows a member insurer to designate a person for reinsurance if the person is added to a policy.

4. The law clarifies that protected health information obtained by the association that is confidential under federal and state law remains confidential and is not open to public inspection.

5. The law clarifies that the Maine Revised Statutes, Title 24-A, section 3961 applies to the closed book of business for individual health plans sold between December 1, 1993 and July 1, 2012, and that reimbursement to member insurers with respect to closed books of business is subject to the same claims reimbursement periods and retention levels as open books of business. It also clarifies that Title 24-A, section 3961 is not intended to limit the ability of a member insurer to designate a covered person for reinsurance pursuant to Title 24-A, section 3959.

6. The law requires a member insurer who seeks reimbursement with respect to a covered person who is in the member insurer's closed book of business for individual health plans to designate the member insurer for reinsurance by October 1, 2012.

7. The law clarifies that member insurers are required to pay reinsurance premium rates with respect to covered persons designated under Title 24-A, section 3961.

LD 1716 **An Act To Require Funds for Prearranged Funerals To Be Invested Subject to the Requirements of the Maine Uniform Prudent Investor Act and To Update Related Provisions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BECK SULLIVAN	ONTP	

This bill requires that funds held in prearranged funeral and burial plans be invested and managed consistent with the prudent investor rule and related requirements of the Maine Uniform Prudent Investor Act. It also provides that such funds may be deposited in a national banking institution authorized to act as a fiduciary pursuant to federal law and the regulations of the federal Office of the Comptroller of the Currency.

LD 1717 **An Act To Establish a Preneed Life Insurance Producer License and Preneed Life Insurance Product for Prearranged Funeral Plans** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	ONTP	

This bill makes the following changes to expand the availability of preneed life insurance products as a means of funding prearranged funeral plans.

1. It authorizes a limited line preneed life insurance product and a limited line preneed life insurance producer license.

2. It repeals the prohibition on an insurer retaining or employing a funeral establishment or its employees as producers.

3. It authorizes the payment of commissions in connection with the sale of limited line preneed life insurance by producers who are duly licensed to make such sales.

4. For purposes of the laws governing funeral practices, it limits impermissible solicitations of prearranged funeral plans to uninvited telephone and door-to-door contacts.

5. It requires that an authorized representative of a mortuary sign a prearranged funeral or burial plan.

LD 1769 **An Act Regarding Subrogation of Medical Payments Coverage** **PUBLIC 509**

Sponsor(s)	Committee Report	Amendments Adopted
PICCHIOTTI WHITTEMORE	OTP MAJ ONTP MIN	

Current law prohibits a claim for subrogation for an award or settlement under the medical payments coverage in a casualty insurance policy if the award or settlement does not exceed $20,000. This bill removes that prohibition.

Enacted Law Summary

Public Law 2011, chapter 509 repeals the provision in current law that prohibits insurers from subrogating claims for medical payments below $20,000.

LD 1773 **An Act Regarding Insurance Adjusters and Reporting Requirements for Insurance Companies** **PUBLIC 554**

Sponsor(s)	Committee Report	Amendments Adopted
CUSHING WHITTEMORE	OTP-AM MAJ ONTP MIN	H-735

This bill provides that the performance of clerical activities associated with licensed adjuster activities for portable electronic devices does not require an adjuster's license. It requires insurance companies to notify the Superintendent of Insurance of all executive officers and directors of entities owning and individuals owning 51% or more of their outstanding voting securities. It clarifies the reporting standards for nonresident insurance companies. It adds provisions governing the licensure of a resident of Canada as an adjuster.

Committee Amendment "A" (H-735)

This amendment is the majority report and makes the following changes to the bill.

1. It makes clarifying changes to the provision that provides an exemption from licensing for certain individuals that perform clerical activities associated with claims adjustment for portable electronic device insurance.

2. It removes language related to the reporting requirements for nonresident business entities.

3. It removes the provision related to the licensure of a resident of Canada as an insurance adjuster.

Enacted Law Summary

Public Law 2011, chapter 554 provides that the performance of clerical activities associated with licensed adjuster activities for portable electronic devices does not require an adjuster's license. The law exempts individuals employed by a licensed adjuster or the adjuster's affiliate who collect claims information from, or furnish claims information to, insureds or claimants and conduct data entry into an automated claims adjudication system as long as no more than 25 of these individuals are under the supervision of one licensed adjuster or insurance producer.

The law also requires business entities licensed as insurance producers, adjusters or consultants to notify the Superintendent of Insurance of all executive officers and directors of entities owning and individuals owning 51% or more of their outstanding voting securities.

LD 1893 **Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation** **RESOLVE 150 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-849

This resolve provides for legislative review of portions of Chapter 850: Health Plan Accountability, a major substantive rule of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-849)

This amendment authorizes final adoption of portions of Chapter 850: Health Plan Accountability as long as the provision related to access to behavioral health care practitioners is amended to require the reasonable availability of those practitioners within a carrier's delivery system.

Enacted Law Summary

Resolve 2011, chapter 150 authorizes final adoption of portions of Chapter 850: Health Plan Accountability, a major substantive rule, as long as the provision related to access to behavioral health care practitioners is amended to require the reasonable availability of those practitioners within a carrier's delivery system.

Resolve 2011, chapter 150 was finally passed as an emergency measure effective April 6, 2012.

Joint Standing Committee on Insurance and Financial Services

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Not Enacted

LD 1716	**An Act To Require Funds for Prearranged Funerals To Be Invested Subject to the Requirements of the Maine Uniform Prudent Investor Act and To Update Related Provisions**	**ONTP**
LD 1717	**An Act To Establish a Preneed Life Insurance Producer License and Preneed Life Insurance Product for Prearranged Funeral Plans**	**ONTP**

IFW

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

June 2012

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STAFF:
CHRISTOPHER SPRUCE, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 213 **An Act To Provide Funding for the Fish Stocking Program** **PUBLIC 664**

Sponsor(s)	Committee Report	Amendments Adopted
THIBODEAU	OTP-AM	S-372
		S-592 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill provides a General Fund appropriation of $500,000 for fiscal years 2011-12 and 2012-13 for the purchase of fish for the Department of Inland Fisheries and Wildlife's fish stocking program.

Committee Amendment "B" (S-372)

This amendment provides an ongoing General Fund appropriation of $500,000 beginning in fiscal year 2012-13 for the purchase of fish for the Department of Inland Fisheries and Wildlife's fish stocking program.

Senate Amendment "A" To Committee Amendment "B" (S-592)

This amendment reduces the ongoing funding provided in Committee Amendment "B" from $500,000 to $200,000 beginning in fiscal year 2012-13.

Enacted Law Summary

Public Law 2011, chapter 664 provides an ongoing General Fund appropriation of $200,000 beginning in fiscal year 2012-13 for the purchase of fish for the Department of Inland Fisheries and Wildlife's fish stocking program.

LD 274 **An Act To Increase the Moose Permit Allocations for Zones 2 and 3** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

It is a concept draft pursuant to Joint Rule 208. This bill proposes to increase the moose permit allocations in zones 2 and 3 and to change the dates of the moose hunt.

LD 372 **An Act To Reduce Deer Predation** **PUBLIC 666**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN J JACKSON	OTP-AM	H-769 S-609 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill provides a General Fund appropriation of $100,000 for fiscal years 2011-12 and 2012-13 to control predation of deer on private and public lands.

Committee Amendment "C" (H-769)

This amendment provides a General Fund appropriation of $100,000 each year in fiscal years 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17 to control predation of deer on private and public lands.

Senate Amendment "A" To Committee Amendment "C" (S-609)

This amendment provides an ongoing General Fund appropriation of $100,000 beginning in fiscal year 2012-13 to control predation of deer on private and public lands.

Enacted Law Summary

Public Law 2011, chapter 666 provides an ongoing General Fund appropriation of $100,000 beginning in fiscal year 2012-13 to control predation of deer on private and public lands.

LD 637 **An Act To Increase the Amount Tagging Agents Receive for Tagging Game** **PUBLIC 660**

Sponsor(s)	Committee Report	Amendments Adopted
BLACK	OTP-AM	H-683

This resolve was carried over from the First Regular Session of the 125th Legislature.

This bill directs the Commissioner of Inland Fisheries and Wildlife to amend the Department of Inland Fisheries and Wildlife's rules regarding the tagging of game to ensure that tagging agents receive an additional $1.00 from each registration fee they collect for tagging game.

Committee Amendment "B" (H-683)

This amendment replaces the resolve with an act. It amends the law governing the registration fees for tagging game by increasing the amount tagging agents may retain for each registration fee they collect from $1 to $2.

Enacted Law Summary

Public Law 2011, chapter 660 amends the law governing the registration fees for tagging game by increasing the amount tagging agents may retain for each registration fee they collect from $1 to $2.

LD 1242 **An Act To Restore the Deer Herd in Certain Wildlife Management Districts in Maine** **PUBLIC 668**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS DC TRAHAN	OTP-AM	H-829

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill does the following.

1. It establishes a deer management advisory committee to inform the Commissioner of Inland Fisheries and Wildlife about how to more aggressively manage the State's deer population.

2. It establishes the Maine Deer Management Fund for the purpose of funding deer management efforts in the State.

3. It creates a $10 deer stamp and prohibits a person from hunting deer in the State without a deer stamp.

4. It creates a deer management license plate and directs $20 from each deer management license plate to be deposited into the Maine Deer Management Fund.

5. It creates a Maine deer management voluntary checkoff so that taxpayers can voluntarily support deer management efforts.

6. It requires revenue received from the deer stamp and the deer management checkoff to be deposited in the Maine Deer Management Fund.

Committee Amendment "A" (H-829)

This amendment strikes and replaces the bill. It authorizes the Commissioner of Inland Fisheries and Wildlife to regulate the feeding of deer in certain circumstances. It requires the commissioner to direct the Inland Fisheries and Wildlife Advisory Council members to convene stakeholder groups at least annually in strategic areas of the State where deer populations need to be enhanced. This amendment also renames the existing Predator Control and Deer Habitat Fund the "Maine Deer Management Fund." It requires that every application for a hunting license include checkoff options that allow a person to donate money to the fund for predator control or deer habitat enhancement. It also requires that $2 of every deer registration fee be credited to the Maine Deer Management Fund and requires that 50% of the funds deposited in the Maine Deer Management Fund from deer registration fees be used for predator control purposes and 50% to enhance deer habitat. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 668 authorizes the Commissioner of Inland Fisheries and Wildlife to regulate the feeding of deer in certain circumstances. It requires the commissioner to direct the Inland Fisheries and Wildlife Advisory Council members to convene stakeholder groups at least annually in strategic areas of the State where deer populations need to be enhanced. Public Law 2011, chapter 668 also renames the existing Predator Control and Deer Habitat Fund the "Maine Deer Management Fund." It requires that every application for a hunting license include checkoff options that allow a person to donate money to the fund for predator control or deer habitat enhancement. It also requires that $2 of every deer registration fee be credited to the Maine Deer Management Fund and further requires that 50% of the funds deposited in the Maine Deer Management Fund from deer registration fees be used for predator control purposes and 50% to enhance deer habitat.

LD 1327 **Resolve, To Study the Organization of the Fisheries Management Activities of the Department of Inland Fisheries and Wildlife and Make Recommendations To Improve Efficiency and Effectiveness** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLEMINGS TRAHAN	ONTP	

This resolve was carried over from the First Regular Session of the 125th Legislature.

It is a concept draft pursuant to Joint Rule 208. This resolve proposes to study the organization and operations of the Department of Inland Fisheries and Wildlife with respect to the management of the inland fisheries resources in the public waters of the State to identify and recommend changes that will improve the efficiency and effectiveness of those activities.

LD 1408 **An Act To Amend Water Quality Standards for Fish Hatcheries** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TRAHAN	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

Current law requires a nutrient management plan for a fish hatchery to address storage, management and use of fish waste from the hatchery with the goal of improving water quality. This bill requires the plan to have the goal of maintaining water quality.

LD 1613 **An Act To Strengthen the Relationship between Land Users and Landowners** **PUBLIC 576**

Sponsor(s)	Committee Report	Amendments Adopted
CUSHING SAVIELLO	OTP-AM	H-793 H-819 DAVIS

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

This bill would make statutory changes that would help continue the tradition of public recreational access to private land. Specifically, it would revamp the Landowners and Sportsmen Relations Advisory Board's functions, establish a strategy for long-term funding of a landowner relations program, implement the recommendations being developed for a land user certification program and update the landowner liability laws as they relate to public use of private land.

Committee Amendment "A" (H-793)

This amendment replaces the concept draft. This amendment repeals the laws governing the supersport certificate and the landowner relations program in the Department of Inland Fisheries and Wildlife and replaces them with a new provision directing the Commissioner of Inland Fisheries and Wildlife to establish a broader and more inclusive landowner relations program. The amendment authorizes the commissioner to establish and issue for a fee a certificate to persons wishing to be recognized as supporting the program. The amendment establishes the Landowner Relations Fund to receive all fees from the sale of certificates as well as any other funds allocated or appropriated to the fund and any contributions from public or private sources. This amendment also adds the Commissioner of Agriculture, Food and Rural Resources to the ex officio members of the Landowners and Sportsmen Relations Advisory Board. The amendment adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-819)

This amendment delays the repeal of the supersport certificate included in Committee Amendment "A," until January 1, 2013 and requires revenue from the sale of the certificate to be deposited in the Landowner Relations Fund.

Enacted Law Summary

Public Law of 2011, chapter 576 repeals the laws governing the supersport certificate and the landowner relations program in the Department of Inland Fisheries and Wildlife and replaces them with a new provision directing the Commissioner of Inland Fisheries and Wildlife to establish a broader and more inclusive landowner relations program. It authorizes the commissioner to establish and issue for a fee a certificate to persons wishing to be recognized as supporting the program. It establishes the Landowner Relations Fund to receive all fees from the sale of certificates as well as any other funds allocated or appropriated to the fund and any contributions from public or private sources. It also adds the Commissioner of Agriculture, Food and Rural Resources to the ex officio members of the Landowners and Sportsmen Relations Advisory Board.

Public Law 2011, chapter 576 also delays the repeal of the supersport certificate until January 1, 2013, and requires revenue from the sale of the certificate to be deposited in the Landowner Relations Fund.

LD 1652 **An Act To Ensure a Reliable Funding Stream for the Department of Inland Fisheries and Wildlife** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	JT RULE 309	

This bill authorizes the Commissioner of Inland Fisheries and Wildlife to allow an applicant for a license or permit issued by the Department of Inland Fisheries and Wildlife to make a donation to the department to be used for a wildlife management district identified by the applicant. It also directs the commissioner to seek long-term funding sources for the department and to work with the Public Utilities Commission and other entities to secure a portion of the fees paid for the use of state-owned land and assets within energy infrastructure corridors to help fund operations of the department. The commissioner must report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 15, 2013 on funding sources identified or secured.

LD 1732 **An Act To Amend Certain Provisions of the Fish and Wildlife Laws** **PUBLIC 533**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN T	OTP-AM	S-391

This bill removes a penalty of 18% annual interest for each day a license agent is delinquent in forwarding collected fees to the Commissioner of Inland Fisheries and Wildlife.

The bill also removes language that prohibits the percentage of antlerless deer permits issued to nonresident and alien hunters from exceeding the average percentage of applicants for antlerless deer permits over the previous 3 years who were nonresidents or aliens.

The bill establishes that a shareholder in a landowner association or in an S corporation that owns a certain amount and type of land is eligible to apply for an antlerless deer permit as a landowner.

The bill enacts a penalty provision for operating a boat with an expired temporary registration certificate.

Committee Amendment "A" (S-391)

This amendment makes the following changes to the bill.

1. It adds an emergency preamble and emergency clause to the bill.

2. It repeals the 18% annual interest penalty for each day a watercraft, snowmobile or ATV registration agent is delinquent in forwarding collected fees to the Commissioner of Inland Fisheries and Wildlife. The bill removed this penalty for license agents and this amendment makes provisions for all agents the same.

3. It removes the provision that provides that a shareholder in a landowner association or in an S corporation that owns a certain amount and type of land is eligible to apply for an antlerless deer permit as a landowner.

4. It amends the law allowing resident student groups to fish for 3 days without a license to allow any student or youth group, not just residents, to be eligible for this privilege.

5. It amends the law establishing the Advisory Board for the Licensing of Taxidermists. It removes the member of the general public and increases the number of taxidermists on the board to two.

6. It amends the law governing the distance a snowmobile can be operated on a public way for the purpose of crossing a public way, sidewalk or culvert from 300 yards to 500 yards.

7. It allows contractors of the Department of Inland Fisheries and Wildlife to use gill nets in the same manner that department personnel may use gill nets.

8. It removes the residency requirement for eligibility for a special antlerless deer permit for persons suffering from the loss of the use of both lower extremities.

Enacted Law Summary

Public Law 2011, chapter 533, does the following.

1. It repeals the 18% annual interest penalty for each day a watercraft, snowmobile or ATV registration agent is delinquent in forwarding collected fees to the Commissioner of Inland Fisheries and Wildlife and makes provisions for all agents the same.

2. It removes the provision that provides that a shareholder in a landowner association or in an S corporation that owns a certain amount and type of land is eligible to apply for an antlerless deer permit as a landowner.

3. It amends the law allowing resident student groups to fish for 3 days without a license to allow any student or youth group, not just residents, to be eligible for this privilege.

4. It amends the law establishing the Advisory Board for the Licensing of Taxidermists. It removes the member of the general public and increases the number of taxidermists on the board to two.

5. It amends the law governing the distance a snowmobile can be operated on a public way for the purpose of crossing a public way, sidewalk or culvert from 300 yards to 500 yards.

6. It allows contractors of the Department of Inland Fisheries and Wildlife to use gill nets in the same manner that department personnel may use gill nets.

7. It removes the residency requirement for eligibility for a special antlerless deer permit for persons suffering from the loss of the use of both lower extremities.

Public Law 2011, chapter 533 was enacted as an emergency measure effective March 18, 2012.

LD 1747 **An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks** **PUBLIC 519 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SHAW DIAMOND	OTP-AM	H-734

This bill prohibits a municipality or political subdivision of the State from enacting any ordinance, law or rule imposing a tax or fee on ice fishing shacks on sources of public water supply and on coastal waters. Current law prohibits a municipality or political subdivision of the State from enacting any ordinance, law or rule imposing a tax or fee on ice fishing shacks on other waters in this State.

Committee Amendment "A" (H-734)

This amendment removes from the bill reference to a municipality or political subdivision of the State imposing a tax on ice fishing shacks located on sources of public water supply or on coastal waters, because municipalities are not empowered by the State to levy such taxes.

Enacted Law Summary

Public Law 2011, chapter 519 prohibits a municipality or political subdivision of the State from enacting any ordinance, law or rule imposing a fee on ice fishing shacks on sources of public water supply and on coastal waters.

Public Law 2011, chapter 519 was enacted as an emergency measure effective March 16, 2012.

LD 1785 **An Act To Repeal the Requirement That Canadian Big Game or Wild Turkey Hunters Be Accompanied by Guides Licensed in the State and To Clarify the Laws Concerning the Civil Violation of Trespass by Motor Vehicle** **PUBLIC 561**

Sponsor(s)	Committee Report	Amendments Adopted
DAVIS MARTIN T	OTP-AM	H-766

This bill repeals the requirement that an alien big game or wild turkey hunter who is a resident of the Canadian province of New Brunswick or Quebec be accompanied by a guide licensed by the State.

Committee Amendment "A" (H-766)

This amendment replaces the title and clarifies the law concerning the civil violation of trespass by a motor vehicle. The amendment provides that a person commits a civil violation if that person parks a motor vehicle or allows a motor vehicle to remain parked in a private drive or private way in a manner that blocks or interferes with the free passage of other vehicles without the permission of the owner of the private drive or way. The amendment increases the fine from an amount not to exceed $100 to an amount not less than $500. The amendment also specifies that there is a rebuttable presumption that a registered owner of a vehicle involved in a violation has that vehicle under that person's control.

Enacted Law Summary

Public Law 2011, chapter 561 repeals the requirement that an alien big game or wild turkey hunter who is a resident of the Canadian province of New Brunswick or Quebec be accompanied by a guide licensed by the State. It clarifies the law concerning the civil violation of trespass by a motor vehicle. It provides that a person commits a civil violation if that person parks a motor vehicle or allows a motor vehicle to remain parked in a private drive or private way in a manner that blocks or interferes with the free passage of other vehicles without the permission of the owner of the private drive or way. It increases the fine from an amount not to exceed $100 to an amount not less than $500. It also specifies that there is a rebuttable presumption that a registered owner of a vehicle involved in a violation has that vehicle under that person's control.

LD 1817 **Resolve, Regarding Access to Eastern Road in Scarborough** **RESOLVE 141**

Sponsor(s)	Committee Report	Amendments Adopted
VOLK BARTLETT	OTP-AM	H-770 H-799 VOLK

Resolve 2011, chapter 57 authorized the conveyance of certain state property that is subject to provisions of the Constitution of Maine that require an affirmative vote of 2/3 of the members elected to each House, but did not contain certain necessary language memorializing the Legislature's vote. This resolve repeals Resolve 2011, chapter 57 and enacts the language conveying the property along with the necessary language concerning the Legislature's 2/3 vote. The Department of Inland Fisheries and Wildlife must deliver the deeds to the Attardos upon approval of all necessary permits and approvals.

Committee Amendment "A" (H-770)

This amendment incorporates a fiscal note.

House Amendment "A" (H-799)

This amendment requires the Department of the Inland Fisheries and Wildlife to submit, within 14 days of the effective date of the resolve, any required application and documents for federal approvals necessary to convey the easement authorized by the resolve and to convey the easement no later than 60 days after all permits and approvals are received.

Enacted Law Summary

Resolve 2011, chapter 141 repeals Resolve 2011, chapter 57. Resolve 2011, chapter 57 authorized the conveyance of certain state property that is subject to provisions of the Constitution of Maine that require an affirmative vote of 2/3 of the members elected to each House, but it did not contain certain necessary language memorializing the Legislature's vote. Resolve 2011, chapter 141 enacts the language conveying the property along with the necessary language concerning the Legislature's 2/3 vote. The Department of Inland Fisheries and Wildlife must deliver the deeds to the Attardos upon approval of all necessary permits and approvals. Resolve 2011, chapter 141 requires the Department of the Inland Fisheries and Wildlife to submit, within 14 days of the effective date of the resolve, any required application and documents for federal approvals necessary to convey the easement authorized by the resolve and to convey the easement no later than 60 days after all permits and approvals are received.

LD 1822 **An Act To Allow the Change of Location of a Licensed Large Game Shooting Area** **PUBLIC 557**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP MAJ ONTP MIN	S-454 THOMAS

This bill permits a person holding a license for a commercial large game shooting area to change the location of the shooting area if the Commissioner of Agriculture, Food and Rural Resources determines that the old location will be discontinued and the new location meets the applicable requirements of the law under which the original license was approved.

Senate Amendment "A" (S-454)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2011, chapter 557, permits a person holding a license for a commercial large game shooting area to change the location of the shooting area if the Commissioner of Agriculture, Food and Rural Resources determines that the old location will be discontinued and the new location meets the applicable requirements of the law under which the original license was approved.

LD 1849 **An Act To Protect Landlocked Salmon Fisheries in Schoodic and Seboeis Lakes from Invasive Fish Species** **PUBLIC 612**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP-AM	S-496

This bill prohibits the construction of a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake that would allow the upstream passage of an invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage.

Committee Amendment "A" (S-496)

The amendment prohibits the construction of a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake that would allow the upstream passage of invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage. It also requires that the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources act jointly in requiring a fishway to be erected, maintained, repaired or altered on any dam within inland waters frequented by anadromous or migratory fish species. It also prohibits the commissioners from requiring or authorizing a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake. The amendment also requires both commissioners to participate in the review process and decision on the proposed construction of new dams on inland waters.

Enacted Law Summary

Public Law 2011, chapter 612 prohibits the construction of a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake that would allow the upstream passage of invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage. It also requires that the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources act jointly in requiring a fishway to be erected, maintained, repaired or altered on any dam within inland waters frequented by anadromous or migratory fish species. It also prohibits the commissioners from requiring or authorizing a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake. Public Law 2011, chapter 612 also requires both commissioners to participate in the review process and decision on the proposed construction of new dams on inland waters.

LD 1876 **Resolve, Establishing Surface Use Restrictions on Great Meadow Stream and the Northern Portion of North Bay on Great Pond** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
KESCHL SAVIELLO		

This resolve imposes temporary surface use restrictions on Great Meadow Stream and the northern portion of North Bay on Great Pond in the towns of Belgrade, Rome and Smithfield. A person may not operate a watercraft in the restricted area except in the case of an emergency in which property or human safety is endangered or if the operation of a watercraft is authorized by the Department of Environmental Protection to survey for and remove invasive aquatic plants or to deploy and maintain fragment nets and buoys. A person may not fish in the restricted area. The restrictions begin April 1, 2012 and end January 1, 2013.

Joint Standing Committee on Inland Fisheries and Wildlife

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Enacted

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Enacted

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Enacted

LD 1732	An Act To Amend Certain Provisions of the Fish and Wildlife Laws	PUBLIC 533 EMERGENCY

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LD 1652	An Act To Ensure a Reliable Funding Stream for the Department of Inland Fisheries and Wildlife	INDEF PP

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Enacted

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Enacted

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Not Enacted

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LD 1408	An Act To Amend Water Quality Standards for Fish Hatcheries	ONTP

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Not Enacted

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Enacted

LD 1613	An Act To Strengthen the Relationship between Land Users and Landowners	PUBLIC 576

Moose

Not Enacted

LD 274	An Act To Increase the Moose Permit Allocations for Zones 2 and 3	ONTP

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON JUDICIARY

June 2012

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STAFF:
MARGARET J. REINSCH, SENIOR ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 145 **An Act To Clarify and Streamline Foreclosure Proceedings** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
BEAVERS	OTP-AM MAJ ONTP MIN	H-721 S-426 HASTINGS

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill requires a mortgagee bringing a civil foreclosure action on real property to produce the original mortgage note, signed by the mortgagor, as part of the complaint.

This bill was reported out of the Judiciary Committee with a unanimous Ought to Pass as Amended report, and was subsequently recommitted to the Judiciary Committee.

Committee Amendment "A" (H-425)

This amendment replaces the bill but retains the proposed requirement that a plaintiff seeking to foreclose on a mortgage is required to produce the original mortgage note, evidencing that the plaintiff has the right to foreclose, during the foreclosure action.

This amendment requires the plaintiff to produce the original note and all the endorsements associated with the note within 30 days of the defendant's request for production to allow the defendant to inspect and copy or photograph the original mortgage note. The plaintiff must specify the date, time and place for production of the note. The place may be at the courthouse, in an attorney's office or in a financial institution or any other place to which the plaintiff and defendant agree. The date of production must be within 40 days of the request for production.

If the plaintiff fails to produce the original note, the defendant may ask the court to dismiss the action without prejudice and the court shall award the defendant reasonable attorney's fees. If the defendant chooses not to request the dismissal of the action, the court may not allow the plaintiff to recover any interest or late fees on the mortgage loan between the date required for the note's production and the date when the note is produced.
If the plaintiff is not in possession of the note but the Uniform Commercial Code provisions on lost, stolen or destroyed instruments apply, the plaintiff's provision of a sworn affidavit pursuant to the Maine Revised Statutes, Title 11, section 3-1309 to the defendant constitutes sufficient compliance with the production requirements.
If the plaintiff claims the note is an electronic transferable record, as defined in the Uniform Electronic Transactions Act, the plaintiff's furnishing of a sworn affidavit setting forth the proof required pursuant to Title 10, section 9416, subsection 6 constitutes sufficient compliance with the production requirements.

This amendment was adopted before the bill was recommitted to the Judiciary Committee and carried over to the Second Regular Session.

House Amendment "A" To Committee Amendment "A" (H-525)

This amendment changes the provisions of Committee Amendment "A" in the following ways.

1. It allows the plaintiff in a foreclosure action to produce an electronic equivalent of the mortgage note, loan agreement or other evidence of indebtedness.

2. It requires the defendant to send the written request to inspect the original mortgage note prior to judgment being

entered.

3. It removes the specific time limit for the plaintiff to respond to the defendant's written request and to produce the note and instead requires the response and production to be in accordance with the Maine Rules of Civil Procedure.

4. It adds, as an acceptable place for inspection, the office of the plaintiff's attorney.

5. It removes the requirement that the court, upon motion of the defendant, dismiss the foreclosure action and award the defendant attorney's fees for failure of the plaintiff to produce the original note. Instead, this amendment requires the plaintiff to provide a valid excuse for failure to provide the note or an electronic equivalent and, in the event that the plaintiff fails to provide either the note or its electronic equivalent or a valid excuse, allows the court to fashion appropriate remedies.

6. It removes the provision that allows the plaintiff to provide a sworn affidavit in lieu of the original note in the event that the provisions of the Uniform Commercial Code regarding lost, stolen or destroyed instruments apply or the note is an electronic transferable record under the Uniform Electronic Transactions Act.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-270)

This amendment is the same as House Amendment "A" to Committee Amendment "A."

This amendment was not adopted.

Committee Amendment "B" (H-721)

This amendment is the majority report of the Joint Standing Committee on Judiciary for the Second Regular Session.

This amendment replaces the bill but retains the proposed requirement that a plaintiff seeking to foreclose on a mortgage is required, upon request of the defendant, to produce the original mortgage note, evidencing that the plaintiff has the right to foreclose, during the foreclosure action.

This amendment requires that the plaintiff respond within 30 days to a written request for production of the original note to allow the defendant to inspect and copy or photograph the original mortgage note. The plaintiff must specify the date, time and place for production of the note. The place may be at the courthouse, in an attorney's office or in a financial institution or any other place to which the plaintiff and defendant agree. The date of production must be at least 7 days after the plaintiff's written response and within 45 days of the request for production, which may be extended for good cause shown.

If the plaintiff fails to produce the original note, the defendant may ask the court to dismiss the action without prejudice.

The right of the defendant to request inspection of the note and any corresponding obligation of the plaintiff to produce the note for inspection terminate upon the entry of a judgment of foreclosure or other termination of the foreclosure action. The defendant may request inspection and copying only once, although a court may order otherwise for good cause shown.

If the plaintiff is not in possession of the note but the Uniform Commercial Code provisions on lost, stolen or destroyed instruments apply, the plaintiff's provision of a sworn affidavit pursuant to the Maine Revised Statutes, Title 11, section 3-1309 to the defendant constitutes sufficient compliance with the production requirements. Nothing in the 2 paragraphs added by this amendment alter in any respect the elements of proof and evidentiary standards applicable in any foreclosure action.

If the plaintiff claims the note is an electronic transferable record, as defined in the Uniform Electronic Transactions Act, the plaintiff's furnishing of a sworn affidavit setting forth the proof required pursuant to Title 10, section 9416, subsection 6 constitutes sufficient compliance with the production requirements. If the plaintiff claims it is not in possession of the original note in circumstances other than those to which Title 11, section 3-1309 applies, the plaintiff may satisfy the production requirements by providing a sworn affidavit setting forth the basis for the assertion that it is nonetheless entitled to enforce the note.

Senate Amendment "A" To Committee Amendment "B" (S-426)

This amendment permits a defendant in a foreclosure action to request to be allowed to inspect and copy the original note and related endorsements within 90 days of service of the foreclosure summons or complaint on the defendant.

House Amendment "A" To Committee Amendment "B" (H-785)

The amendment provides that the right of a defendant to obtain production of the original note under the Maine Rules of Civil Procedure is not altered.

This amendment was not adopted.

LD 324 **An Act To Authorize Parents with Power of Attorney To Make Decisions Regarding the Education of Their Adult Children** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KENT ALFOND	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill allows a parent who has power of attorney to make education decisions on behalf of an adult child with mental retardation, serious emotional disturbance or other developmental disabilities.

This bill was originally referred to the Joint Standing Committee on Education and Cultural Affairs. It was reported out of that committee with a suggested re-referral to the Judiciary Committee.

LD 419 **An Act To Ensure the Payment of Survivor Benefits to Certain Children** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill addresses the ability to inherit for purposes of intestate succession when a child is conceived using the gametes of a person after the person has died. This bill provides that the child has the same right to inherit from the decedent as if the child had been born prior to the decedent's death. This bill also clarifies that a parent-child relationship is established for the purposes of intestate succession between a child and a person if the child is conceived after the death of the person and the child is born to the person's surviving spouse using the gametes of the person. In each situation, the person must have consented in a record to be a parent in the given circumstances. The availability of Social Security survivor benefits is based on state intestate succession laws. This bill will

facilitate the eligibility for survivor benefits to be paid to posthumously conceived children.

LD 651 **An Act To Improve Tribal-State Relations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST BLISS	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill allows the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to adopt ordinances, determined by the Secretary of State to be equivalent to the State's freedom of access laws, that will exempt them from the State's freedom of access laws. The authorization is subject to approval of the respective tribe, nation or band and is repealed July 1, 2016.

LD 978 **An Act To Provide for School Enrollment and an Appeal Process in Specific Cases in Which Students Do Not Reside with Parents** **PUBLIC 502**

Sponsor(s)	Committee Report	Amendments Adopted
STEVENS ROSEN R	OTP-AM	H-720

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill contains recommendations of the Kinship Task Force. This bill:

1. Extends the duration of a guardianship under the Probate Code for a minor or incapacitated person from 6 months to 12 months (see also LD 170);

2. Authorizes the Probate Court in issuing, modifying or terminating a guardianship of a minor to enter an order providing transition arrangements that are in the best interests of the minor (see also LD 170);

3. Defines "kinship parent" as an adult who assumes responsibility for a child but is not a parent of that child. The kinship parent must hold power of attorney for the kinship family child or apply to the Probate Court for guardianship of the kinship family child in order to enroll the kinship family child in school and participate in educational decisions made for the kinship family child; and

4. Allows a superintendent to deny enrollment of a kinship family child in the superintendent's school administrative unit if the superintendent determines that enrollment is not in the best interest of the kinship family child and provides an appeal process for the kinship parent to appeal this denial.

Committee Amendment "A" (H-720)

This amendment adds a mandate preamble to and changes the title of the bill. It replaces the bill to provide that a student's safety in a parent's home is a basis for a superintendent to determine that it is in the best interest of the student to enroll in that school administrative unit when the student is residing in that unit with someone other than a parent or guardian. This amendment restructures the language to still require that the person with whom the child is

living must be residing in the unit for other than education purposes, and then provides that one of three conditions, one of them the new safety requirement, must also be met. The other, existing conditions are that it is undesirable and impractical for that student to reside with the student's parent and that other extenuating circumstances exist which justify residence in the unit.

The amendment requires the school administrative unit to take reasonable steps to notify the student's parents or legal guardian if a request for enrollment is made by a person other than the parent or legal guardian.

The amendment provides that a superintendent is required to consult with knowledgeable employees of relevant school administrative units that the superintendent considers appropriate in order to determine if enrollment is in the student's best interest. The superintendent must notify the person requesting enrollment within 10 calendar days of the request whether the student may enroll in that unit. If the determination is to deny enrollment because the superintendent determines that enrollment in the school administrative unit is not in the best interest of the student, the superintendent must send written notice to the person with whom the student is residing of the denial of enrollment, the reason for the denial and the right to appeal to the Commissioner of Education.

It provides that, if the person appeals the superintendent's denial of enrollment, the Commissioner of Education must decide within 7 calendar days whether to overturn the superintendent's decision.

It provides that the Commissioner of Education must develop a model written explanation of the appeal process when the superintendent determines that attendance in that school administrative unit is not in the best interest of the student and distribute it to superintendents.

Enacted Law Summary

Public Law 2011, chapter 502 provides that a student's safety in a parent's home is a basis for a superintendent to determine that it is in the best interest of the student to enroll in that school administrative unit when the student is residing in that unit with someone other than a parent or guardian. Current law provides that, for a superintendent to determine that a student's enrolling in that school administrative unit is in the student's best interest when the student is not living with a parent, 2 requirements must be met: first, that it is undesirable and impractical for that student to reside with the student's parent or that other extenuating circumstances exist that justify residence in the unit; and, second, that the person with whom the child is living is residing in the school administrative unit for other than just education purposes. Chapter 502 restructures the language to still require that the person with whom the child is living must be residing in the unit for other than education purposes, and then provides that one of three conditions, one of them the new safety requirement, must also be met. The other, existing conditions are that it is undesirable and impractical for that student to reside with the student's parent and that other extenuating circumstances exist which justify residence in the unit.

Chapter 502 requires the school administrative unit to take reasonable steps to notify the student's parents or legal guardian if a request for enrollment is made by a person other than the parent or legal guardian.

Chapter 502 provides that a superintendent is required to consult with knowledgeable employees of relevant school administrative units that the superintendent considers appropriate in order to determine if enrollment is in the student's best interest. The superintendent must notify the person requesting enrollment within 10 calendar days of the request whether the student may enroll in that unit. If the determination is to deny enrollment because the superintendent determines that enrollment in the school administrative unit is not in the best interest of the student, the superintendent must send written notice to the person with whom the student is residing of the denial of enrollment, the reason for the denial and the right to appeal to the Commissioner of Education.

Chapter 502 provides that, if the person appeals the superintendent's denial of enrollment, the Commissioner of Education must decide within 7 calendar days whether to overturn the superintendent's decision. The Commissioner of Education must develop a model written explanation of the appeal process when the superintendent determines that attendance in that school administrative unit is not in the best interest of the student and distribute it to

superintendents.

LD 1377 **An Act To Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act** **PUBLIC 564**

Sponsor(s)	Committee Report	Amendments Adopted
SANBORN BRANNIGAN	OTP-AM	H-800

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act as a new Part of Article 5 of the Probate Code. The uniform comments adopted by the National Conference of Commissioners on Uniform State Laws are included.

The bill addresses the issue of jurisdiction over adult guardianships, conservatorships and other protective proceedings, providing an effective mechanism for resolving multistate jurisdictional disputes. It contains specific guidelines to specify which court has jurisdiction to appoint a guardian or conservator for an incapacitated adult. The objective is that only one state will have jurisdiction at any one time.

The bill takes effect January 1, 2012, but applies to all guardianships and conservatorships, including those created prior to that date.

Committee Amendment "A" (H-800)

This amendment contains changes to the bill recommended by the Probate and Trust Law Advisory Commission.

This amendment changes the effective date and application dates to July 1, 2013.

Enacted Law Summary

Public Law 2011, chapter 564 makes changes to the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act recommended by the Probate and Trust Law Advisory Commission.

The revisions to the Maine Revised Statutes, Title 18-A, section 5-512 address inconsistencies between the definitions in the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act and related definitions in the Probate Code.

The revisions to Title 18-A, section 5-521, subsection (a), paragraph (1); section 5-524, subsection (a); and section 5-526, subsections (b) and (c) eliminate ambiguous language and extend the emergency term of a guardian from 90 days to 6 months.

The change to Title 18-A, section 5-531, subsection (c) eliminates the court's obligation to hold a hearing if a hearing would serve no useful purpose.

The changes to Title 18-A, section 5-531, subsection (d), paragraph (2); section 5-531, subsection (e), paragraph (2); and section 5-532, subsection (d), paragraph (1) identify the evidentiary standard to be applied to proceedings involving the transfer of guardianship and protective proceedings.

The word "disposition" is added to Title 18-A, section 5-531, subsection (e), paragraph (3) because the term "management" may be too narrow to accurately describe the actions a conservator might need to take.

Title 18-A, section 5-532, subsection (f) is deleted because it is unrealistic to require a Maine court to unilaterally evaluate a foreign order and identify modifications, as it is unclear from the Act exactly what process would be undertaken to modify a foreign order.

Title 18-A, sections 5-541 and 5-542 are modified to provide a safeguard that will enable the appointing court to intervene if foreign registration is for any reason inappropriate.

Public Law 2011, chapter 564 contains an effective date and an application date of July 1, 2013.

LD 1465 **An Act To Amend the Laws Governing Freedom of Access** **PUBLIC 662**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	OTP-AM MAJ ONTP MIN	S-514 S-599 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill increases governmental transparency by enhancing the existing freedom of access laws to provide deadlines for responses to requests for public records, to ensure that requesters can access public records in the format requested and to require the designation of public access officers for every agency and political subdivision.

The bill provides funding for an Assistant Attorney General position located in the Office of the Attorney General to act as the public access ombudsman, which is a part-time position.

Committee Amendment "A" (S-514)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It replaces the bill.

The amendment titles the Maine Revised Statutes, Title 1, chapter 13, subchapter 1 "the Freedom of Access Act."

The amendment adds software to the description of information technology elements that are excepted from the definition of "public records" to clarify that proprietary information, technology infrastructure, systems and software used by governmental entities are not public records.

The amendment repeals and replaces the current section of law that lays out the process and fees concerning inspecting and copying public records, although much of the current language is retained. It allows inspection and copying of public records during reasonable office hours. The reasonable office hours must be posted. It requires the agency or official, when acknowledging the receipt of a request for public records, to provide a good faith estimate of when the response to the request will be complete. Although the time estimate is not binding, the agency or official must make a good faith effort to meet that time target.

The agency or official may not charge for inspection unless the requested public record is such that it cannot be inspected without being compiled or converted. If the agency or official must compile the record for inspection, then the agency or official may charge $15 per hour, after the first hour, for the time it takes to enable inspection. If the agency or official must convert a public record into a form susceptible of visual or aural comprehension or into a usable format, the agency or official may charge for the actual cost to perform the conversion. The amendment increases the per hour cost for compiling a record from $10 to $15, after the first hour.

The amendment clarifies that a request for a public record does not have to be made in writing or in person. The

amendment provides that an agency or official is not required to create a record that does not exist in response to a request for a public record.

The amendment clarifies that an agency or official is not required to provide a requester with access to a computer terminal.

The amendment requires an agency or official to provide access to an electronically stored public record either as a printed document of the public record or in the medium in which the record is stored, at the requester's option, except that the agency or official is not required to provide access to an electronically stored public record as a computer file if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file.

The amendment creates the position of public access officer and requires each state agency, county, municipality, school administrative unit and regional or other political subdivision to designate an existing employee to serve in that capacity as a resource for freedom of access questions. Requests for public records do not have to be made to the public access officer. The public access officer must undergo the same freedom of access training as elected officials.

The amendment requires government agencies, when making purchases of or contracting for computer software and other information technology resources, to consider maximizing public access to public records, as well as maximizing the exportability of public records while protecting confidential information.

The amendment includes funding for a full-time Assistant Attorney General to serve as a Public Access Ombudsman in the Office of the Attorney General.

The amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-599)

This amendment replaces the appropriations and allocations section to reduce the amount of funding provided in Committee Amendment "A" by the amount previously provided in Public Law 2011, chapter 655 for one part-time Assistant Attorney General position. Coupled with the funding in Public Law 2011, chapter 655, this provides funds for one full-time ombudsman position and related All Other costs.

See the bill summary for LD 1903 under the Joint Standing Committee on Appropriations and Financial Affairs for detail on Public Law 2011, chapter 655.

Enacted Law Summary

Public Law 2011, chapter 662 titles the Maine Revised Statutes, Title 1, chapter 13, subchapter 1 "the Freedom of Access Act."

Chapter 662 adds software to the description of information technology elements that are excepted from the definition of "public records" to clarify that proprietary information, technology infrastructure, systems and software used by governmental entities are not public records.

Chapter 662 repeals and replaces the current section of law that lays out the process and fees concerning inspecting and copying public records, although much of the current language is retained. It allows inspection and copying of public records during reasonable office hours. The reasonable office hours must be posted. It requires the agency or official, when acknowledging the receipt of a request for public records, to provide a good faith estimate of when the response to the request will be complete. Although the time estimate is not binding, the agency or official must make a good faith effort to meet that time target.

The agency or official may not charge for inspection unless the requested public record is such that it cannot be

inspected without being compiled or converted. If the agency or official must compile the record for inspection, then the agency or official may charge $15 per hour, after the first hour, for the time it takes to enable inspection. If the agency or official must convert a public record into a form susceptible of visual or aural comprehension or into a usable format, the agency or official may charge for the actual cost to perform the conversion. The per hour cost for compiling a record is increased from $10 to $15, after the first hour.

Chapter 662 clarifies that a request for a public record does not have to be made in writing or in person. An agency or official is not required to create a record that does not exist in response to a request for a public record. An agency or official is not required to provide a requester with access to a computer terminal.

Chapter 662 requires an agency or official to provide access to an electronically stored public record either as a printed document of the public record or in the medium in which the record is stored, at the requester's option, except that the agency or official is not required to provide access to an electronically stored public record as a computer file if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file.

Chapter 662 creates the position of public access officer and requires each state agency, county, municipality, school administrative unit and regional or other political subdivision to designate an existing employee to serve in that capacity as a resource for freedom of access questions. Requests for public records do not have to be made to the public access officer. The public access officer must undergo the same freedom of access training as elected officials.

Chapter 662 requires government agencies, when making purchases of or contracting for computer software and other information technology resources, to consider maximizing public access to public records, as well as maximizing the exportability of public records while protecting confidential information.

Chapter 662 includes funding for a half-time Assistant Attorney General to serve as a Public Access Ombudsman in the Office of the Attorney General. This funding, when combined with funding for a half-time position provided in Public Law 2011, chapter 655, provides funds for one full-time ombudsman position and related All Other costs.

LD 1530 **An Act To Amend the Housing Provisions of the Maine Human Rights Act** **PUBLIC 613**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	OTP-AM MAJ ONTP MIN	S-465

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill amends the Maine Human Rights Act in order to maintain its substantial equivalency with the federal Fair Housing Act and to update the accessible building requirements in public housing.

Committee Amendment "A" (S-465)

This amendment is the majority report of the Joint Standing Committee on Judiciary.

This amendment revises the definition of "aggrieved person" to apply to persons aggrieved by unlawful housing discrimination differently than it applies to persons aggrieved by other kinds of discrimination under the Maine Human Rights Act. The bill's definition of "aggrieved person" includes any person who claims to have been subjected to unlawful discrimination; this covers unlawful discrimination in employment, housing, public accommodations, credit and education. The amendment alters the definition of "aggrieved person" with regard to

unlawful housing discrimination to be consistent with federal law: "aggrieved person" includes any person who claims to have been injured by unlawful housing discrimination, which covers persons who may not have been personally subject to unlawful housing discrimination, but who have nonetheless been injured by it.

This amendment adds an effective date of September 1, 2012. The bill was proposed in anticipation of the new building accessibility standards to apply beginning March 15, 2012. By establishing September 1, 2012 as the effective date, this amendment eliminates the need for language to provide for the transition from older building accessibility standards. Thus, the Maine Revised Statutes, Title 5, section 4581-A, subsections 5 and 6, as proposed in the bill, as well as the bill's amendments to Title 5, section 4582-B, are eliminated. All remaining references to March 15, 2012 are changed to September 1, 2012.

This amendment revises the definition of "alteration" to provide guidance as to what forms of normal maintenance, decorating and upgrades do not fall under the updated standards. As long as the altering activities do not affect the usability of the facility, the cost of reroofing, re-siding, painting or wallpapering, replacement of doors or windows, asbestos removal or changes to mechanical and electrical systems, as well as other normal maintenance, is not counted toward the 75% threshold of the replacement cost of the completed facility for purposes of the definition of "new construction" under Title 5, section 4582-C, subsection 1, paragraph E, and the activities do not trigger the accessibility requirements for alterations under Title 5, section 4582-C, subsection 3, paragraph C.

This amendment revises the definition of "standards of construction" to ensure that the appropriate standard is applied to multifamily dwellings and public housing. In general, for multifamily dwellings, Title 5, section 4582-C, subsection 3, paragraph A is intended to require the same level of accessibility as is required by the federal Fair Housing Act, as amended. Under the current 2009 version of American National Standards Institute's ANSI A 117.1, for example, the requirements in Title 5, section 4582-C, subsection 3, paragraph A, subparagraphs (2) and (3) of the bill for dwelling units and sleeping units would be satisfied by complying with the criteria for A 117.1-2009 section 1004, Type B Units. For public housing, the 10% requirements in Title 5, section 4582-C, subsection 3, paragraphs B and C of the bill would be satisfied by complying with the criteria for A 117.1-2009 sections 1002, Accessible Units, or 1003, Type A Units.

This amendment provides that a design professional's statement that the plans of the facility meet the required standards of construction is based on professional judgment and that the statement is based on the plans as they exist at the time the statement is made.

This amendment amends the bill to consistently use the term "unlawful housing discrimination."

This amendment changes the bill to make the language in Title 5, section 4594-A, subsection 2, paragraphs A and B consistent with the changes made by Public Law 2011, chapter 322, section 3.

This amendment provides that, although the bill authorizes punitive damages for unlawful housing discrimination to be consistent with federal law, punitive damages are not available against a governmental entity or against an employee of a governmental entity based on a claim that arises out of an act or omission occurring within the course or scope of the employee's employment.

Enacted Law Summary

Public Law 2011, chapter 613 amends the Maine Human Rights Act concerning unlawful housing discrimination.

Chapter 613 revises the definition of "aggrieved person" to apply to persons aggrieved by unlawful housing discrimination differently than it applies to persons aggrieved by other kinds of discrimination under the Maine Human Rights Act. The definition of "aggrieved person" with regard to unlawful housing discrimination is amended to be consistent with federal law: "aggrieved person" includes any person who claims to have been injured by unlawful housing discrimination, which covers persons who may not have been personally subject to unlawful housing discrimination, but who have nonetheless been injured by it.

Chapter 613 adopts a definition of "alteration" to provide guidance as to what forms of normal maintenance, decorating and upgrades do not fall under the updated standards.

Chapter 613 revises the definition of "standards of construction" to ensure that the appropriate standard is applied to multifamily dwellings and public housing.

Chapter 613 provides that a design professional's statement that the plans of the facility meet the required standards of construction is based on professional judgment and that the statement is based on the plans as they exist at the time the statement is made.

Chapter 613 authorizes punitive damages for unlawful housing discrimination to be consistent with federal law, except that punitive damages are not available against a governmental entity or against an employee of a governmental entity based on a claim that arises out of an act or omission occurring within the course or scope of the employee's employment.

Chapter 613 takes effect September 1, 2012.

LD 1546 **An Act To Amend the Laws Governing the Deference Afforded to Agency Decisions**

MINORITY (ONTP) REPORT

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	OTP-AM MAJ ONTP MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill requires a court, in an appeal of an agency's interpretation of the statutes in making or administering rules under the Maine Administrative Procedure Act, to conduct a de novo review. The bill also clarifies that, on questions of fact, the court is required to defer to the agency unless the court finds that the agency's findings of fact are unsupported by substantial evidence.

Committee Amendment "A" (S-394)

This is the majority report of the Joint Standing Committee on Judiciary.

This amendment replaces the proposed language concerning the court's review of agency rulemaking to provide that the court, in conducting its review of a rule, is not required to give deference to the agency's interpretation of the statutes applicable to the rulemaking.

This amendment deletes the bill's proposed changes to the Maine Revised Statutes, Title 5, section 9061 and addresses judicial review of adjudicatory decisions under the Maine Administrative Procedure Act by amending Title 5, section 11007, subsection 3.

This amendment revises the provisions concerning the manner and scope of judicial review of final agency action contained in Title 5, section 11007. Current law provides that the court may not substitute its judgment for that of the agency on questions of fact. This amendment does not change that standard. This amendment establishes that the court is not required to give deference to the agency's interpretation of statutes and rules.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-424)

This amendment amends the committee amendment to remove the language that stipulates that the court is not required to give deference to the agency's interpretation of rules.

This amendment was not adopted.

LD 1594 An Act To Clarify the Requirements of Income Withholding Orders PUBLIC 528

Sponsor(s)	Committee Report	Amendments Adopted
NASS	OTP-AM	H-746

This bill amends the laws pertaining to the requirements of income withholding orders. It adds the requirement that the court notify any individual or department implementing a withholding order of the requirement to serve the obligor's payor of income with both the income withholding order and the payor notice required under the Maine Revised Statutes, Title 19-A, section 2655. It eliminates the need for the court to issue an income withholding order that conforms with standard formats prescribed by the federal Secretary of Health and Human Services and instead requires the court to instruct an obligee or an obligor seeking to implement a withholding order on where to obtain the payor notice. The bill also requires the Department of Health and Human Services to make available to the public a payor notice that conforms to the standard formats prescribed by the federal Secretary of Health and Human Services and to notify the courts as to where an obligee or an obligor seeking to implement a withholding order can obtain the payor notice.

Committee Amendment "A" (H-746)

This amendment replaces the bill. It amends the laws pertaining to the requirements of income withholding orders. It eliminates the need for the court to issue an income withholding order that conforms with standard formats prescribed by the federal Secretary of Health and Human Services.

Enacted Law Summary

Public Law 2011, chapter 528 amends the laws pertaining to the requirements of income withholding orders. It requires the court to notify any individual or department implementing an income withholding order of the requirement to serve the obligor's payor of income with both the support order that is subject to immediate income withholding and the payor notice required under the Maine Revised Statutes, Title 19-A, section 2655. It eliminates the need for the court to issue an income withholding order that conforms with standard formats prescribed by the federal Secretary of Health and Human Services and instead requires the court to instruct an obligee or an obligor seeking to implement a withholding order on where to obtain the payor notice. Chapter 528 also requires the Department of Health and Human Services to make available to the public a payor notice that conforms to the standard formats prescribed by the federal Secretary of Health and Human Services and to notify the courts as to where an obligee or an obligor seeking to implement a withholding order can obtain the payor notice.

LD 1595 **An Act To Impose a Penalty for Making False Claims Regarding Affiliation with a Federally Recognized Tribe** **PUBLIC 583**

Sponsor(s)	Committee Report	Amendments Adopted
Soctomah	OTP-AM	H-821

This bill creates the crime of fraudulent claim of affiliation with a federally recognized tribe for when a person knowingly claims falsely to be affiliated with a federally recognized tribe with the intent to obtain, and does obtain, something of value to which the person is not entitled.

Committee Amendment "A" (H-821)

This amendment replaces the bill. It establishes a civil violation with a maximum fine of $2,500 for a person who falsely claims to be a member of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation, which are federally recognized, with the intent to obtain property to which the person is not entitled and, because of the false claim, does obtain property. This amendment provides that "property" has the same definition as provided in the Maine Revised Statutes, Title 17-A, section 352, subsection 1.

Enacted Law Summary

Public Law 2011, chapter 583 establishes a civil violation with a maximum fine of $2,500 for a person who falsely claims to be a member of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation, which are federally recognized, with the intent to obtain property to which the person is not entitled and, because of the false claim, does obtain property. "Property" has the same definition as provided in the Maine Revised Statutes, Title 17-A, section 352, subsection 1.

LD 1605 **An Act To Promote Agricultural Activity in Maine by Limiting the Liability for Agritourism Activities** **PUBLIC 609**

Sponsor(s)	Committee Report	Amendments Adopted
LIBBY THIBODEAU	OTP-AM MAJ ONTP MIN	H-839

This bill provides limited liability to landowners who open their land for agritourism activities.

Committee Amendment "A" (H-839)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It replaces the bill with a limitation on the liability of agritourism professionals based on participants' assumption of the inherent risks of agritourism activities.

Inherent risks include but are not limited to certain hazards, including surface and subsurface conditions and natural conditions of land, vegetation and waters; the behavior of wild and domestic animals, including but not limited to the depositing of manure; ordinary dangers of structures or equipment ordinarily used in farming and ranching operations; and the potential of injury to a participant or others if a participant acts in a negligent manner, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

An agritourism professional is not liable for any property damage or damages arising from the personal injury of a participant arising from the inherent risks of agritourism activities if the participant is given notice of the inherent risks and the assumption of those risks. Notice of the inherent risks of agritourism activities may be satisfied either by a statement signed by the participant or a sign or signs prominently displayed at the place or places where the agritourism activities are conducted.

Enacted Law Summary

Public Law 2011, chapter 609 limits the liability of agritourism professionals based on participants' assumption of the inherent risks of agritourism activities.

Inherent risks include but are not limited to certain hazards, including surface and subsurface conditions and natural conditions of land, vegetation and waters; the behavior of wild and domestic animals, including but not limited to the depositing of manure; ordinary dangers of structures or equipment ordinarily used in farming and ranching operations; and the potential of injury to a participant or others if a participant acts in a negligent manner, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.

An agritourism professional is not liable for any property damage or damages arising from the personal injury of a participant arising from the inherent risks of agritourism activities if the participant is given notice of the inherent risks and the assumption of those risks. Notice of the inherent risks of agritourism activities may be satisfied either by a statement signed by the participant or a sign or signs prominently displayed at the place or places where the agritourism activities are conducted.

LD 1606 **An Act To Provide Magistrates To Assist the Court in Handling Small Claims and Landlord-tenant Cases** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST GERZOFSKY	ONTP	

This bill authorizes the Chief Judge of the District Court to appoint no more than 4 magistrates to hear and dispose of landlord-tenant cases and small claims cases. Alternatively, it allows the Chief Judge to assign family law magistrates to hear and dispose of these kinds of cases. It authorizes the Chief Justice of the Supreme Judicial Court to increase filing fees for these kinds of cases to pay for the cost of magistrates appointed by the Chief Judge.

LD 1647 **Resolve, To Require Rulemaking Regarding Standing To Appeal in Proceedings before the Board of Environmental Protection and the Maine Land Use Regulation Commission** **RESOLVE 144**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP MAJ OTP-AM MIN	S-464

This bill provides a definition of "person aggrieved" in the laws governing the Maine Land Use Regulation Commission and the Department of Environmental Protection. It also provides that a person aggrieved, rather than an interested party, may seek to supplement the record in an appeal to the Board of Environmental Protection.

Committee Amendment "A" (S-464)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill with a resolve.

This amendment directs the Board of Environmental Protection and the Maine Land Use Regulation Commission to adopt rules governing standing for administrative appeals to the board and commission, respectively. The standing for administrative appeals must be the same as the standing that has been established for persons to appeal decisions of the board or the commission to court. The rules are major substantive rules under the Maine Administrative Procedure Act and are subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters.

Enacted Law Summary

Resolve 2011, chapter 144 directs the Board of Environmental Protection and the Maine Land Use Regulation Commission to adopt rules governing standing for administrative appeals to the board and commission, respectively. The standing for administrative appeals must be the same as the standing that has been established for persons to appeal decisions of the board or the commission to court. The rules are major substantive rules under the Maine Administrative Procedure Act and are subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters.

LD 1650 **An Act Concerning the Collection of Child Support Obligations** **PUBLIC 550**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM	S-435

This bill repeals the automatic suspension of the child support obligation of a noncustodial parent when that parent is in receipt of public assistance.

Committee Amendment "A" (S-435)

This amendment replaces the bill. This amendment allows the Department of Health and Human Services to intercept, while the obligor is receiving public assistance, tax refunds, lottery winnings and other lump sum awards to be applied to prior child support debts incurred by the obligor. Current law prohibits such collections.

This amendment replaces the emergency preamble and emergency clause to make the law take effect July 1, 2012.

Enacted Law Summary

Public Law 2011, chapter 550 allows the Department of Health and Human Services to intercept, while the obligor is receiving public assistance, tax refunds, lottery winnings and other lump sum awards to be applied to prior child support debts incurred by the obligor. Current law prohibits such collections.

Public Law 2011, chapter 550 was enacted as an emergency measure effective July 1, 2012.

LD 1659 **An Act To Facilitate Recovery of Debts Owed to the State for Indigent Legal Services** **PUBLIC 547**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	OTP-AM	S-455

The purpose of this bill is to aid the Maine Commission on Indigent Legal Services in the collection of amounts owed to the commission for legal services. This bill authorizes the Judicial Department to disclose social security numbers and financial information to agencies or departments of the State, including the Maine Commission on Indigent Legal Services, and to private collection agencies working under contract for the State for the purpose of collection of the amounts owed.

Committee Amendment "A" (S-455)

This amendment amends the laws governing the Maine Commission on Indigent Legal Services to define "case information" and to provide for the sharing of information by the Judicial Department with the commission. The information to be shared is necessary for the commission to keep track of the assignment of attorneys to indigent defendants and to collect reimbursement when the court orders the defendant to reimburse some or all of the cost of the representation. The information shared with the commission remains confidential, except that the names of criminal defendants and juvenile crime defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential.

The amendment provides that if a person receives social security numbers or other financial information for the purpose of collecting amounts owed to the State or any agency or department of the State, that person must keep the information confidential and use it only for the purposes for which it was disclosed and not further disclose it.

Enacted Law Summary

Public Law 2011, chapter 547 will aid the Maine Commission on Indigent Legal Services in the collection of amounts owed to the commission for legal services. The Judicial Department is authorized to disclose social security numbers and financial information to agencies or departments of the State, including the Maine Commission on Indigent Legal Services, and to private collection agencies working under contract for the State for the purpose of collection of the amounts owed.

Chapter 547 defines "case information" and provides for the sharing of information by the Judicial Department with the commission. The information shared with the commission remains confidential, except that the names of criminal defendants and juvenile crime defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential.

Chapter 547 provides that if a person receives social security numbers or other financial information for the purpose of collecting amounts owed to the State or any agency or department of the State, that person must keep the information confidential and use it only for the purposes for which it was disclosed and not further disclose it.

LD 1660 **An Act To Provide Tort Claims Immunity for Out-of-state Regional Transit Organizations That Provide Regular Service in Maine** **PUBLIC 520**

Sponsor(s)	Committee Report	Amendments Adopted
HILL	OTP-AM	S-423

This bill provides the same tort claims immunity to transit organizations operating in this State but organized under the laws of another state as applies to transit organizations organized in this State.

Committee Amendment "A" (S-423)

This amendment provides that the cap on damages for tort claims against a transit organization organized in another state is either the $400,000 limit established in the Maine Revised Statutes, Title 14, section 8105, subsection 1, or the limit established by the applicable tort claims statute in the state in which the transit organization is organized, whichever is higher. The transit organization must be organized in a state that is contiguous to this State to benefit from the Maine Tort Claims Act protections, and the transit organization must maintain insurance coverage of at least $1,000,000.

This extension of the protection of the Maine Tort Claims Act is repealed on July 1, 2016.

Enacted Law Summary

Public Law 2011, chapter 520 extends the application of the Maine Tort Claims Act to transit organizations operating in this State but organized under the laws of another state. Damages for tort claims against such a transit organization are capped at either the $400,000 limit established in the Maine Revised Statutes, Title 14, section 8105, subsection 1, or the limit established by the applicable tort claims statute in the state in which the transit organization is organized, whichever is higher. The transit organization must be organized in a state that is contiguous to this State to benefit from the Maine Tort Claims Act protections, and the transit organization must maintain insurance coverage of at least $1,000,000.

This extension of the protection of the Maine Tort Claims Act is repealed on July 1, 2016.

LD 1669 **An Act To Clarify the Process for Removing a Person from a Dormitory Operated by a Nonprofit Organization and the Municipal Regulation of Such Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	ONTP	

This bill clarifies the definition of "dormitory" excluded from municipal licensing as a lodging house. This bill also provides that a dormitory owned or managed by a nonprofit organization exempt from income tax or property tax is not subject to the forcible entry and detainer process for eviction of tenants who cause an unnecessary disturbance, damage the property of the dormitory or violate rules that are part of an agreement with the tenant or posted in the dormitory. Under the provisions of this bill, the owner or manager is permitted to use reasonable force to remove tenants from the property who cause unnecessary disturbance or damage and refuse to leave after being asked to do so.

LD 1684 **An Act To Amend the Uniform Commercial Code Regarding Motor Vehicle Warranties** **PUBLIC 523**

Sponsor(s)	Committee Report	Amendments Adopted
CUSHING RECTOR	OTP	

This bill allows a seller or manufacturer of a motor vehicle to indicate that, to the extent permitted by law, the seller or manufacturer is excluding or modifying implied warranties.

Enacted Law Summary

Public Law 2011, chapter 523 allows a seller or manufacturer of a motor vehicle to indicate that, to the extent permitted by law, the seller or manufacturer is excluding or modifying implied warranties.

LD 1687 **An Act To Clarify the Liability of 3rd-party Building Inspectors** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MOULTON RECTOR	ONTP MAJ OTP-AM MIN	

This bill clarifies the law to ensure that 3rd-party inspectors acting pursuant to the Maine Uniform Building and Energy Code or a local building code have the same protection from liability under the Maine Tort Claims Act as other persons acting on behalf of a governmental entity.

Committee Amendment "A" (H-811)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill and provides limitations on damages and actions against 3rd-party building inspectors who perform services on behalf of either builders or municipalities leading to the issuance of a municipal certificate of occupancy. This amendment establishes limitations similar to those that apply to municipal building inspectors under the Maine Tort Claims Act.

This amendment was not adopted.

LD 1690 **An Act To Protect the Privacy of Social Workers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HAYES	ONTP	

This bill specifies that the score of a person taking the examination for licensure as a social worker, a clinical social worker or a master social worker is confidential and not subject to public disclosure under the freedom of access

laws.

LD 1698 **An Act To Establish Veterans Treatment Courts** **PUBLIC 500**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MALONEY GOODALL	OTP-AM	H-729

This bill authorizes the Chief Justice of the Supreme Judicial Court to establish veterans treatment courts. It also authorizes the State Court Administrator to seek federal funding for these courts.

This bill is presented in memory of former Army Ranger Justin Crowley-Smilek of Farmington, who served his country in Afghanistan.

Committee Amendment "A" (H-729)

This amendment revises the emergency preamble to clarify that the bill provides help for veterans who are involved in the criminal justice system.

The Chief Justice of the Supreme Judicial Court may establish veterans treatment courts, which are specialized sentencing dockets in select criminal cases in which the defendant is a veteran or a member of the United States Armed Forces. The specialized dockets will enable veterans agencies and social service agencies to provide treatment for that defendant. The Supreme Judicial Court may adopt administrative orders and court rules of practice as necessary.

The State Court Administrator as well as other state departments and social service agencies may seek federal funding for the veterans treatment courts. The treatment is not provided by the courts but by participating social service agencies and government departments.

The bill as amended is presented in the memory of former Army Ranger Justin Crowley-Smilek of Farmington, a decorated combat veteran who received both the National Defense Service Medal and the Joint Service Achievement Medal and who served his country in Afghanistan.

Enacted Law Summary

Public Law 2011, chapter 500 is intended to provide help for veterans who are involved in the criminal justice system.

The Chief Justice of the Supreme Judicial Court may establish veterans treatment courts, which are specialized sentencing dockets in select criminal cases in which the defendant is a veteran or a member of the United States Armed Forces. The specialized dockets will enable veterans agencies and social service agencies to provide treatment for that defendant. The Supreme Judicial Court may adopt administrative orders and court rules of practice as necessary.

The State Court Administrator as well as other state departments and social service agencies may seek federal funding for the veterans treatment courts. The treatment is not provided by the courts but by participating social service agencies and government departments.

The bill as amended was presented in the memory of former Army Ranger Justin Crowley-Smilek of Farmington, a decorated combat veteran who received both the National Defense Service Medal and the Joint Service Achievement Medal and who served his country in Afghanistan.

Public Law 2011, chapter 500 was enacted as an emergency measure effective March 14, 2012.

LD 1726 **An Act to Make Technical Corrections to the Laws Governing the Indian Representatives to the Legislature** **PUBLIC 467 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted

Current law authorizes a member of the Houlton Band of Maliseet Indians elected by it to represent the Houlton Band of Maliseet Indians to the Legislature. This bill changes Public Law 2009, chapter 636 to provide that, for the Second Regular Session of the 125th Legislature, the member may be appointed rather than elected by the Houlton Band of Maliseet Indians. This bill was presented by Speaker Nutting and enacted without reference to a committee.

Enacted Law Summary

Current law authorizes a member of the Houlton Band of Maliseet Indians elected by it to represent the Houlton Band of Maliseet Indians to the Legislature. Public Law 2011, chapter 467 amends Public Law 2009, chapter 636 to provide that, for the Second Regular Session of the 125th Legislature, the member may be appointed rather than elected by the Houlton Band of Maliseet Indians.

Public Law 2011, chapter 467 was enacted as an emergency measure effective January 4, 2012.

LD 1796 **An Act Relating to False Claims under the Medicaid Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GIFFORD THOMAS	ONTP	

This bill enacts the MaineCare False Claims Act in order to protect the State and the Federal Government against false and fraudulent claims under the Medicaid program, known in the State as the MaineCare program. This bill provides authorization for qui tam actions, which are brought by a person for the benefit of the person and the State in the name of the State. This bill provides protection from discrimination for an employee who participates in a qui tam action. This bill provides possible recoveries for the person who brings the qui tam action in addition to recoveries for the State. This bill establishes the MaineCare False Claims Act Fund to receive the proceeds payable to the State as a result of false claims litigation to be used for investigatory, enforcement and litigation expenses.

LD 1801 **An Act To Create Efficiencies in Cases Concerning Court-ordered Child Contact and Care by Providing for Parent Education** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP MAJ OTP-AM MIN	

This bill addresses the issue of parents who do not comply with court orders concerning residential care of or contact with a child. If a parent fails to allow a child to spend time with the other parent as required in the court order or fails to return the child as required in the court order, the court may, in addition to imposing other sanctions or remedies, order the parent in violation of the court order to participate in parent education.

Committee Amendment "A" (S-433)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill to confirm that the court has the authority to require participation in a parenting education program as part of any order concerning parental rights and responsibilities. Although courts have this authority now, this amendment includes specific mention of the authority to order participation in parenting education to endorse court-ordered referrals of parents to parenting education programs while leaving it to the discretion of a judge or magistrate in each case to take into account relevant considerations, such as the availability of a program in the area, the parties' ability to afford to pay for the program or get a fee waiver, the existence of domestic violence or other appropriate factors.

This amendment was not adopted.

LD 1802 **An Act To Implement Recommendations of the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts** **PUBLIC 559**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-463

This bill is reported out by the Joint Standing Committee on Judiciary pursuant to Resolve 2011, chapter 104, section 9. This bill incorporates the recommendations of the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts.

Part A of the bill replaces varied statutory language regarding the priority of cases in court dockets with uniform language in statutes dealing with issues including civil appeals to Superior Court, animal welfare, the Maine Labor Relations Board, administrative licenses and other miscellaneous civil provisions.

Part B of the bill eliminates a provision regarding speedy trials for those arrested for traffic infractions, as it is duplicative.

Part C amends the protection from harassment statutes. It adds the commission's proposed uniform language to the provision regarding dissolution or modification of protection from harassment orders. It amends the definition of "harassment" by limiting damage to property to only business property and by repealing language describing harassment as 3 or more acts that are made with the intent to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution of Maine or the United States Constitution. It repeals as unnecessary a provision regarding whether reasonable efforts have been made by the court to give written or oral notice to a defendant in a hearing regarding an allegation of harassment, which is a criterion as to whether the court may enter a temporary protection from harassment order. It also amends the process of seeking a protection from harassment order by requiring that if the alleged harassment does not meet the definition of "harassment" in the Maine Revised Statutes, Title 5, section 4651, subsection 2, paragraph C, the plaintiff must seek and file a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A or a statement of good cause why a notice was not sought or obtained.

Committee Amendment "A" (S-463)

The bill amends the definition of "harassment" in the protection from harassment laws to limit qualifying damage to property to damage to business property. This amendment removes that limitation and amends the definition to include damage to personal property only.

The bill requires that, except in a narrow category of situations, a person seeking a protection from harassment order must first seek a cease harassment notice under the Maine Revised Statutes, Title 17-A, section 506-A. This amendment expands that list of situations in which a notice under Title 17-A, section 506-A is not required to include cases related to allegations of domestic violence, violence against a dating partner, sexual assault and stalking. These are facts already identified by the court as important in hearing complaints seeking protection from harassment orders.

Enacted Law Summary

Public Law 2011, chapter 559 is based on the recommendations of the Commission to Study Priorities and Timing of Judicial Proceedings in State Courts.

Part A replaces varied statutory language regarding the priority of cases in court dockets with uniform language in statutes dealing with issues including civil appeals to Superior Court, animal welfare, the Maine Labor Relations Board, administrative licenses and other miscellaneous civil provisions.

Part B eliminates a provision regarding speedy trials for those arrested for traffic infractions, as it is duplicative.

Part C amends the protection from harassment statutes. It adds the commission's proposed uniform language to the provision regarding dissolution or modification of protection from harassment orders. It amends the definition of "harassment" by limiting damage to property to only personal property and by repealing language describing harassment as 3 or more acts that are made with the intent to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution of Maine or the United States Constitution. It repeals as unnecessary a provision regarding whether reasonable efforts have been made by the court to give written or oral notice to a defendant in a hearing regarding an allegation of harassment, which is a criterion as to whether the court may enter a temporary protection from harassment order. It also amends the process of seeking a protection from harassment order by requiring that if the alleged harassment does not meet the definition of "harassment" in the Maine Revised Statutes, Title 5, section 4651, subsection 2, paragraph C, the plaintiff must seek and file a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A or a statement of good cause why a notice was not sought or obtained. Notice under Title 17-A, section 506-A is not required in cases related to allegations of domestic violence, violence against a dating partner, sexual assault and stalking. These are facts already identified by the court as important in hearing complaints seeking protection from harassment orders.

LD 1804 **An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions** **PUBLIC 524**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill is reported out by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

This bill incorporates recommendations of the Right To Know Advisory Committee relating to its review of existing public records exceptions in the Maine Revised Statutes, Titles 22 to 25.

Enacted Law Summary

Public Law 2011, chapter 524 implements recommendations of the Right To Know Advisory Committee relating to its review of existing public records exceptions in the Maine Revised Statutes, Titles 22 to 25.

It repeals the provision that designates as confidential lists maintained by the Attorney General's office of known unlicensed tobacco retailers. The Attorney General no longer maintains such lists as a result of a United States Supreme Court decision that state law is preempted by federal law.

It gives the Department of the Attorney General, Office of Chief Medical Examiner the discretion to release confidential information and materials about a missing person if the Chief Medical Examiner determines that releasing the information or materials may assist in the search for the missing person.

It removes language related to confidentiality of data held by the former Maine Health Care Finance Commission. Chapter 524 retains language authorizing the Board of Directors of the Maine Health Data Organization to determine certain financial data submitted to the organization by health care providers to be confidential if disclosure of the data will place the provider at a competitive economic disadvantage.

It provides that engineering estimates are public after the execution of project contracts and applies the public records provisions to all Department of Transportation and Maine Turnpike Authority records.

It removes the confidentiality provisions in current law that apply to the records of the Northern New England Passenger Rail Authority. It places the confidentiality provisions applying to the records of the Northern New England Passenger Rail Authority in a new section and clarifies what records are not subject to public access. Chapter 524 provides that records and correspondence relating to negotiations of agreements are confidential, although the final agreements are not designated confidential by this language. It also clarifies that estimates of costs of goods or services to be procured by or at the expense of the authority are confidential if the estimates are prepared by the authority or at the direction of the authority. It also revises the employment application confidentiality to be consistent with that of state, county and municipal employee applicants. All documents relating to applicants are confidential, except for records pertaining to the applicant who is hired, most of which become public. Personal contact information of a public employee is not a public record. Chapter 524 also clarifies the language concerning the lawyer-client privilege; it allows the authority to claim the lawyer-client privilege in the same manner and circumstances as a corporation is authorized to do so.

It amends current law to clarify that the confidentiality provisions of the Maine Health Security Act govern the confidentiality of reports to appropriate medical licensing boards.

It amends current law to authorize medical licensing boards to share confidential information with state and federal agencies when the information contains evidence of possible violations of laws enforced by those agencies. It clarifies that information provided by self-insurers to the governing board of the Maine Workers' Compensation Residual Market Pool or the Superintendent of Insurance related to payment of workers' compensation residual market surcharges continues to be confidential until that information is destroyed.

LD 1805 **An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor**

DIED IN CONCURRENCE

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM A ONTP B OTP-AM C	

This bill is reported out by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G. This bill incorporates recommendations of the majority of the Right To Know Advisory Committee.

This bill creates a public records exception for proposed legislation, reports and working papers of the Governor and the Governor's office that is parallel to the Legislature's public records exception in existing law. The proposed legislation, reports and working papers do not become public records until they are publicly distributed or until the adjournment of the legislative session for which the proposed legislation, reports and working papers are prepared.

Committee Amendment "A" (H-882)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It replaces the bill. It provides a temporary public records exception for records relating to the deliberative process of the Governor for legislative proposals and budgeting proposals and requests.

"Records relating to the deliberative process of the Governor" is defined to mean all records containing predecisional advice, opinions, deliberations or recommendations created by the Governor or the internal staff of the Governor and maintained within the exclusive custody and control of the Governor or the internal staff of the Governor. The internal staff of the Governor consists of the chief of staff, legal counsel, director of policy and employees under their direct supervision. The records become public when the first of the following occurs:

1. The records are made available to any person or agency outside the internal staff of the Governor;

2. The records are publicly distributed in accordance with legislative rules;

3. Adjournment of the Legislature for which the records were prepared occurs; or

4. Six months from the creation of the records has passed.

This amendment provides that the public records exception for the records relating to the deliberative process of the Governor is repealed December 31, 2013.

Senate Amendment "A" To Committee Amendment "A" (S-531)

This amendment maintains the provisions of Committee Amendment "A" and repeals the public records exception that applies to legislative working papers and other records. It also adds an appropriations and allocations section.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-544)

This amendment provides an effective date of January 1, 2015, and removes repealing provisions inconsistent with that change.

This amendment was not adopted.

LD 1810 **An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ OTP-AM MIN	

This bill is reported out by the Joint Standing Committee on Judiciary pursuant to Resolve 2011, chapter 111, section 9. This bill incorporates the recommendations of the majority of the Committee to Review Issues Dealing with Regulatory Takings.

The purpose of this bill is to establish standards for relief when state regulation imposes an inordinate burden on an individual property owner, as well as efficient mechanisms for pursuit of such relief.

To eliminate any fiscal impact from the establishment of these new standards and mechanisms, they will apply prospectively: that is, only to burdens from regulations enacted in the future. The bill provides mechanisms designed to achieve fair results and to resolve disputes efficiently, including the ability, at the State's option, to grant variances, which is an option consistent with general land use principles; the encouragement of the use of informal dispute resolution avenues reducing and potentially eliminating any litigation costs; and, when regulatory impact on fair market value depends upon other regulatory avenues, the ability of a property owner to obtain a nonbinding identification of the uses the state will allow on the affected property.

Claims of diminution of fair market value based on speculative uses are precluded by the requirement that the property owner provide an appraisal reflecting a diminution of 50% or more in actual fair market value of the owner's entire parcel as well as by the limitation of relief to the reasonable investment-backed expectations of the owner.

Committee Amendment "A" (H-921)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It replaces the bill.

The amendment provides enabling language for the establishment by the Legislature of a joint legislative committee created to review effectiveness and fairness of land use laws and rules. The committee is to be established by joint rule of the Legislature. Its duties include hearing and investigating complaints of property owners about land use laws and rules; reviewing requested information from relevant state agencies about any law or rule alleged to have resulted in more than a minor reduction in the economically beneficial or productive uses of land; receiving information provided by the Attorney General regarding each rule the committee has reviewed that was the subject of public comment suggesting either that the rule might result in a potential taking of real property under the Constitution of Maine or that a variance was necessary to avoid such a taking; and recommending legislation to adjust land use laws and rules. The selection of members is suggested to provide for representation from joint standing committees of the Legislature with jurisdiction over environment and natural resources matters, agriculture, conservation and forestry matters and judiciary matters.

The amendment repeals the existing land use mediation program, reinstates it in the Maine Revised Statutes, Title 1 and corrects cross-references to the program. It requires the Court Alternative Dispute Resolution Service to submit an annual report about land use mediations to the joint legislative committee created to review effectiveness and fairness of land use laws and rules. The Court Alternative Dispute Resolution Service must make available online brochures about the program and applications for landowner participation in the land use mediation program.

The amendment requires state agencies that administer land use laws to provide, when making regulatory decisions, information about the land use mediation program as well as the right to appeal the regulatory decisions. The special advocate appointed by the Secretary of State pursuant to Title 5, section 90-P must provide land use mediation program brochures to businesses that are pursuing permit applications with state agencies. State agencies that administer land use laws and the Court Alternative Dispute Resolution Service must ensure that information about the land use mediation program is available in an electronic format on agency publicly accessible websites.

The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

Committee Amendment "B" (H-922)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill, making changes by:

1. Adding a definition of "affiliate," which is used to prevent the dividing of property to circumvent the provision in the bill regarding measuring diminution of value against the entire parcel;

2. Adding a definition of "underlying governmental land use action," which is used to help determine ripeness of a claim;

3. Clarifying that a property owner must obtain a professional appraisal, and not simply an appraisal, as part of making a claim;

4. Clarifying the description of "reasonable investment-backed expectations" by adding a temporal reference found in Florida statute;

5. Clarifying that property cannot be divided to circumvent the provision in the bill regarding measuring diminution of value against the entire parcel and clarifying that an entire contiguous parcel's failure to meet the diminution threshold of 50% precludes recovery under this legislation;

6. Limiting recovery to either damages, capped at $400,000, as established in the Maine Tort Claims Act, or a takings variance. Compensation for the entire fair market value of a parcel as an option for relief is eliminated; it is always an available avenue for the State to exercise if it chooses under the Constitution of Maine;

7. Adjusting tolling provisions to account for the inclusion of a mandatory mediation program and the opportunity for the Legislature to direct changes in the land use laws and rules that cause the diminution of property values;

8. Clarifying that municipalities are exempt from this legislation and are not subject to costs as a result of this legislation;

9. Rewriting the alternative dispute resolution section proposed in the bill in order to create a mandatory mediation program, which:

A. Requires that before a takings claim can be filed in court, a property owner must pursue relief under the land use mediation program, subject to enhanced requirements;

B. Requires that a property owner applying for relief under mandatory mediation must also include a professional appraisal indicating 50% or greater diminution in property value with the application. By applying for mediation, the property owner consents to grant the mediator and the State access to the property owner's land for purposes of resolving a dispute;

C. Describes ripeness for purposes of seeking mandatory mediation, requiring the property owner, before mediation, to apply for and be denied a land use unless a regulation on its face would clearly cause a 50% diminution in property value;

D. Limits recovery from speculative uses of the property;

E. Requires that abutting property owners be notified when a property owner initiates mandatory mediation;

F. Provides that as part of mediation the State must identify what land uses are permitted on the property in

question. The State may also present a written settlement offer as part of mediation that may include various proposals in order to reach a settlement agreement. This settlement offer may then later be used as a defense in the event a claim is filed in court;

G. Provides that the property owner and the State have up to one year to complete the mediation process;

H. Provides that any settlement agreement reached in mediation must be formalized in writing and be self-executing;

I. Specifies that only after a failed mediation is a property owner allowed to proceed to court and creates financial incentives for a property owner to accept a bona fide offer from the State during mediation;

J. Provides that, when mediation fails to produce a settlement, the property owner shall report the failure to produce a settlement to the Office of the Attorney General, who is required to report that information to the joint legislative committee created to review effectiveness and fairness of land use laws and rules. In order to give the committee time and opportunity to address the underlying land use laws and rules, the property owner must delay filing a claim in court until March 15th after the failed mediation is reported by the Attorney General to the committee; and

K. Provides flexibility to the courts in determining administrative fees for mandatory mediation;

10. Expanding the provisions about attorney's fees to include that either the State or a property owner could be liable for attorney's fees in the event that either party does not make a bona fide attempt at settlement during the mediation process;

11. Requiring that the judicial branch provide regular reports to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the number of cases pursued in court under this legislation so that future Legislatures can assess the impact of this legislation on court dockets;

12. Enabling the establishment by the Legislature of a joint legislative committee created to review effectiveness and fairness of land use laws and rules. The committee must be established by joint rule of the Legislature. Its duties include hearing and investigating complaints of property owners about land use laws and rules, receiving information collected and cataloged by the Attorney General regarding land use mediations in which settlement was not reached and recommending legislation to adjust land use laws and rules;

13. Delaying the implementation of the new regulatory takings program by excluding land use regulations enacted prior to August 1, 2013; and

14. Adding an appropriations and allocations section.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "B" (S-556)

This amendment removes the option of a takings variance as relief for a regulatory taking and limits the options available to the State in a written settlement offer as part of mediation.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "B" (S-565)

Under Committee Amendment "B" the cause of action for a regulatory taking does not apply to regulations enacted prior to August 1, 2013. This amendment changes the date to August 1, 2014. This amendment also adds an effective date of January 1, 2014, to the provisions of the amendment establishing the land use mediation program

and regulatory fairness review. This amendment replaces the appropriations and allocations section.

This amendment was not adopted.

Under Committee Amendment "B" the cause of action for a regulatory taking does not apply to regulations enacted prior to August 1, 2013. This amendment changes the date to August 1, 2015. This amendment also adds an effective date of July 1, 2013 to the provisions of the amendment establishing the land use mediation program and regulatory fairness review. This amendment removes the appropriations and allocations section.

This amendment was not adopted.

LD 1824 **An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill provides immunity for health care professionals and persons who assist a person who is experiencing or likely to experience an opiate-related drug overdose with intranasal naloxone. This bill is a recommendation from the Substance Abuse Services Commission's work group convened pursuant to Resolve 2011, chapter 81 and is submitted by the Joint Standing Committee on Health and Human Services.

LD 1831 **An Act To Allow Forfeiture of Maine Public Employees Retirement System Benefits for Persons Convicted of Certain Crimes** **PUBLIC 606**

Sponsor(s)	Committee Report	Amendments Adopted
FOSSEL KATZ	OTP-AM	H-838

This bill permits a court to order the forfeiture of benefits of a public employee who is a member of the Maine Public Employees Retirement System if the member is convicted of a crime for which the penalties are equal to or greater than a Class C crime if the crime is committed in connection with the member's public office or public employment or if the member's position placed the member in a position to commit the crime.

The bill also provides that amounts credited to the account of a member of the retirement system are available to pay any court-ordered restitution for economic loss suffered by the State or a political subdivision of the State as the result of the crime.

Committee Amendment "A" (H-838)

This amendment replaces the bill but carries out the intent of the bill to give a court discretion to order the forfeiture of retirement benefits of a member of the Maine Public Employees Retirement System who commits a crime in connection with the member's public office or public employment or a crime the member's position placed the member in a position to commit.

Enacted Law Summary

Public Law 2011, chapter 606 gives a court discretion to order the forfeiture of retirement benefits of a member of the Maine Public Employees Retirement System, including the gubernatorial retirement system, the legislative

retirement system and the judicial retirement system, who commits a crime in connection with the member's public office or public employment or a crime the member's position placed the member in a position to commit.

Chapter 606 allows the court to award to the spouse, dependent or former spouse of the employee benefits that would otherwise be payable if not for the forfeiture because of the crime. The Maine Public Employees Retirement System is required to provide information concerning the member's membership that the court considers relevant to the determination of the amount of an award pursuant to an order of the court. The Maine Public Employees Retirement System is not required to provide any additional benefits or benefit options.

LD 1860 **An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted

This initiated bill repeals the provision that limits marriage to one man and one woman and replaces it with the authorization for marriage between any 2 persons that meet the other requirements of Maine law. It also specifies that a marriage between 2 persons of the same sex in another state that is valid in that state is valid and must be recognized in this State. It also provides that a member of the clergy is not required to perform and a church, religious denomination or other religious institution is not required to host a marriage in violation of the religious beliefs of that member of the clergy, church, religious denomination or other religious institution and that any such refusal cannot be the basis for a lawsuit or liability and does not affect the tax-exempt status of the church, religious denomination or other religious institution.

This initiated bill will appear on the November 2012 ballot.

LD 1868 **An Act To Correct Errors and Inconsistencies in the Laws of Maine** **PUBLIC 691 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-928 S-566 HASTINGS S-585 HASTINGS S-586 HASTINGS

This bill is submitted to the Joint Standing Committee on Judiciary pursuant to Title 1, section 94.

Part A makes technical corrections in the laws of Maine.

Part B corrects one reference to the Department of Administration and several references to the Bureau of Public Improvements, which is now the Bureau of General Services.

Committee Amendment "A" (H-928)

This amendment deletes sections in the bill addressing provisions of law that have been addressed in other

legislation. Part A, section 7 is deleted to allow the appropriate department and committee of jurisdiction to propose corrective legislation. Part B, sections 21 and 22 are deleted because they apply to school construction prior to the reorganization and renaming of the Bureau of Public Improvements. Part B, section 30 is amended by replacing the term "deemed" with "determined."

This amendment adds Part C to make technical changes.

This amendment adds Part D to make changes that are or may be considered substantive.

Section 1 repeals the Maine Revised Statutes, Title 2, chapter 5. Public Law 2011, chapter 90 repealed Title 2, sections 101, 103 and 104 and Public Law 2011, chapter 213 repealed Title 2, section 102, all of which are in Title 2, chapter 5. The only section left in chapter 5 is section 105, which gives the Governor the authority to adopt rules to implement the chapter.

Section 2 corrects an internal reference.

Section 3 corrects a formatting error in Title 11, section 3-1301.

Section 4 repeals a duplicate section of law.

Sections 5 and 6 correct the error of requiring a municipality proposing to join an existing regional school unit to vote and not the municipal members of that existing regional school unit.

Sections 7 and 8 clarify that a regional school unit must conduct, not call, a referendum vote on an article to allow a new municipality to join an existing regional school unit after the vote has been conducted by the joining municipality and the results are in the affirmative. This allows the referendum election to be called but not conducted before the results from the municipality proposing to join the regional school unit are known.

Section 9 corrects an error in the structure of a subsection.

Section 10 amends the statute governing the State Board of Alcohol and Drug Counselors within the Department of Professional and Financial Regulation, which now has 5 members, to provide that a majority of members constitutes a quorum.

Section 11 corrects a clerical error.

Section 12 corrects the description of an easement to cross a state-owned recreational trail in Franklin County.

This amendment adds Part E to restore provisions that were repealed by their own terms. The restored provisions provide for the Department of Education to approve the annual entitlement plan and budget of intermediate education units and establish a state-level advisory committee, composed in part of members of each board of directors of a regional site, to provide advice to the Department of Education on implementing the general administration and supervision provisions. These changes are substantive.

Senate Amendment "A" to Committee Amendment "A" (S-547)

This amendment corrects a conflict created when Public Law 2011, chapter 298 amended the Maine Revised Statutes, Title 17-A, section 1057, subsection 3 and chapter 394 repealed Title 17-A, section 1057, subsection 3. It corrects the conflict by repealing the subsection and replacing it with the chapter 298 version. The chapter 298 version provides that it is not a defense to a prosecution under the laws governing the possession of firearms in an establishment licensed for on-premises consumption of liquor that a person holds a permit to carry a concealed weapon.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-954)

This amendment corrects a clerical error by removing a comma that was erroneously included in a description of the fees and taxes that are not required to be paid by an out-of-state business that responds to a state of emergency in this State. The law corrected by this amendment was enacted by Public Law 2011, chapter 622.

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-566)

This amendment corrects a clerical error by removing a comma that was erroneously included in a description of the fees and taxes that are not required to be paid by an out-of-state business that responds to a state of emergency in this State. The law corrected by this amendment was enacted by Public Law 2011, chapter 622.

Senate Amendment "D" To Committee Amendment "A" (S-585)

This amendment removes the provision that amends the Maine Revised Statutes, Title 38, section 410-M, last paragraph, which is repealed in Public Law 2011, chapter 655, Part EE, section 22.

It also removes provisions, added by the Committee Amendment, that provide for the Department of Education to approve the annual entitlement plan and budget of intermediate education units and establish a state-level advisory committee to provide advice to the department on implementing general administration and supervision provisions because of changes made in Public Law 2011, chapter 655, Part OO.

Senate Amendment "C" To Committee Amendment "A" (S-570)

This amendment amends Committee Amendment "A" to provide that the Appellate Division of the Workers' Compensation Board is established on January 1, 2013. Current law will continue to apply to appeals of decisions of hearing officers before January 1, 2013.

This amendment was not adopted.

Senate Amendment "E" To Committee Amendment "A" (S-586)

Public Law 2011, chapter 527, which took effect on March 18, 2012, allows the Commissioner of Marine Resources to close contaminated areas to the harvesting of marine organisms through issuing text and map descriptions rather than through emergency rulemaking. Although the intent was to cover all clams, quahogs, oysters and mussels, the new closure process inadvertently omitted mahogany quahogs and mussels. This amendment provides that the new closure process applies to mahogany quahogs and mussels.

Enacted Law Summary

Public Law 2011, chapter 691 corrects errors and inconsistencies in the laws of Maine.

Part A makes technical corrections.

Part B corrects one reference to the Department of Administration and several references to the Bureau of Public Improvements, which is now the Bureau of General Services.

Part C makes technical changes.

Part D makes changes that are or may be considered substantive.

Section 1 repeals the Maine Revised Statutes, Title 2, chapter 5. Public Law 2011, chapter 90 repealed Title 2,

sections 101, 103 and 104 and Public Law 2011, chapter 213 repealed Title 2, section 102, all of which are in Title 2, chapter 5. The only section left in chapter 5 is section 105, which gives the Governor the authority to adopt rules to implement the chapter.

Section 2 corrects an internal reference.

Section 3 corrects a formatting error in Title 11, section 3-1301.

Section 4 repeals a duplicate section of law.

Sections 5 and 6 correct the error of requiring a municipality proposing to join an existing regional school unit to vote and not the municipal members of that existing regional school unit.

Sections 7 and 8 clarify that a regional school unit must conduct, not call, a referendum vote on an article to allow a new municipality to join an existing regional school unit after the vote has been conducted by the joining municipality and the results are in the affirmative. This allows the referendum election to be called but not conducted before the results from the municipality proposing to join the regional school unit are known.

Section 9 corrects an error in the structure of a subsection.

Section 10 amends the statute governing the State Board of Alcohol and Drug Counselors within the Department of Professional and Financial Regulation, which now has 5 members, to provide that a majority of members constitutes a quorum.

Part E corrects a clerical error by removing a comma that was erroneously included in a description of the fees and taxes that are not required to be paid by an out-of-state business that responds to a state of emergency in this State. The law corrected by Part E was enacted by Public Law 2011, chapter 622.

Public Law 2011, chapter 527, which took effect on March 18, 2012, allows the Commissioner of Marine Resources to close contaminated areas to the harvesting of marine organisms through issuing text and map descriptions rather than through emergency rulemaking. Although the intent was to cover all clams, quahogs, oysters and mussels, the new closure process inadvertently omitted mahogany quahogs and mussels. Part F provides that the new closure process applies to mahogany quahogs and mussels.

Public Law 2011, chapter 691 was enacted as an emergency measure effective May 22, 2012.

SUBJECT INDEX

Commercial Code

Enacted

LD 1684	An Act To Amend the Uniform Commercial Code Regarding Motor Vehicle Warranties	PUBLIC 523

Confidentiality/Freedom of Access

Enacted

LD 1465	An Act To Amend the Laws Governing Freedom of Access	PUBLIC 662
LD 1804	An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions	PUBLIC 524

Not Enacted

LD 1690	An Act To Protect the Privacy of Social Workers	ONTP
LD 1805	An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning a Public Records Exception for Proposed Legislation, Reports and Working Papers of the Governor	DIED IN CONCURRENCE

Courts, Justices and Judges

Enacted

LD 1698	An Act To Establish Veterans Treatment Courts	PUBLIC 500 EMERGENCY
LD 1802	An Act To Implement Recommendations of the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts	PUBLIC 559

Not Enacted

LD 1546	An Act To Amend the Laws Governing the Deference Afforded to Agency Decisions	MINORITY (ONTP) REPORT
LD 1606	An Act To Provide Magistrates To Assist the Court in Handling Small Claims and Landlord-tenant Cases	ONTP

Criminal Law and Procedure

Enacted

LD 1831	An Act To Allow Forfeiture of Maine Public Employees Retirement System Benefits for Persons Convicted of Certain Crimes	PUBLIC 606

Family Law, General

Not Enacted

LD 1801	An Act To Create Efficiencies in Cases Concerning Court-ordered Child Contact and Care by Providing for Parent Education	MAJORITY (ONTP) REPORT

Family Law, Child Support

Enacted

LD 1594	An Act To Clarify the Requirements of Income Withholding Orders	PUBLIC 528
LD 1650	An Act Concerning the Collection of Child Support Obligations	PUBLIC 550 EMERGENCY

Foreclosure

Not Enacted

LD 145	An Act To Clarify and Streamline Foreclosure Proceedings	VETO SUSTAINED

Human Rights and Medical Rights

Enacted

LD 1530	An Act To Amend the Housing Provisions of the Maine Human Rights Act	PUBLIC 613

Not Enacted

LD 1860	An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom	INDEF PP

Landlord and Tenant Issues

Not Enacted

LD 1669	An Act To Clarify the Process for Removing a Person from a Dormitory Operated by a Nonprofit Organization and the Municipal Regulation of Such Facilities	ONTP

Legal Services

Enacted

LD 1659	An Act To Facilitate Recovery of Debts Owed to the State for Indigent Legal Services	PUBLIC 547

Minors and Juveniles

Enacted

LD 978	**An Act To Provide for School Enrollment and an Appeal Process in Specific Cases in Which Students Do Not Reside with Parents**	**PUBLIC 502**

Probate Code and Trust Code

Enacted

LD 1377	**An Act To Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act**	**PUBLIC 564**

Not Enacted

LD 419	**An Act To Ensure the Payment of Survivor Benefits to Certain Children**	**ONTP**

Real Property, Property Rights and Eminent Domain

Not Enacted

LD 1810	**An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings**	**INDEF PP**

Statutes

Enacted

LD 1868	**An Act To Correct Errors and Inconsistencies in the Laws of Maine**	**PUBLIC 691 EMERGENCY**

Torts and Immunity, General

Enacted

LD 1605	**An Act To Promote Agricultural Activity in Maine by Limiting the Liability for Agritourism Activities**	**PUBLIC 609**
LD 1660	**An Act To Provide Tort Claims Immunity for Out-of-state Regional Transit Organizations That Provide Regular Service in Maine**	**PUBLIC 520**

Not Enacted

LD 1687	**An Act To Clarify the Liability of 3rd-party Building Inspectors**	**MAJORITY (ONTP) REPORT**

Torts and Immunity, Medical Malpractice

Not Enacted

LD 1824	**An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits**	**ONTP**

Tribal-State Relations

Enacted

LD 1595	**An Act To Impose a Penalty for Making False Claims Regarding Affiliation with a Federally Recognized Tribe**	**PUBLIC 583**
LD 1726	**An Act to Make Technical Corrections to the Laws Governing the Indian Representatives to the Legislature**	**PUBLIC 467 EMERGENCY**

Not Enacted

LD 651	**An Act To Improve Tribal-State Relations**	**ONTP**

Uncategorized

Enacted

LD 1647	**Resolve, To Require Rulemaking Regarding Standing To Appeal in Proceedings before the Board of Environmental Protection and the Maine Land Use Regulation Commission**	**RESOLVE 144**

Not Enacted

LD 324	**An Act To Authorize Parents with Power of Attorney To Make Decisions Regarding the Education of Their Adult Children**	**ONTP**
LD 1796	**An Act Relating to False Claims under the Medicaid Program**	**ONTP**

LCED

STATE OF MAINE

125TH 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

June 2012

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SEN. THOMAS H. MARTIN, JR.
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CAROLYN RUSSO, LEGISLATIVE ANALYST
NATALIE HAYNES, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

* REPLACED LATE IN THE SESSION BY REP. ANDRE E. CUSHING III

LD 309 **An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
WINSOR SNOWE-MELLO	JT RULE 309	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill amends the State's labor laws to ensure that each public sector union represents only those public employees who voluntarily are members of that union.

LD 323 **An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand** **PUBLIC 563**

Sponsor(s)	Committee Report	Amendments Adopted
VOLK RECTOR	OTP-AM	H-803

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 and proposes to establish a public-private partnership at the state level with responsibility for the development and delivery of a comprehensive, coordinated and coherent strategy for economic development in Maine. This private-public partnership shall work with regional and local economic development councils and businesses to provide an array of services to companies seeking to locate or expand in Maine. It proposes the development of a "Maine brand" to consistently promote the quality of life in Maine, the quality of Maine recreation and vacation experiences and the quality of Maine-made products. This bill proposes to examine existing economic development programs and appropriations and allocations to each and to redirect funds to support a coherent strategy and maximize positive outcomes.

Committee Amendment "A" (H-803)

This amendment replaces the bill, which was a concept draft. It amends the provisions governing the Commissioner of Economic and Community Development's comprehensive economic development evaluation by changing the report's outcome measures to include measures that assess the overall economic performance of the program being evaluated, as demonstrated by the number of jobs created and wages paid by the agency or entity and any state revenues that are attributable to the activities of the agency or entity. It specifies that the economic development evaluation must include, but is not limited to, a review of the following programs: the Maine Employment Tax increment Financing Program, pursuant to the Maine Revised Statutes, Title 36, chapter 917; the Governor's Training Initiative Program, pursuant to Title 26, section 2031; the Loring Development Authority of Maine, pursuant to Title 5, section 13080; the visual media production certification program, pursuant to Title 5, section 13090-L; the promotion and marketing of state products through the Department of Economic and Community Development, pursuant to Title 5, section 13062; the Maine International Trade Center, pursuant to Title 10, section 945; municipal tax increment financing, pursuant to Title 30-A, section 5227; and the pine tree development zone program, pursuant to Title 30-A, section 5250-J. It also changes the economic development evaluation from an annual to a biennial report, requires the independent reviewers to also be nonpartisan reviewers, makes a technical

correction to the funding mechanism for the evaluation and aligns the reporting dates with the research and development evaluation.

The amendment eliminates the Maine Tourism Commission and requires the Department of Economic and Community Development, Office of Tourism to seek direct input and consultation from the tourism industry on its marketing and promotional plans and to collaborate with tourism regions and industry sectors to accomplish the goals identified in its marketing and promotional plans and the marketing and development strategy. It also requires the Office of Tourism to seek tourism industry input in other areas the Commissioner of Economic and Community Development considers appropriate and necessary. It also requires the Office of Tourism to provide a quarterly presentation beginning January 1, 2014 to the tourism industry stakeholders and provide an annual report to the Governor and the Legislature summarizing the goals and achievements of the office.

The amendment changes the Department of Economic and Community Development, Office of Innovation's comprehensive research and development evaluation from a 5-year to a 6-year evaluation and changes its progress report from an annual to a biennial report.

The amendment amends the laws governing the Maine Rural Development Authority to allow the authority to also provide loans to businesses that currently do not own real estate and that are not supported by private investment and allows the authority to collect any machinery and equipment that is being held as collateral for a loan issued to a specific business.

The amendment expands the definition of "qualified active low-income community business" within the laws governing the new markets capital investment credit to allow a business to qualify for the credit if it meets specific requirements for activity within municipalities where the average annual unemployment rate is higher than the state average unemployment rate.

The amendment requires the Commissioner of Economic and Community Development, beginning August 1, 2012, to convene at least 5 meetings with marketing personnel from the following state agencies: the Department of Agriculture, Food and Rural Resources; the Department of Labor; the Department of Environmental Protection; the Department of Education; the Department of Conservation; the Department of Inland Fisheries and Wildlife; the Department of Marine Resources; and the Department of Transportation. It requires the commissioner to gather information at the meetings regarding the marketing efforts, budgets and strategies used by these agencies in order to determine if the State can market its products and services more efficiently. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 563 amends the provisions governing the Commissioner of Economic and Community Development's comprehensive economic development evaluation by changing the report's outcome measures to include measures that assess the overall economic performance of the program being evaluated, as demonstrated by the number of jobs created and wages paid by the agency or entity and any state revenues that are attributable to the activities of the agency or entity. The law specifies that the economic development evaluation must include, but is not limited to, a review of the following programs: the Maine Employment Tax increment Financing Program, pursuant to the Maine Revised Statutes, Title 36, chapter 917; the Governor's Training Initiative Program, pursuant to Title 26, section 2031; the Loring Development Authority of Maine, pursuant to Title 5, section 13080; the visual media production certification program, pursuant to Title 5, section 13090-L; the promotion and marketing of state products through the Department of Economic and Community Development, pursuant to Title 5, section 13062; the Maine International Trade Center, pursuant to Title 10, section 945; municipal tax increment financing, pursuant to Title 30-A, section 5227; and the pine tree development zone program, pursuant to Title 30-A, section 5250-J.

The law changes the economic development evaluation from an annual to a biennial report, requires the independent reviewers to also be nonpartisan reviewers, makes a technical correction to the funding mechanism for the

evaluation and aligns the reporting dates with the research and development evaluation. It eliminates the Maine Tourism Commission and requires the Department of Economic and Community Development, Office of Tourism to seek direct input and consultation from the tourism industry on its marketing and promotional plans and to collaborate with tourism regions and industry sectors to accomplish the goals identified in its marketing and promotional plans and the marketing and development strategy. It also requires the Office of Tourism to seek tourism industry input in other areas the Commissioner of Economic and Community Development considers appropriate and necessary. It requires the Office of Tourism to provide a quarterly presentation beginning January 1, 2014, to the tourism industry stakeholders and provide an annual report to the Governor and the Legislature summarizing the goals and achievements of the office.

The law changes the Department of Economic and Community Development, Office of Innovation's comprehensive research and development evaluation from a 5-year to a 6-year evaluation and changes its progress report from an annual to a biennial report. It amends the laws governing the Maine Rural Development Authority to allow the authority to also provide loans to businesses that currently do not own real estate and that are not supported by private investment and allows the authority to collect any machinery and equipment that is being held as collateral for a loan issued to a specific business. It also expands the definition of "qualified active low-income community business" within the laws governing the new markets capital investment credit to allow a business to qualify for the credit if it meets specific requirements for activity within municipalities where the average annual unemployment rate is higher than the state average unemployment rate.

Beginning August 1, 2012, the law requires the Commissioner of Economic and Community Development to convene at least 5 meetings with marketing personnel from the following state agencies: the Department of Agriculture, Food and Rural Resources; the Department of Labor; the Department of Environmental Protection; the Department of Education; the Department of Conservation; the Department of Inland Fisheries and Wildlife; the Department of Marine Resources; and the Department of Transportation. It requires the commissioner to gather information at the meetings regarding the marketing efforts, budgets and strategies used by these agencies in order to determine if the State can market its products and services more efficiently. It also authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill to the First Regular Session of the 126th Legislature.

LD 384 **An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
PICCHIOTTI WHITTEMORE	OTP-AM MAJ ONTP MIN	H-895 H-909 WELSH

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill establishes the Tourism and Industry Film Production Cash Rebate Program in the Department of Economic and Community Development, Office of Tourism. The purpose of the program is to attract film production companies to Maine by providing cash rebates for certain expenses of the film production company. In order to qualify, the company must spend at least $50,000 for direct production costs in Maine and at least $250,000 in investment in infrastructure in this State and have ties to Maine, such as using a Maine bank and payroll processor. The amount of the available rebate ranges from 27% of the expenses related to infrastructure to 51% of the costs of training and employment of Maine residents.

Committee Amendment "A" (H-895)

This amendment replaces the bill and is the majority report of the committee. It creates the Motion Picture, Musical and Digital Media Incentive Program, which allows for a rebate based on qualifying production expenditures for a motion picture production company that spends at least $75,000 in qualifying production expenditures or a musical, theatrical or sound production company or digital interactive media production company that spends at least $15,000 in qualifying production expenditures. In addition, in order to qualify for the rebate, the company must:

1. Employ below-the-line personnel, at least 50% of whom are residents of this State, and, beginning September 1, 2013, employ below-the-line personnel, at least 65% of whom are residents of this State;

2. Contract with a travel company located in this State;

3. Contract with a payroll processing company licensed by this State pursuant to the Maine Revised Statutes, Title 10, chapter 222 and located in this State;

4. Use a financial institution located and authorized to do business in this State;

5. Contract with a casting company located in this State; and

6. Agree to display in its production a single card credit or state logo, as prescribed by the Department of Economic and Community Development, Office of Tourism, stating that the production was filmed, produced or created in this State with the cooperation of the office.

The amendment establishes application requirements for initial and final state certification and standards for eligibility for the rebate. It allows for a rebate of 25% of all qualifying production expenditures, subject to the following limitations: from May 1, 2012, to June 30, 2013, the total amount of rebates authorized may not exceed $25,000,000 in the aggregate and the total amount of rebates authorized in any subsequent fiscal year may not exceed $50,000,000 in the aggregate.

It provides that a company that receives a rebate under the program may not claim any other state economic development incentive, tax reimbursement or exemption in the same fiscal year.

The amendment also repeals the certified visual media production credit and visual media production reimbursement. It requires that, beginning January 15, 2013, and every 2 years thereafter, the office shall review all aspects of the program, including the level of participation, the amount rebated from the Motion Picture, Musical and Digital Media Incentive Program Fund and the amount retained by the office, and submit a report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters. The report must include any recommendations of the office for improvements or changes to the program. The amendment authorizes the committee to report out a bill to implement the recommendations in the report.

The amendment requires the State Controller to transfer $25,000,000 by January 1, 2013, and $50,000,000 annually thereafter from General Fund undedicated revenue to be used to provide rebates under the program.

The amendment also adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-909)

This amendment reduces the annual funding to the proposed Motion Picture, Musical and Digital Media Incentive Program by $1,000,000 and transfers that same amount to the Visual and Digital Media Loan Program.

LD 765 **An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired** **PUBLIC 661 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
DAVIS THIBODEAU	OTP-AM	H-737 S-595 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature.

It addresses the documented educational and rehabilitation needs of blind students and adults by funding approximately 50% of the professional staff shortage identified by both: (1) The report of the stakeholder working group established to review the current and future needs of blind or visually impaired individuals established pursuant to Resolve 2009, chapter 39; and (2) The recommendations of the Department of Education's corrective action plan work group in regard to *Disability Rights Center v. Maine Department of Education* dated July 28, 2010.

The bill meets the rapidly expanding need for vision rehabilitation and independent living services for adults dealing with vision loss due to both the general aging of the population and age-related eye diseases that cause vision loss.

Committee Amendment "B" (H-737)

This amendment replaces the bill and does the following:

1. Provides funding for 2 Certified Teacher of Visually Impaired contracted positions. Funding for fiscal year 2011-12 is provided through a transfer of federal funds from the Department of Education to the Department of Labor. Beginning in fiscal year 2012-13, funding for the contracted positions is provided through General Fund appropriations;

2. Provides funding for 2 Vision Rehabilitation Therapist contracted positions beginning in fiscal year 2012-13 to teach independent living and job readiness skills;

3. Establishes one full-time and one half-time Orientation and Mobility Specialist position within the Department of Labor, Division for the Blind and Visually Impaired to provide instruction in safe and independent travel to children and adults; and

4. Establishes one Blindness and Rehabilitation Specialist position within the Division for the Blind and Visually Impaired beginning in fiscal year 2012-13 to provide case management services.

This amendment directs the Department of Labor and the Department of Education to work together to develop contracts to provide educational services and clarifies that educational services required by federal law to be provided to blind and visually impaired children from birth to 20 years of age take precedence over such services provided to blind or visually impaired adults.

This amendment adds an emergency preamble and emergency clause.

Senate Amendment "A" To Committee Amendment "B" (S-595)

This amendment replaces the committee amendment and directs the Department of Labor, Division for the Blind and Visually Impaired and the Department of Education to work together to develop contracts to provide educational services. It clarifies that educational services for blind and visually impaired children from birth to 20 years of age

are an entitlement mandated by federal law and, as such, children will receive priority for all services provided by the division.

Enacted Law Summary

Public Law 2011, chapter 661 directs the Department of Labor, Division for the Blind and Visually Impaired and the Department of Education to work together to develop contracts to provide educational services and delivery of those services to blind or visually impaired children from birth to 20 years of age. It clarifies that educational services for these children are an entitlement mandated by federal law and, as such, these children will receive priority for all services provided by the division.

Public Law 2011, chapter 661 was enacted as an emergency measure effective May 21, 2012.

LD 771 **Resolve, To Support the Development of a Model Charter for the St. John Valley Regional Planning Commission** **RESOLVE 165 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
AYOTTE	OTP-AM MAJ	H-948
JACKSON	OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 and proposes to establish the St. John Valley Regional Planning Commission. Under this bill, the following Aroostook County communities would be represented on the executive board of the commission: Allagash, Caswell Plantation, Cyr Plantation, Eagle Lake, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, Portage Lake, St. Agatha, St. Francis, St. John Plantation, Stockholm, Van Buren, Wallagrass Plantation and Winterville Plantation as well as the unorganized townships in Aroostook County Commissioner District Number 3.

Committee Amendment "A" (H-864)

This amendment is the majority report of the committee. It replaces the bill with a resolve directing the Commissioner of Economic and Community Development to invite representatives from unorganized townships and the following municipalities within Aroostook County to at least 2 meetings to facilitate the development of a model charter that would establish the St. John Valley Regional Planning Commission: Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, St. Agatha, Stockholm, Van Buren, Wallagrass Plantation and Woodland. It requires the commissioner to provide assistance at the meetings to facilitate the development of a model charter for the St. John Valley Regional Planning Commission and provide assistance with identifying any regulatory obstacles or impediments to establishing such a charter. It requires the department to provide a report no later than December 5, 2012 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on any meetings that were held, as well as any recommendations regarding the need for a charter to be established in law. It authorizes the committee to submit a bill on this issue to the First Regular Session of the 126th Legislature.

This amendment was not adopted.

Committee of Conference Amendment "A" (H-948)

This amendment is the report of the Committee of Conference. This amendment incorporates the provisions of Committee Amendment "A" by replacing the bill with a resolve directing the Commissioner of Economic and Community Development to invite representatives from unorganized townships and the following municipalities within Aroostook County to at least 2 meetings to facilitate the development of a model charter that would establish the St. John Valley Regional Planning Commission: Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville,

Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, St. Agatha, Stockholm, Van Buren, Wallagrass Plantation and Woodland. It requires the commissioner to provide assistance at the meetings to facilitate the development of a model charter for the St. John Valley Regional Planning Commission and provide assistance with identifying any regulatory obstacles or impediments to establishing such a charter. It requires the Department of Economic and Community Development to provide a report no later than December 5, 2012 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on any meetings that were held, as well as any recommendations regarding the need for a charter to be established in law. It authorizes the committee to submit a bill on this issue to the First Regular Session of the 126th Legislature.

This amendment also adds an emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2011, chapter 165 directs the Commissioner of Economic and Community Development to invite representatives from unorganized townships and the following municipalities within Aroostook County to at least 2 meetings to facilitate the development of a model charter that would establish the St. John Valley Regional Planning Commission: Caswell Plantation, Cyr Plantation, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, St. Agatha, Stockholm, Van Buren, Wallagrass Plantation and Woodland. It requires the commissioner to provide assistance at the meetings to facilitate the development of a model charter for the St. John Valley Regional Planning Commission and provide assistance with identifying any regulatory obstacles or impediments to establishing such a charter.

It requires the Department of Economic and Community Development to provide a report no later than December 5, 2012 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on any meetings that were held, as well as any recommendations regarding the need for a charter to be established in law. The law authorizes the committee to submit a bill on this issue to the First Regular Session of the 126th Legislature.

Resolve 2011, chapter 165 was finally passed as an emergency measure effective May 29, 2012.

LD 955 **An Act To Establish a Dental Adjudicatory Panel System** **PUBLIC 581**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	OTP-AM	S-482

This bill was carried over from the First Regular Session of the 125th Legislature.

It establishes the Dental Adjudicatory Panel for the purpose of conducting adjudicatory hearings for the Board of Dental Examiners. These adjudicatory hearings must utilize the Maine Rules of Evidence. Members of the panel may not be members of the Board of Dental Examiners.

The bill also makes a change in the process by which the Board of Dental Examiners files a complaint in the District Court to suspend or revoke a license. Before filing such a complaint, the board shall notify the licensee of reasons for the suspension or revocation and provide the licensee with an opportunity for an informal conference with the members of the board.

Committee Amendment "A" (S-482)

This amendment makes the following changes to the bill.

1. It clarifies that the Board of Dental Examiners has the authority in the case of a consent agreement with a licensee to take any action authorized by the Maine Revised Statutes, Title 10, section 8003, subsection 5 or Title 10, section 8003-D.

2. It provides that if the board concludes that denial of initial licensure or modification or nonrenewal of an existing license is in order, the board may refer a complaint to a dental adjudicatory panel for the purpose of holding an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act.

3. It provides that a dental adjudicatory panel, not the board, has the sole authority to hold an adjudicatory hearing conforming to the requirements of the Maine Administrative Procedure Act and take any action following an adjudicatory hearing authorized by Title 10, section 8003, subsection 5 or Title 10, section 8003-D.

4. It provides that any nonconsensual revocation of a license by a dental adjudicatory panel may be imposed only after a hearing conforming to the requirements of the Maine Administrative Procedure Act and is subject to judicial review exclusively in the Superior Court. It also provides that the board retains the authority to take any other action regarding the disposition of any complaint that does not involve an adjudicatory hearing.

5. It replaces the provisions in the bill that establish the Dental Adjudicatory Panel with a system of dental adjudicatory panels that are convened on a case-by-case basis from a pool of variously qualified potential panel members, each serving a 5-year term, and establishes the duties and authority of the panels.

6. It repeals the laws governing the dental adjudicatory panels September 15, 2014, but allows the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding dental adjudicatory panels to the Second Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 581 does the following.

1. It clarifies that the Board of Dental Examiners has the authority in the case of a consent agreement with a licensee to take any action authorized by the Maine Revised Statutes, Title 10, section 8003, subsection 5 or Title 10, section 8003-D.

2. It provides that if the board concludes that denial of initial licensure or modification or nonrenewal of an existing license is in order, the board may refer a complaint to a dental adjudicatory panel for the purpose of holding an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act.

3. It provides that a dental adjudicatory panel, not the board, has the sole authority to hold an adjudicatory hearing conforming to the requirements of the Maine Administrative Procedure Act and take any action following an adjudicatory hearing authorized by Title 10, section 8003, subsection 5 or Title 10, section 8003-D.

4. It provides that any nonconsensual revocation of a license by a dental adjudicatory panel may be imposed only after a hearing conforming to the requirements of the Maine Administrative Procedure Act and is subject to judicial review exclusively in the Superior Court. It also provides that the board retains the authority to take any other action regarding the disposition of any complaint that does not involve an adjudicatory hearing.

5. It establishes a system of dental adjudicatory panels that are convened on a case-by-case basis from a pool of variously qualified potential panel members, each serving a 5-year term, and establishes the duties and authority of the panels.

6. It repeals the laws governing the dental adjudicatory panels September 15, 2014, but allows the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding dental adjudicatory panels to the Second Regular Session of the 126th Legislature.

LD 972 **An Act To Provide Administrative Support to the Citizen Trade Policy Commission** **PUBLIC 468**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO JACKSON	OTP-AM	H-249 S-353 ROSEN R

This bill provides General Fund appropriations to the Legislature of $12,000 annually for administrative support for the Citizen Trade Policy Commission.

LD 972 was enacted by the Legislature during the First Regular Session of the 125th and held by the Governor.

Committee Amendment "A" (H-249)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-353)

This amendment removes the appropriation in fiscal year 2011-12.

Enacted Law Summary

Public Law 2011, chapter 468 provides $12,000 in funding for administrative support for the Citizen Trade Policy Commission for fiscal year 2012-13.

LD 1207 **An Act To Amend the Labor Laws Relating to Certain Agricultural Employees** **PUBLIC 565**

Sponsor(s)	Committee Report	Amendments Adopted
CRAFTS MASON	ONTP MAJ OTP-AM MIN	H-691 S-460 LANGLEY

This bill was carried over from the First Regular Session of the 125th Legislature.

It removes the provision that requires individuals employed for or at an egg processing facility that has over 300,000 laying birds be subjected to state minimum wage and overtime laws. It also repeals the laws that govern labor relations between agricultural workers and an agricultural employer that operates an egg processing facility that has over 500,000 laying birds and employs more than 100 agricultural employees.

Committee Amendment "B" (H-691)

This amendment is the minority report of the committee. It eliminates those sections of the bill that remove the requirement that individuals employed at an egg processing facility with more than 300,000 laying birds be subject to state minimum wage and overtime laws.

Senate Amendment "A" (S-460)

This amendment requires the Department of Labor, by January 15, 2017, to review the status of labor relations in this State between agricultural employees and large agricultural employers, assess the impact of changes to the laws contained in this legislation and develop any recommendations necessary to promote agreements between agricultural employers and agricultural employees to limit industrial strife, promote stability in the farm labor force and improve the economic status of workers and businesses. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee is authorized to submit legislation to the First Regular Session of the 128th Legislature.

Enacted Law Summary

Public Law 2011, chapter 565 repeals Maine Revised Statutes, Title 26, chapter 16, Agricultural Employees Labor Relations Act.

Public Law 2011, chapter 565 also requires the Department of Labor, by January 15, 2017, to review the status of labor relations in this State between agricultural employees and large agricultural employers, assess the impact of changes to the laws contained in this legislation and develop any recommendations necessary to promote agreements between agricultural employers and agricultural employees to limit industrial strife, promote stability in the farm labor force and improve the economic status of workers and businesses. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee is authorized to submit legislation to the First Regular Session of the 128th Legislature.

LD 1314 **An Act To Standardize the Definition of "Independent Contractor"** **PUBLIC 643**

Sponsor(s)	Committee Report	Amendments Adopted
TILTON PLOWMAN	OTP-AM MAJ ONTP MIN	H-832 H-897 PRESCOTT H-916 MARTIN J

This bill was carried over from the First Regular Session of the 125th Legislature.

It standardizes the definition of "independent contractor" for employment security law and workers' compensation law. It considers who directs or controls the means and manner of providing the contracted services; who furnishes the tools and equipment necessary to provide the services; whether the business is considered inseparable from the individual for purposes of taxes, profits and liabilities; who exercises control over the management and operations of the business; and who exercises the right and opportunity to perform the services of the business for multiple entities.

Committee Amendment "A" (H-832)

This amendment, which is the majority report of the committee, standardizes the definition of "independent contractor" for employment security law and workers' compensation law. It clearly states the penalties for the misclassification of a worker as an independent contractor. The amendment also requires 2 interim reports and a final comprehensive report to the joint standing committee of the Legislature having jurisdiction over labor matters from the Workers' Compensation Board and the Department of Labor on the implementation of the new independent contractor definition.

House Amendment "B" To Committee Amendment "A" (H-897)

This amendment specifies that a construction subcontractor is considered an independent contractor only if that person meets the definition of independent contractor.

House Amendment "C" To Committee Amendment "A" (H-916)

This amendment specifies that independent contractors who hire and pay employees are subject to the Maine Workers' Compensation Act of 1992.

Enacted Law Summary

Public Law 2011, chapter 643 standardizes the definition of "independent contractor" for employment security law and workers' compensation law. A person who performs services for remuneration is presumed to be an employee unless the employing unit proves that the person is free from the essential direction and control of the employing unit, both under the person's contract of service and in fact. A person must meet all of the following criteria:

1. The person has the essential right to control the means and progress of the work except as to final results;

2. The person is customarily engaged in an independently established trade, occupation, profession or business;

3. The person has the opportunity for profit and loss as a result of the services being performed for the other individual or entity;

4. The person hires and pays the person's assistants, if any, and, to the extent such assistants are employees, supervises the details of the assistants' work; and

5. The person makes the person's services available to some client or customer community even if the person's right to do so is voluntarily not exercised or is temporarily restricted; and

In addition to the criteria above, at least 3 of the following criteria must be met:

1. The person has a substantive investment in the facilities, tools, instruments, materials and knowledge used by the person to complete the work;

2. The person is not required to work exclusively for the other individual or entity;

3. The person is responsible for satisfactory completion of the work and may be held contractually responsible for failure to complete the work;

4. The parties have a contract that defines the relationship and gives contractual rights in the event the contract is terminated by the other individual or entity prior to completion of the work;

5. Payment to the person is based on factors directly related to the work performed and not solely on the amount of time expended by the person;

6. The work is outside the usual course of business for which the service is performed; or

7. The person has been determined to be an independent contractor by the federal Internal Revenue Service.

Public Law 2011, chapter 643 clearly states the penalties for the misclassification of a worker as an independent contractor. It also requires 2 interim reports and a final comprehensive report to the joint standing committee of the Legislature having jurisdiction over labor matters from the Workers' Compensation Board and the Department of Labor on the implementation of the new independent contractor definition.

LD 1383 **An Act To Promote a Qualified Logging Workforce and Ensure an Adequate Wood Supply for Maine Mills** **PUBLIC 620**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM	S-509

This bill was carried over from the First Regular Session of the 125th Legislature.

Section 1 of the bill amends or repeals all of Title 26, section 872, "Notification regarding foreign laborers in logging occupations" except the definition of "Bond worker."

Section 2 of the bill amends Title 26, section 873, "Recruitment for logging occupations."

Section 3 of the bill repeals the Foreign Labor Certification Process Fund.

Section 4 of the bill gives an agricultural laborer who is an alien the right to collect Maine unemployment if there is an agreement between Canada and the U.S.

Committee Amendment "A" (S-509)

This amendment strikes the bill and changes the title of the bill from "An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers" to "An Act To Promote a Qualified Logging Workforce and Ensure an Adequate Wood Supply for Maine Mills." It clarifies the proof of ownership of equipment and notification requirements for bonded labor in the logging industry. The amendment specifies the timeline and the amount of fines that the Maine Department of Labor can assess for failure to provide proof of ownership and for failure of notification of certification from the U.S. Department of Labor to hire a bond worker.

The amendment eliminates the forest products recruitment clearinghouse and Foreign Labor Certification Process Fund. It establishes the Maine Department of Labor's role in recruitment efforts in collaboration with representatives from the forest industry and with the Maine Department of Education. It also creates a logging industry advisory group.

Enacted Law Summary

Public Law 2011, chapter 620 clarifies the proof of ownership of equipment and notification requirements for bonded labor in the logging industry. The amendment specifies the timeline and the amount of fines that the Maine Department of Labor can assess for failure to provide proof of ownership and for failure of notification of certification from the U.S. Department of Labor to hire a bond worker.

Public Law 2011, chapter 620 eliminates the forest products recruitment clearinghouse and Foreign Labor Certification Process Fund. It establishes the Maine Department of Labor's role in recruitment efforts in collaboration with representatives from the forest industry and with the Maine Department of Education. It also creates a logging industry advisory group.

LD 1437 **Resolve, Directing the Maine Economic Growth Council To Develop the Maine Prosperity Action Plan of 2012** **RESOLVE 148**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	OTP-AM	S-447

This bill was carried over from the First Regular Session of the 125th Legislature and is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a process by which more profound changes in governance and public policy in Maine can be advanced and implemented. It is intended to accomplish the more fundamental system reforms that elude the traditional legislative process. It proposes a review of work produced over the past 5 years and more by numerous study groups that have convened to assess Maine's policy environment, government systems and public sector costs, with the objective of creating a more prosperous Maine economy. The reports that have emerged from these efforts have been widely praised and overlap substantially in their recommendations, yet the pathways from concept to implementation have been often elusive and ineffective. In the mainstream legislative process, it is too easy for the aggregated influence of more narrowly defined interests to impede the advancement of broader societal aims.

Among the more comprehensive studies and reports produced in recent years are the Brookings Institution report, Charting Maine's Future; Time for Change, the Final Report of the Joint Select Committee on Future Maine Prosperity; Measures of Growth in Focus 2011 by the Maine Economic Growth Council; the 2-part series on Making Maine Work by the Maine Development Foundation and Maine State Chamber of Commerce; and Reinventing Maine Government by Envision Maine. Other organizations and policy experts that have advanced concepts for large-scale policy reform are associated with the Margaret Chase Smith Policy Center at the University of Maine, the Muskie School of Public Service at the University of Southern Maine, the Maine Heritage Policy Center, the Maine Center for Economic Policy, the Alliance for Maine's Future, Grow Smart Maine, the Maine Public Spending Research Group and others.

This bill is not intended as a replication of these past analytic efforts, though it includes a careful review and evaluation of past work. Instead, the emphasis of the bill is on translating past work into specific implementable changes in governance and policy and laying out a process that accomplishes those changes.

The bill proposes the appointment of a high-profile Commission on Reinventing Maine Government. The commission would be composed of established statesmen and stateswomen who have earned broad respect for their leadership, vision and commitment to Maine, who reflect a range of views and experience and who are sufficiently removed from government to have no direct interest in any particular set of changes. Each appointment to the commission should contribute to the group's credibility among Maine citizens and knowledge of how large organizations or governments function.

While the commission will review the many reports produced by past study groups to identify the substantive areas where legislative language might be crafted, the mission and product of the commission is not a new report, or even a compilation of previous reports. The goal of the commission will be to produce practical and specific legislation that would accomplish large-scale reform in governance and government structure and policy. Those recommendations may encompass the organizational structures of government, the diverse programs and responsibilities of government, the revenue sources and spending composition of government and other related areas of public policy. The legislation recommended by the commission would be treated by the Legislature in the same manner as a citizen-initiated referendum. The Legislature could either pass the recommended legislation, as presented, or send the legislation directly to referendum. Because of the magnitude of change envisioned by the bill,

the referendum approach is encouraged as a way to solidify and deepen the public credibility and acceptance of the reforms.

Committee Amendment "A" (S-447)

This amendment strikes the bill, which was a concept draft, and replaces it with a resolve directing the Maine Economic Growth Council, if it receives sufficient outside funding, to develop a comprehensive and specific action plan for a sustainable state economy. Under this resolve, the council is directed to:

1. Undertake a thorough review of the proposals and recommendations contained in various reports issued within the past 6 years assessing the State's policy environment, government systems and public sector costs;

2. After reviewing the recommendations and reports, identify those proposals it determines offer the most potential for positively transforming economic conditions in the State and translate those proposals into proposed legislation; and

3. Submit the plan, together with proposed legislation necessary to implement the plan, to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters no later than December 5, 2012. The committee is authorized to report out a bill related to these recommendations to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 148 directs the Maine Economic Growth Council, if it receives sufficient outside funding, to develop a comprehensive and specific action plan for a sustainable state economy. Under this resolve, the council is directed to:

1. Undertake a thorough review of the proposals and recommendations contained in various reports issued within the past 6 years assessing the State's policy environment, government systems and public sector costs;

2. After reviewing the recommendations and reports, identify those proposals it determines offer the most potential for positively transforming economic conditions in the State and translate those proposals into proposed legislation; and

3. Submit the plan, together with proposed legislation necessary to implement the plan, to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters no later than December 5, 2012. The committee is authorized to report out a bill related to these recommendations to the First Regular Session of the 126th Legislature.

LD 1451 **An Act To Create Transparency and Accountability in Economic Development Subsidies** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
RUSSELL	REF TAX	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill enacts certain safeguards for state and local government expenditures for economic development and job creation by creating a procedure to collect, analyze and make publicly available information regarding those expenditures. It allows the governmental entity making a subsidy to recapture the subsidy if the recipient

defaults on the employment, wages, health care or other benefits promised by the recipient in its application for the subsidy.

This bill was referred to the Joint Standing Committee on Taxation.

LD 1571 An Act To Amend the Laws Governing Workers' Compensation ONTP

Sponsor(s)	Committee Report	Amendments Adopted
CUSHING COURTNEY	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

It amends provisions of the Maine Workers' Compensation Act of 1992 and procedures of the Workers' Compensation Board.

1. It amends the law to provide for full reimbursement to an employer from proceeds paid by a third party.

2. It amends the selection process for the Workers' Compensation Board. Under current law, the three representatives of labor on the board must be appointed from a list provided by a bona fide labor organization or association of employees. This bill instead requires that one of the three labor members be appointed from that list; the other two labor representatives must be appointed at the discretion of the Governor.

3. It repeals the troubleshooter program established under the Maine Revised Statutes, Title 39-A, section 153, subsection 2.

4. It amends the mediation provision to require that mediation be requested both by the employer and the employee.

5. It eliminates the board's audit and enforcement oversight of the Maine Insurance Guaranty Association.

6. It amends the law to address the decision in *Roy v. Bath Iron Works*, 2008 ME 94, to specifically provide that a subsequent nonwork injury, independent of any work-related injury, and unrelated to any work-related injury, that results in total disability results in a cessation of benefits for the duration of the disability.

7. It specifies that, if an award has been entered, the employer, insurer or group self-insurer may petition the board for a reduction and may not reduce or discontinue benefits until the issuance of a decree by a hearing officer, after which benefits may be reduced or discontinued pending an appeal from the hearing officer's decree.

8. It eliminates the requirement that a physician have an active practice in order to be qualified to conduct a medical examination.

9. It provides that if an employee chooses to have a physician present at an employer-required examination, the employee must pay the cost of that physician.

10. Under current law, in establishing standards, schedules or scales of maximum charges, the board is required to consider maximum charges paid by private third-party payors. This bill requires the board to base those standards, schedules or scales on reasonably and customarily negotiated charges between health care providers and third-party insurers and requires that if standards are not established by October 1, 2011, then charges customarily paid by MaineCare apply.

11. It amends the laws governing compensation for partial incapacity.

12. It repeals provisions of the law requiring the board to adjust the 15% impairment threshold, dates of injury and extension of the period of benefit limitation.

13. It provides that an employee who is otherwise retired is not presumed to have a loss of earnings or earning capacity regardless of whether the employee terminates active employment.

14. It amends the statute of limitations periods when no first report of injury is required to be filed.

15. It amends the law to address the decision in *Larochelle v. Crest Shoe*, 655 A. 2d 1245 (Me 1995) to specify that overpayments made during the pendency of a motion for findings of fact and conclusions of law must be repaid.

16. It prohibits the board from assessing a fine against an employer or insurer in excess of $25,000 unless the employer or insurer intentionally and fraudulently failed to pay compensation.

17. It provides that, for injuries occurring after January 1, 2005, lump-sum attorney's fees are paid on the indemnity portion of a settlement.

18. It prohibits the assessment of an attorney's fee for the amount of any settlement intended to pay for current or future medical costs.

19. It repeals provisions regarding the Supplemental Benefits Fund, which was established to reimburse payments of compensation to employees under provisions governing extended benefits for partial incapacity that are repealed in this bill.

LD 1600 **An Act To Provide That Persons Hiring Assistants To Provide Home Care for Relatives Are Not Employers for Purposes of Unemployment Compensation Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATERHOUSE HASTINGS	ONTP	

This bill provides that personal care services or health care services performed in the home for an individual by a person retained to provide those services by the individual, a family member of the individual or a person sharing a household with the individual are not considered employment for the purposes of the unemployment compensation laws. The bill also corrects cross-references and updates language to incorporate subsequent statutory changes.

LD 1607 **An Act To Preserve the Integrity of the Maine Certified Public Accountant Examination** **PUBLIC 478**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
CUSHING RECTOR	OTP	

This bill requires that an applicant for the certified public accountant examination must have completed certain accounting and auditing courses in order to be eligible to take the examination.

Enacted Law Summary

Public Law 2011, chapter 478 requires that an applicant for the certified public accountant examination must have completed certain accounting and auditing courses in order to be eligible to take the examination.

Public Law 2011, chapter 478 was enacted as an emergency measure effective February 29, 2012.

LD 1608 **An Act To Clarify the Laws Governing Pharmacy Interns** **PUBLIC 496**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING RECTOR	OTP-AM	H-715

This bill defines a "pharmacy intern" as a person who is enrolled in or a graduate of a college or school of pharmacy, is authorized to engage in the practice of pharmacy while under the supervision of a licensed pharmacist and is registered with the Maine Board of Pharmacy. This bill also gives to the Maine Board of Pharmacy the responsibility to register pharmacy interns.

Committee Amendment "A" (H-715)

This amendment clarifies that a pharmacy intern must be under the direct supervision of a licensed pharmacist when the intern is engaging in the practice of pharmacy.

It makes a technical correction by striking the term "registration" and replacing it with "licensing" to provide consistency with terminology in the statutes relating to the Maine Board of Pharmacy. It also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2011, chapter 496 defines a "pharmacy intern" as a person who is enrolled in or a graduate of a college or school of pharmacy, is authorized to engage in the practice of pharmacy while under the direct supervision of a licensed pharmacist and is licensed with the Maine Board of Pharmacy.

LD 1619 **An Act To Resolve Conflicts in the Implementation of the Maine Uniform Building and Energy Code** **PUBLIC 582**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM	S-486

This bill limits the scope and effect of the Maine Uniform Building and Energy Code to those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code. Under this bill, the requirement that a building official be certified in the enforcement of the Maine Uniform Building and Energy Code, and the inspection of buildings and issuance of occupancy permits only upon compliance with the Maine Uniform Building and Energy Code, applies only in those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform

Building and Energy Code. This bill also specifies that a municipality that adopts the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code may do so by reference, as is allowed for other codes.

Committee Amendment "A" (S-486)

This amendment establishes the right to appeal decisions made by building officials to the municipal officers or to a municipality's board of appeals, if a local ordinance does not provide for an appeal process. It also clarifies that an appeal from a decision of a building official with respect to the issuance of an occupancy permit may be taken pursuant to an alternative appeal process established by ordinance or by an appeal to municipal officers or to a municipality's board of appeals.

Enacted Law Summary

Public Law 2011, chapter 582 limits the scope and effect of the Maine Uniform Building and Energy Code to those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code. The law specifies that the requirement for a building official to be certified in the enforcement of the Maine Uniform Building and Energy Code, and the inspection of buildings and issuance of occupancy permits only upon compliance with the Maine Uniform Building and Energy Code, applies only in those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code. It also specifies that a municipality that adopts the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code may do so by reference, as is allowed for other codes.

The law also establishes the right to appeal decisions made by building officials to the municipal officers or to a municipality's board of appeals, if a local ordinance does not provide for an appeal process. It also clarifies that an appeal from a decision of a building official with respect to the issuance of an occupancy permit may be taken pursuant to an alternative appeal process established by ordinance or by an appeal to municipal officers or to a municipality's board of appeals.

LD 1638 **An Act To Enhance the Duties and Responsibilities of the Director of the Division for the Deaf, Hard of Hearing and Late Deafened** **PUBLIC 474**

Sponsor(s)	Committee Report	Amendments Adopted
GILBERT	OTP	

This bill clarifies the Director of the Division for the Deaf, Hard of Hearing and Late Deafened has oversight of vocational rehabilitation counselors who work in the Department of Labor, Bureau of Rehabilitation Services' division of vocational rehabilitation and serve deaf, hard-of-hearing and late-deafened persons. The bill also removes language that provides that the Director of the Bureau of Rehabilitation Services appoints the Director of the Division for the Deaf, Hard of Hearing and Late Deafened.

Enacted Law Summary

Public Law 2011, chapter 474 clarifies the Director of the Division for the Deaf, Hard of Hearing and Late Deafened has oversight of vocational rehabilitation counselors who work in the Department of Labor, Bureau of Rehabilitation Services' division of vocational rehabilitation and serve deaf, hard-of-hearing and late-deafened persons. It also removes language that provides that the Director of the Bureau of Rehabilitation Services appoints the Director of the Division for the Deaf, Hard of Hearing and Late Deafened.

LD 1658 **An Act To Protect Gasoline Marketers from Liability for Selling Federally Approved Gasoline** **PUBLIC 632**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	OTP-AM	S-413
		S-474 HASTINGS

This bill provides that a distributor or retail dealer of motor fuel is not liable for damages caused by the use of motor fuel containing more than 10% ethanol sold, consigned or distributed by that distributor or retail dealer if the sale, consignment or distribution of that motor fuel is required by federal law.

Committee Amendment "A" (S-413)

This amendment adds blenders of motor fuels containing more than 10% ethanol in the protection from liability from damages caused by the use of such motor fuel. It provides that the protection from liability is granted only to those distributors, blenders or retail dealers that have sold the motor fuel in accordance with federal law and the fuel sold is a transportation fuel or fuel additive that has received a waiver for introduction into interstate commerce by the Administrator of the United States Environmental Protection Agency pursuant to 42 United States Code, Section 7545(f)(4) (2011).

Senate Amendment "A" To Committee Amendment "A" (S-474)

This amendment changes the definition of "blender" to remove language that excludes a person who is a refiner.

Enacted Law Summary

Public Law 2011, chapter 632 provides that a distributor or retail dealer of motor fuel is not liable for damages caused by the use of motor fuel containing more than 10% ethanol sold, consigned or distributed by that distributor or retail dealer if the sale, consignment or distribution of that motor fuel is required by federal law. In addition, it provides protection from liability from damages caused by the use of such motor fuel for blenders of motor fuels containing more than 10% ethanol. The law states that the protection from liability is granted only to those distributors, blenders or retail dealers that have sold the motor fuel in accordance with federal law and the fuel sold is a transportation fuel or fuel additive that has received a waiver for introduction into interstate commerce by the Administrator of the United States Environmental Protection Agency pursuant to 42 United States Code, Section 7545(f)(4) (2011).

LD 1665 **Resolve, To Direct the Department of Economic and Community Development To Convene a Task Force To Bolster and Expand Exports of Maine Products and Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This resolve directs the Department of Economic and Community Development to convene a task force to study ways to bolster and expand exports of Maine products and services and to submit a report to the 126th Legislature.

LD 1675 **Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings** **RESOLVE 167**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	OTP-AM MAJ ONTP MIN	S-412 S-442 RECTOR

This resolve establishes the Task Force To Facilitate the Development of Unoccupied Mills. The purpose of the task force is to help municipalities with unoccupied mills to develop the sites and to help improve their local economies.

Committee Amendment "A" (S-412)

This amendment is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development. This amendment strikes and replaces the resolve and requires the Department of Economic and Community Development to establish and coordinate a response team to facilitate the redevelopment of unoccupied mills and other large unoccupied buildings. The Department of Environmental Protection, the Finance Authority of Maine and the Maine State Housing Authority must participate in the response teams, and the Department of Economic and Community Development must invite the participation in the response team of a representative of a commercial real estate developer, a representative from an economic development district, a local economic development representative and a private sector representative knowledgeable in the mill redevelopment process. It provides that the response team must facilitate the Department of Economic and Community Development's efforts to redevelop unoccupied mills, other large unoccupied buildings and former schools that are now unoccupied. It requires the response team to provide assistance upon request to any municipality that is actively working to implement an unoccupied building redevelopment business plan for an unoccupied building and that has identified within the business plan possible financing resources and marketing plans for the redevelopment of the unoccupied site.

It directs the Department of Economic and Community Development to provide a report by February 1, 2013 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Governor on the coordinated response efforts. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding the response team's recommendations to the First Regular Session of the 126th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-442)

This amendment strikes the emergency preamble and emergency clause and changes from June 15, 2012, to August 1, 2012 the date by which the Department of Economic and Community Development must establish and coordinate the response team.

Enacted Law Summary

Resolve 2011, chapter 167 requires the Department of Economic and Community Development to establish and coordinate a response team starting on August 1, 2012, that will facilitate the redevelopment of unoccupied mills and other large unoccupied buildings. The Department of Environmental Protection, the Finance Authority of Maine and the Maine State Housing Authority must participate in the response teams, and the Department of Economic and Community Development must invite the participation in the response team of a representative of a commercial real estate developer, a representative from an economic development district, a local economic development representative and a private sector representative knowledgeable in the mill redevelopment process. It provides that the response team must facilitate the Department of Economic and Community Development's efforts to redevelop

unoccupied mills, other large unoccupied buildings and former schools that are now unoccupied. It requires the response team to provide assistance upon request to any municipality that is actively working to implement an unoccupied building redevelopment business plan for an unoccupied building and that has identified within the business plan possible financing resources and marketing plans for the redevelopment of the unoccupied site.

Chapter 167 directs the Department of Economic and Community Development to provide a report by February 1, 2013 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Governor on the coordinated response efforts. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to report out a bill regarding the response team's recommendations to the First Regular Session of the 126th Legislature.

LD 1685 **An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers** **PUBLIC 681**

Sponsor(s)	Committee Report	Amendments Adopted
O'CONNOR RECTOR	OTP-AM	H-732 H-744 O'CONNOR

This bill conforms Maine law to federal law as it pertains to payment of overtime to truck drivers and driver's helpers.

Committee Amendment "A" (H-732)

This amendment maintains the overtime rate of 1 1/2 times the regular hourly rate for hours worked in excess of 40 hours per week for drivers and driver's helpers who are paid an hourly rate. The amendment directs the director of the wage and hour division within the Department of Labor to review the impact of this Act on drivers and driver's helpers with regard to changes in the method of payment, the rate of pay and whether or not the change in the standard of pay has attracted new employers and report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2014. The amendment also adds an appropriations and allocations section to the bill.

House Amendment "A" To Committee Amendment "A" (H-744)

This amendment specifies that the director of the wage and hour division within the Department of Labor must undertake the review and report within the division's existing resources and eliminates the appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 681 maintains the overtime rate of 1 1/2 times the regular hourly rate for hours worked in excess of 40 hours per week for drivers and driver's helpers who are paid an hourly rate, while exempting interstate drivers and driver's helpers who are paid by a rate other than hourly.

The law also directs the director of the wage and hour division within the Department of Labor to review and report, within existing resources, the impact on drivers and driver's helpers with regard to changes in the method of payment, the rate of pay, and whether or not the change in the standard of pay has attracted new employers. The report is due to the joint standing committee of the Legislature having jurisdiction over labor matters is by January 15, 2014.

LD 1695 **An Act To Provide Additional In-store Space for Maine's Businesses by Removing License and Permit Posting Requirements** **PUBLIC 535**

Sponsor(s)	Committee Report	Amendments Adopted
PRESCOTT RECTOR	OTP-AM	H-726

This bill eliminates the administrative burden of publicly displaying certain permits and licenses and the use of space for the display of those licenses and permits that could be otherwise used, including: sales tax registration certificates; retail tobacco licenses, including those required to be displayed on tobacco vending machines; retail food establishment licenses; licenses for the sale of liquor; and any license or permit issued by a municipality. Instead of displaying the license or permit, a licensee or permittee must make the license or permit available on demand at the premises or at the licensee's or permittee's primary place of business.

Committee Amendment "A" (H-726)

This amendment removes provisions in the bill that allow licenses and permits to be made available at the licensee's or permittee's primary place of business, but retains the requirement that the license or permit be made available on the premises for inspection.

Enacted Law Summary

Public Law 2011, chapter 535 eliminates the administrative requirement to publicly display certain permits and licenses when the space for the display of those licenses and permits could be otherwise used, including: sales tax registration certificates; retail tobacco licenses, including those required to be displayed on tobacco vending machines; retail food establishment licenses; licenses for the sale of liquor; and any license or permit issued by a municipality. Instead of displaying the license or permit, a licensee or permittee must make the license or permit available on demand at the premises for inspection.

LD 1697 **An Act Relating to the Calculation of Population for Purposes of the Maine Uniform Building and Energy Code and Public Safety Answering Point Assessments** **PUBLIC 505 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	OTP	

This bill provides that the residents of a correctional facility in a municipality are not included when calculating population for purposes of the Maine Uniform Building and Energy Code or in the assessment of public safety answering point fees.

Enacted Law Summary

Public Law 2011, chapter 505 provides that the residents of a correctional facility in a municipality are not included when calculating population for purposes of the Maine Uniform Building and Energy Code or in the assessment of public safety answering point fees.

Public Law 2011, chapter 505 was enacted as an emergency measure effective March 16, 2012.

LD 1708 **An Act To Prevent the Theft and Illegal Sale of Copper and Other Metals** **PUBLIC 545 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
LONGSTAFF RECTOR	OTP-AM	H-791

This bill makes the following changes to the laws regulating the sale and purchase of scrap metal.

1. Current law regulates transactions involving more than 100 pounds or $50 of scrap metal. This bill removes that limitation so that the law applies to all scrap metal transactions.

2. Current law requires the seller to be paid with a check. This bill strengthens that limitation by requiring the check to be mailed to the seller's physical address.

3. Current law requires a scrap metal processor to record certain information regarding the seller of scrap metal, such as name, address and gender. This bill requires the scrap metal processor to also photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the scrap metal processor is required to photograph the seller. The bill also requires the scrap metal processor to record the make, model and number and state of issue of the license plate of the vehicle being used to deliver the scrap metal.

4. This bill requires a scrap metal processor to retain any scrap metal received for 72 hours, not including weekends and holidays, and to make the scrap metal available for inspection by law enforcement. If a law enforcement officer has a reasonable suspicion that the scrap metal is stolen, the officer may, in writing, require the scrap metal processor to retain the scrap metal for 15 days; this holding period may be extended by no more than 15 additional days.

5. Current law provides that a violation of the laws regulating scrap metal purchases and sales is a civil violation. This bill makes a first violation of providing false information a Class D crime and a first violation of receiving stolen scrap metal a Class E crime; a 2nd or subsequent violation of those prohibitions is a Class C crime. A scrap metal processor is also subject to mandatory fines ranging from $1,000 to $5,000 and a 6-month suspension from scrap metal processing, depending on the number of violations.

Committee Amendment "A" (H-791)

This amendment broadens the definition for "scrap metal processor" to include any scrap metal processors that purchase scrap metal, whether from a fixed location or not. It adds the requirement that the signed statement made by the seller that the seller is the owner or is otherwise authorized to sell the scrap metal be made on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under the Maine Revised Statutes, Title 17-A, section 453.

The amendment removes the 72-hour minimum hold for all scrap metal purchased by the scrap metal processor. It also amends the holding period and the additional holding period that apply if a law enforcement officer has a reasonable suspicion that scrap metal being held by a scrap metal processor is stolen from 15 days to 7 days. It also clarifies that if a law enforcement officer has a reasonable suspicion that the scrap metal may be related to criminal activity, the officer may impose a hold.

It also removes the section of the bill that proposes to establish new crimes, which are already addressed under current provisions of the Maine Criminal Code. It provides for mandatory fines to be adjudged for civil violations of

the scrap metal processors laws.

It requires the Commissioner of Public Safety to review the concept of using a statewide integrated criminal alert network to track scrap metal thefts across the State, as well as the costs associated with requiring scrap metal processors and local law enforcement agencies to access a database designed for the purpose of alerting participating members to scrap metal thefts. It requires the commissioner to report back to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters as to the merits and costs of using such a network by January 15, 2013. It authorizes the joint standing committee to report out a bill implementing the recommendations in the report to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 545 makes the following changes to the laws regulating the sale and purchase of scrap metal.

1. It provides that the law applies to all scrap metal transactions, regardless of the cost of the transaction and it broadens the definition for "scrap metal processor" to include any scrap metal processors that purchase scrap metal, whether from a fixed location or not.

2. It requires the scrap metal processor to photocopy the form of photo identification presented and record the distinct identifying number of that photo identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the scrap metal processor is required to photograph the seller. The law also requires the scrap metal processor to record the make, model and number and state of issue of the license plate of the vehicle being used to deliver the scrap metal.

3. It adds the requirement that the signed statement made by the seller that the seller is the owner or is otherwise authorized to sell the scrap metal be made on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under the Maine Revised Statutes, Title 17-A, section 453.

4. If a law enforcement officer has a reasonable suspicion that the scrap metal is stolen or related to criminal activity, it allows the officer to require the scrap metal processor to retain the scrap metal for a period of time that may not exceed 7 days. Prior to the expiration of the hold, the officer may impose an additional hold for a period not to exceed 7 days.

5. It requires that the signed statement made by the seller that the seller is the owner or is otherwise authorized to sell the scrap metal be made on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under the Maine Revised Statutes, Title 17-A, section 453.

6. It provides for mandatory fines to be adjudged for civil violations of the scrap metal processors laws.

7. It requires the Commissioner of Public Safety to review the concept of using a statewide integrated criminal alert network to track scrap metal thefts across the State, as well as the costs associated with requiring scrap metal processors and local law enforcement agencies to access a database designed for the purpose of alerting participating members to scrap metal thefts. It requires the commissioner to report back to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters as to the merits and costs of using such a network by January 15, 2013. It authorizes the joint standing committee to report out a bill implementing the recommendations in the report to the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 545 was enacted as an emergency measure effective March 29, 2012.

LD 1715 **An Act To Allow for Timely Access to and Enhanced Administration of All Vaccines** **PUBLIC 577**

Sponsor(s)	Committee Report	Amendments Adopted
STRANG BURGESS RECTOR	OTP-AM	H-815

This bill makes the following changes to the laws governing the administration of vaccines by licensed pharmacists:

1. It broadens the scope of vaccines that a licensed pharmacist may administer to a person 18 years of age or older to allow for the administration of any vaccines licensed by the United States Department of Health and Human Services, Food and Drug Administration; and

2. It requires one-time approval from the Maine Board of Pharmacy of a pharmacist's or pharmacy's plan of operation for vaccine administration clinics and requires the board to adopt by rule criteria for the approval of such clinics.

Committee Amendment "A" (H-815)

This amendment narrows the scope of vaccines that a licensed pharmacist may administer proposed in the bill from all vaccines licensed by the United States Food and Drug Administration to vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices for administration to adults. It also allows for the administration of a vaccine by a pharmacist according to a valid prescription from a nurse practitioner. It also strikes the term "drug" from the reference to vaccine clinics to clarify that vaccine clinics are for the administration of only vaccines and not other drugs, except those drugs that may be administered in the event of an adverse reaction to a vaccine. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 577 makes the following changes to the laws governing the administration of vaccines by licensed pharmacists.

1. It broadens the scope of vaccines that a licensed pharmacist may administer to a person 18 years of age or older to allow for the administration of vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices for administration to adults;

2. It allows for the administration of a vaccine by a pharmacist according to a valid prescription from a nurse practitioner; and

3. It requires one-time approval from the Maine Board of Pharmacy of a pharmacist's or pharmacy's plan of operation for vaccine administration clinics and requires the board to adopt by rule criteria for the approval of such clinics.

LD 1725 **An Act To Strengthen the Unemployment Insurance Laws and Reduce Unemployment Fraud** **PUBLIC 645**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	OTP-AM MAJ OTP-AM MIN	S-483 S-545 MARTIN T

This bill amends the employment security laws pertaining to specific benefit eligibility requirements, including work search, suitable work, misconduct, unemployment fraud disqualification and participation in the reemployment eligibility assessment services.

The bill provides it is an individual's responsibility to seek work and report work search efforts to the Maine Unemployment Insurance Commission and that failure to do so without good cause results in the loss of benefits; participation in the reemployment eligibility assessment services is mandatory and failure to comply without good cause results in the loss of benefits; and unemployment fraud for amounts exceeding $1,000 are either Class C or Class B crimes depending on the benefit amount involved. This change is consistent with the current prosecution of these crimes as theft under the Maine Revised Statutes, Title 17-A.

The bill increases the earnings requirement for requalifying for benefits after disqualification for refusing suitable work from 8 times the individual's weekly benefit amount to 10 times; changes the requirement that the individual must broaden the individual's work search after 6 weeks of unemployment rather than 12 weeks; increases the earnings requirement to requalify for benefits after a misconduct disqualification from 4 times the individual's weekly benefit amount to 10 times; imposes an indefinite disqualification from receiving benefits upon a 3rd determination of unemployment fraud; and adds vacation pay to the types of remuneration for which unemployment benefits are offset.

Committee Amendment "A" (S-483)

This amendment, which is the majority report of the committee, amends the bill to clarify criminal prosecutions may be brought against both individuals and employers who commit unemployment fraud. It adds child care emergencies and transportation emergencies to the list of good cause exceptions for registering for work, being able and available for work and participating in reemployment services. It changes the amount of earnings an individual must make before qualifying for benefits after being discharged for misconduct from 10 times the weekly benefit amount to 8 times the weekly benefit amount. It changes the number of weeks after which an individual must broaden the individual's work search requirements from 6 weeks to 10 weeks. The amendment also clarifies the Commissioner of Labor may determine the amount of time a claimant is disqualified from receiving benefits after a 3rd occurrence of statement falsification or misrepresentation. It requires the Department of Labor to explore alternatives to in-person participation in reemployment eligibility assessment sessions if travel is unduly burdensome.

Committee Amendment "B" (S-484)

This amendment, which is the minority report of the committee, amends the bill to clarify criminal prosecutions may be brought against both individuals and employers who commit unemployment fraud. It adds child care emergencies and transportation emergencies to the list of good cause exceptions for registering for work, being able and available for work and participating in reemployment services. It changes the amount of earnings an individual must make before qualifying for benefits after being discharged for misconduct from 10 times the weekly benefit amount to 8 times the weekly benefit amount. It retains the current law provision that an individual must broaden the individual's work search requirements after 12 weeks. The amendment removes vacation pay from the list of remuneration from which benefits may be reduced. The amendment also clarifies the Commissioner of Labor may determine the

amount of time a claimant is disqualified from receiving benefits after a 3rd occurrence of statement falsification or misrepresentation. It requires the Department of Labor to explore alternatives to in-person participation in reemployment eligibility assessment sessions if travel is unduly burdensome.

Senate Amendment "C" (S-545)

The bill adds vacation pay to the types of remuneration for which unemployment benefits are offset. This amendment limits the offset for vacation pay to the amount that exceeds 4 weeks of wages for an individual and further excludes from the offset, vacation pay that is paid to the individual prior to the individual's being notified of severance by the employer.

Enacted Law Summary

Public Law 2011, chapter 645 amends the employment security laws pertaining to specific benefit eligibility requirements, including work search, suitable work, misconduct, unemployment fraud disqualification and participation in the reemployment eligibility assessment services.

It provides that it is an individual's responsibility to seek work and report work search efforts to the Maine Unemployment Insurance Commission and failure to do so without good cause, which includes child care emergencies and transportation emergencies, results in the loss of benefits; participation in the reemployment eligibility assessment services is mandatory and failure to comply without good cause, which includes child care emergencies and transportation emergencies, results in the loss of benefits. It clarifies criminal prosecutions may be brought against both individuals and employers who commit unemployment fraud.

Public Law 2011, chapter 645 increases the earnings requirement for requalifying for benefits after disqualification for refusing suitable work from 8 times the individual's weekly benefit amount to 10 times; changes the requirement that the individual must broaden the individual's work search after 10 weeks of unemployment rather than 12 weeks; increases the earnings requirement to requalify for benefits after a misconduct disqualification from 4 times the individual's weekly benefit amount to 8 times; and clarifies the Commissioner of Labor may determine the amount of time a claimant is disqualified from receiving benefits after a 3rd occurrence of statement falsification or misrepresentation.

Finally, it adds vacation pay to the types of remuneration for which unemployment benefits are offset. The offset for vacation pay is limited to the amount that exceeds 4 weeks of wages for an individual and further excludes from the offset vacation pay that is paid to the individual prior to the individual's being notified of severance by the employer.

LD 1729 **An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities** **PUBLIC 483**

Sponsor(s)	Committee Report	Amendments Adopted
VOLK RECTOR	OTP	

This bill updates current law to parallel requirements relating to the federal minimum wage outlined in Section 14(c) of the federal Fair Labor Standards Act of 1938. The revision permits the issuance of a certificate to an employer for the hiring of one or more persons with disabilities at a rate commensurate with the ability of those persons to perform the duties required in comparison to the ability of a person who does not have a disability. It extends the length of time a certificate is valid from one year to 2 years. As in current law, a certificate may be renewed.

Enacted Law Summary

Public Law 2011, chapter 483 updates current law to parallel requirements relating to the federal minimum wage outlined in Section 14(c) of the federal Fair Labor Standards Act of 1938. The revision permits the issuance of a

certificate to an employer for the hiring of one or more persons with disabilities at a rate commensurate with the ability of those persons to perform the duties required in comparison to the ability of a person who does not have a disability. It extends the length of time a certificate is valid from one year to 2 years. A certificate may be renewed.

LD 1733 **An Act To Provide for the 2012 and 2013 Allocations of the State Ceiling on Private Activity Bonds** **P & S 23 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	OTP-AM	S-388

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2012 and 2013. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-388)

This amendment adds an emergency preamble and emergency clause to the bill for the allocation of the state ceiling on private activity bonds for the 2012 and 2013 allocations. The amendment makes corrections to ensure the proper allocations of the state ceiling on issuance of tax-exempt bonds.

Enacted Law Summary

Private and Special Law 2011, chapter 23 establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2012 and 2013. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2011, chapter 23 was enacted as an emergency measure effective March 14, 2012.

LD 1776 **Resolve, To Streamline Forester Licensing Requirements** **RESOLVE 130**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	OTP-AM	S-406

This resolve requires the Department of Professional and Financial Regulation, Board of Licensure of Foresters and the Department of Conservation, Maine Forest Service to jointly develop recommendations for simplifying the licensing requirements for foresters, including exempting applicants with a specific level of experience and knowledge from the education requirements and repealing the requirement that foresters complete an internship. The board is required to submit the recommendations and implementing legislation to the 126th Legislature.

Committee Amendment "A" (S-406)

This amendment requires the Department of Professional and Financial Regulation, Board of Licensure of Foresters and the Department of Conservation, Maine Forest Service to include in their joint recommendations ways to simplify the testing requirements for foresters. It also removes from the resolve the requirement that the joint recommendations include the repeal of the internship requirement for the forester license.

Enacted Law Summary

Resolve 2011, chapter 130 requires the Department of Professional and Financial Regulation, Board of Licensure of

Foresters and the Department of Conservation, Maine Forest Service to jointly develop recommendations for simplifying the licensing requirements for foresters. The simplification includes exempting applicants with a specific level of experience and knowledge from the education requirements and simplifying the testing requirements for foresters. The board is required to submit the recommendations and implementing legislation to the 126th Legislature.

LD 1777 **An Act To Correct an Inconsistency in the Employment Security Law** **PUBLIC 516**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	OTP	S-399 RECTOR

This bill addresses an inconsistency in the treatment of unemployment benefits for persons receiving pensions. Under current law an individual who otherwise qualifies for unemployment benefits is completely denied benefits if the individual receives a pension that was contributed to solely by a base period employer. The complete denial of benefits is inconsistent with the treatment of individuals who contributed less than 50% to their pension, which results in only a partial reduction in benefits. This bill seeks to remedy this apparent inconsistency in the rare occurrences when the pension contributions were made solely by the base period employer by reducing unemployment benefits based on the amount of the pension.

Senate Amendment "A" (S-399)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 516 addresses an inconsistency in the treatment of unemployment benefits for persons receiving pensions. Under current law an individual who otherwise qualifies for unemployment benefits is completely denied benefits if the individual receives a pension that was contributed to solely by a base period employer. The complete denial of benefits is inconsistent with the treatment of individuals who contributed less than 50% to their pension, which results in only a partial reduction in benefits. Public Law 2011, chapter 516 seeks to remedy this apparent inconsistency in the rare occurrences when the pension contributions were made solely by the base period employer by reducing unemployment benefits based on the amount of the pension.

LD 1778 **An Act Relating to the Governance of the Maine State Housing Authority** **PUBLIC 560**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	OTP-AM	S-467

This bill removes the provision of law that provides that the Director of the Maine State Housing Authority serves a 4-year term of office. The bill provides that the director does not have a term of office and that the director serves at the pleasure of the commissioners of the Maine State Housing Authority. It also removes the provision of law that states that the powers and duties of the Maine State Housing Authority, with certain exceptions, are vested solely in the Director of the Maine State Housing Authority.

Committee Amendment "A" (S-467)

This amendment replaces the bill. It makes the following changes to the laws governing the Maine State Housing Authority.

1. It removes references in the statute to the advisory board, which is no longer used.

2. It establishes that the powers of the Maine State Housing Authority are vested in the commissioners, and removes the provision that vested that authority with the director, as well as removes provisions that limited the role of the commissioners of the Maine State Housing Authority to establishing and revising the policies of the Maine State Housing Authority relating to particular matters.

3. It provides that the commissioners may delegate such powers and duties to the director of the Maine State Housing Authority as they determine appropriate.

4. It allows the chair to vote when the chair's vote will affect the result, instead of only in the event of a tie.

5. It provides that action may be taken by the commissioners upon a vote of a majority of the commissioners present, unless otherwise specified in law or required by the Maine State Housing Authority's bylaws.

6. It establishes the director as the chief administrative officer of the Maine State Housing Authority and removes the director's term of office.

7. It establishes that the commissioners, instead of the Governor, establish the rate and amount of compensation of the director and that the commissioners are responsible for the performance review and termination of the director. It provides that any decision to terminate the director must be done by an affirmative vote of at least 5 commissioners.

8. It provides that the director of the Maine State Housing Authority is responsible for supervising the administrative affairs and technical activities of the Maine State Housing Authority in accordance with the rules and policies established by the commissioners.

9. It amends the section governing the removal of the commissioners and director to reflect the changes made authorizing the removal of the director by the commissioners.

10. It establishes staggered terms for the commissioners of the Maine State Housing Authority.

Enacted Law Summary

Public Law 2011, chapter 560 makes the following changes to the laws governing the Maine State Housing Authority.

1. It removes references in the statute to the advisory board, which is no longer used.

2. It establishes that the powers of the Maine State Housing Authority are vested in the commissioners, and removes the provision that vested that authority with the director, as well as removes provisions that limited the role of the commissioners of the Maine State Housing Authority to establishing and revising the policies of the Maine State Housing Authority relating to particular matters.

3. It provides that the commissioners may delegate such powers and duties to the director of the Maine State Housing Authority as they determine appropriate.

4. It allows the chair to vote when the chair's vote will affect the result, instead of only in the event of a tie.

5. It provides that action may be taken by the commissioners upon a vote of a majority of the commissioners

present, unless otherwise specified in law or required by the Maine State Housing Authority's bylaws.

6. It establishes the director as the chief administrative officer of the Maine State Housing Authority and removes the director's term of office.

7. It establishes that the commissioners, instead of the Governor, establish the rate and amount of compensation of the director and that the commissioners are responsible for the performance review and termination of the director. It provides that any decision to terminate the director must be done by an affirmative vote of at least 5 commissioners.

8. It provides that the director of the Maine State Housing Authority is responsible for supervising the administrative affairs and technical activities of the Maine State Housing Authority in accordance with the rules and policies established by the commissioners.

9. It amends the section governing the removal of the commissioners and director to reflect the changes made authorizing the removal of the director by the commissioners.

10. It establishes staggered terms for the commissioners of the Maine State Housing Authority.

LD 1786 **An Act To Amend the Requirement That the Department of Labor Calculate the Livable Wage** **PUBLIC 569**

Sponsor(s)	Committee Report	Amendments Adopted
PRESCOTT RECTOR	OTP-AM	H-810

Current law requires the Department of Labor to biennially calculate the livable wage for households in the State's counties and municipalities by family size; the department is required to report this calculation to the Legislature. This bill removes the requirement that the department calculate the livable wage as well as the reporting requirement.

Committee Amendment "A" (H-810)

This amendment repeals the current law that requires the Department of Labor to calculate the livable wage, develop a basic needs budget based on a number of different sizes of families and report its findings to the Legislature.

This amendment requires the department to calculate the livable wage and develop a basic needs budget based on, at a minimum, a representative family size of a 2-parent household with 2 earners and 2 children and report the results to the Legislature, but only if funds are appropriated.

Enacted Law Summary

Public Law 2011, chapter 569 requires the department to calculate the livable wage and develop a basic needs budget based on, at a minimum, a representative family size of a 2-parent household with 2 earners and 2 children and report the results biennially to the Legislature, but only if funds are appropriated.

LD 1787 **An Act To Create Efficiencies in the Administration and Enforcement of the Maine Uniform Building and Energy Code** **PUBLIC 633**

Sponsor(s)	Committee Report	Amendments Adopted
PRESCOTT	OTP-AM	H-892

The purpose of this bill is to create efficiencies in the administration and enforcement of the Maine Uniform Building and Energy Code, primarily by abolishing the Department of Public Safety, Bureau of Building Codes and Standards and moving its authority and responsibilities to a new division created in the Office of the State Fire Marshal. This bill also corrects cross-references and inconsistencies in the threshold for municipal populations to which the provisions of the Maine Uniform Building and Energy Code apply.

Committee Amendment "A" (H-892)

This amendment removes provisions in the bill that are also included in the Governor's 2nd supplemental budget that transfer the duties and responsibilities of the State Planning Office to the Department of Economic and Community Development, Office of Community Development. It also removes provisions in the bill that proposed to address an inconsistency in the threshold for municipal populations to which the provisions of the Maine Uniform Building and Energy Code apply, as the resolution of this inconsistency is addressed in Legislative Document 1619, "An Act To Resolve Conflicts in the Implementation of the Maine Uniform Building and Energy Code." The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 633 abolishes the Department of Public Safety, Bureau of Building Codes and Standards and moves its authority and responsibilities to a new division created in the Office of the State Fire Marshal.

LD 1800 **An Act To Conform Maine Apprenticeship Program Standards with Federal Apprenticeship Regulations** **PUBLIC 491**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP	

Recent changes to federal regulations provide that only a state agency that can be held accountable may be responsible for oversight and administration of state apprenticeship programs. In order to comply with these changes, this bill eliminates the Maine Job Council's Standing Committee on Apprenticeship and creates the Maine Apprenticeship Program within the Department of Labor. The bill also creates the Maine Apprenticeship Council to assist and advise the department in administering the program.

Enacted Law Summary

Public Law 2011, chapter 491 eliminates the Maine Job Council's Standing Committee on Apprenticeship and creates the Maine Apprenticeship Program within the Department of Labor. The law also creates the Maine Apprenticeship Council to assist and advise the department in administering the program.

LD 1832 **An Act To Increase the Amount of Time an Employer May Employ an Employee without Being Charged for Unemployment Benefits** **PUBLIC 499**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill is submitted by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Resolve 2011, chapter 85. The bill changes from 5 weeks to 6 weeks the amount of time an employer may employ an employee without being charged for unemployment benefits; it also establishes a repeal date of March 14, 2014 for that change.

The bill enacts, beginning March 14, 2014, a reversion back to 5 weeks for the amount of time an employer may employ an employee without being charged for unemployment benefits.

The bill requires a report from the Commissioner of Labor to the joint standing committee of the Legislature having jurisdiction over labor matters, which is authorized to introduce a bill.

Enacted Law Summary

Public Law 2011, chapter 499 changes the amount of time an employer may employ an employee without being charged for unemployment benefits from 5 weeks to 6 weeks; it also establishes a repeal date of March 14, 2014 for that change.

Beginning March 14, 2014, the law reverts back to 5 weeks for the amount of time an employer may employ an employee without being charged for unemployment benefits.

Public Law 2011, chapter 499 requires a report from the Commissioner of Labor to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect the change in weeks has on the Unemployment Insurance Trust Fund, employers and employees. It also authorizes the committee to introduce a bill related to this report to the Second Regular Session of the 126th Legislature.

LD 1833 **An Act To Encourage Enrollment in Electrical Education Programs** **PUBLIC 650**

Sponsor(s)	Committee Report	Amendments Adopted
CUSHING RECTOR	OTP-AM MAJ OTP-AM MIN	H-837 H-871 DAVIS

This bill amends the electrician licensing laws by changing the number of helper electricians that may work with and be supervised by a journeyman electrician from one to 2. The bill also requires the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to amend its rules to exempt a high school student from paying the fee for a license to be a helper electrician.

Committee Amendment "B" (H-837)

This amendment is the minority report of the committee. It replaces section 1 of the bill and amends the electrician

licensing laws by changing the number of helper and apprentice electricians that may work with and be supervised by a master electrician, limited electrician or journeyman electrician from one to 2, as long as the 2 helper electricians are both currently enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the Electricians' Examining Board or from an accredited institution. It also requires the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to provide a report by February 1, 2014 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on the impact of the increase in the ratio of helper and apprentice electricians working under a master electrician, limited electrician or journeyman electrician and identify any safety issues or licensing concerns that may have arisen as a result of the increase in the ratio. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to submit a bill on the issues raised by the increase in the ratio of helper and apprentice electricians to the Second Regular Session of the 126th Legislature.

House Amendment "A" To Committee Amendment "B" (H-871)

This amendment extends the helper electrician license fee exemption to community college students approved by the Electricians' Examining Board and changes the title of the bill to reflect that change.

Enacted Law Summary

Public Law 2011, chapter 650 amends the electrician licensing laws by changing the number of helper and apprentice electricians that may work with and be supervised by a master electrician, limited electrician or journeyman electrician from one to 2, as long as the 2 helper electricians are both currently enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the Electricians' Examining Board or from an accredited institution. It requires the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to amend its rules to exempt a high school student, or community college student approved by the Electricians' Examining Board, from paying the fee for a license to be a helper electrician.

It requires the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation to provide a report by February 1, 2014 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on the impact of the increase in the ratio of helper and apprentice electricians working under a master electrician, limited electrician or journeyman electrician and identify any safety issues or licensing concerns that may have arisen as a result of the increase in the ratio. It authorizes the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters to submit a bill on the issues raised by the increase in the ratio of helper and apprentice electricians to the Second Regular Session of the 126th Legislature.

LD 1836 **An Act To Facilitate Rapid Response by Out-of-state Businesses to State Disasters** **PUBLIC 622 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT RECTOR	OTP-AM MAJ ONTP MIN	H-868

This bill allows an out-of-state business to enter the State when a Governor's state of emergency proclamation or a declaration by the President of the United States of a major disaster or emergency has been issued without subjecting that out-of-state business or its employees to the licensing, registration and taxation requirements imposed on businesses and individuals that reside in the State. Following the disaster period, which ends 60 days after the disaster or emergency is over, any exemption ends. A business or employee that continues to reside in the State after the disaster period ends is subject to all registration, licensing and taxation requirements normally imposed.

Committee Amendment "A" (H-868)

This amendment is the majority report of the committee. It removes the blanket exemption from all sales and income taxes for businesses and employees of those businesses that enter the State during a declared state disaster or emergency. Instead, this amendment amends the Maine tax laws to provide for an exclusion from the use tax of property brought into the State by an out-of-state business and income earned by an employee of an out-of-state business during the disaster period. The amendment also provides that rulemaking is not mandatory to implement the provisions and removes the Department of Administrative and Financial Services, Bureau of Revenue Services from the list of agencies that the Secretary of State consults with prior to adopting rules.

Enacted Law Summary

Public Law 2011, chapter 622 allows an out-of-state business to enter the State when a Governor's state of emergency proclamation or a declaration by the President of the United States of a major disaster or emergency has been issued without subjecting that out-of-state business or its employees to certain licensing, registration and taxation requirements imposed on businesses and individuals that reside in the State. It amends the Maine tax laws to provide for an exclusion from the use tax of property brought into the State by an out-of-state business and income earned by an employee of an out-of-state business during the disaster period. Following the disaster period, any exemption ends. A business or employee that continues to reside in the State after the disaster period ends is subject to all registration, licensing and taxation requirements normally imposed.

Public Law 2011, chapter 622 was enacted as an emergency measure effective April 12, 2012.

LD 1844 **An Act To Amend the Laws Governing the Governor's Training Initiative Program** **PUBLIC 573**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	OTP	

This bill changes the name of the Governor's Training Initiative Program to the Governor's Jobs Initiative Program, and it also specifies that the efforts of the program are limited to the extent of available resources. The bill also fixes a cross-reference.

Enacted Law Summary

Public Law 2011, chapter 573 changes the name of the Governor's Training Initiative Program to the Governor's Jobs Initiative Program, and it also specifies that the efforts of the program are limited to the extent of available resources.

LD 1850 **An Act To Assist Maine's Current and Former Members of the United States Armed Forces** **PUBLIC 603**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM	S-492

This bill authorizes the Commissioner of Professional and Financial Regulation to recommend legislation or other measures to the Governor and the Legislature to assist current and former members of the United States Armed

Forces in obtaining professional licenses in Maine related to the service members' relevant training and experience. It also authorizes the Secretary of State to provide a temporary registration plate to a member of the United States Armed Forces to operate a motor vehicle or trailer for 30 days if that service member has recently returned to the State from a deployment outside the continental United States.

Committee Amendment "A" (S-492)

This amendment strikes the provision in the bill that authorizes the Secretary of State to provide a temporary registration plate to a member of the United States Armed Forces to operate a motor vehicle or trailer for 30 days.

Enacted Law Summary

Public Law 2011, chapter 603 authorizes the Commissioner of Professional and Financial Regulation to recommend legislation or other measures to the Governor and the Legislature to assist current and former members of the United States Armed Forces in obtaining professional licenses in Maine related to the service members' relevant training and experience.

LD 1874 **An Act To Rename the Maine Jobs Council as the State Workforce Investment Board and Make Changes to Its Structure** **PUBLIC 627**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN T	OTP-AM	S-511

This bill changes the name of the Maine Jobs Council to the State Workforce Investment Board. The bill also renames the technical support group for the Maine Jobs Council as the Program Policy Committee, makes it a standing committee of the board and changes the possible membership on the Program Policy Committee to include representatives of organizations that conduct programs or activities specified in the federal Workforce Investment Act of 1998. The bill adds 2 other standing committees to the board, one on older workers and one on veterans employment. It repeals the Standing Committee on Apprenticeship, the duties of that standing committee and the requirement that the council perform the duties of the former Maine Occupational Information Coordinating Committee. The bill corrects references to the Maine Jobs Council to comport with the new name.

Committee Amendment "A" (S-511)

This amendment resolves conflicts in the bill created by the enactment of Public Law 2011, chapter 491.

Enacted Law Summary

Public Law 2011, chapter 627 changes the name of the Maine Jobs Council to the State Workforce Investment Board. It renames the technical support group for the Maine Jobs Council as the Program Policy Committee, makes it a standing committee of the board and changes the possible membership on the Program Policy Committee to include representatives of organizations that conduct programs or activities specified in the federal Workforce Investment Act of 1998. It also adds 2 other standing committees to the board, one on older workers and one on veterans employment. It repeals the Standing Committee on Apprenticeship, the duties of that standing committee and the requirement that the council perform the duties of the former Maine Occupational Information Coordinating Committee.

LD 1877 **An Act To Clarify Authorized Associations of Veterinary Practice** **PUBLIC 594**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
GOODALL	OTP-AM	S-487

Current law requires a veterinarian to practice veterinary medicine under the veterinarian's own name or as part of a professional association. The joint practice with another person or corporation that is not licensed to practice veterinary medicine is prohibited.

This bill allows a licensed veterinarian to practice veterinary medicine as a salaried employee of a corporation or other legal entity that provides veterinarian-related services, such as diagnostic laboratory services, research and development and certification for import or export, as long as that veterinarian remains individually accountable for conduct under that veterinarian's license.

Committee Amendment "A" (S-487)

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

Enacted Law Summary

Public Law 2011, chapter 594 allows a licensed veterinarian to practice veterinary medicine as a salaried employee of a corporation or other legal entity that provides veterinarian-related services, such as diagnostic laboratory services, research and development and certification for import or export, as long as that veterinarian remains individually accountable for conduct under that veterinarian's license.

Public Law 2011, chapter 594 was enacted as an emergency measure effective April 5, 2012.

LD 1885 **An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund** **PUBLIC 698**

Sponsor(s)	Committee Report	Amendments Adopted
TILTON RAYE	OTP-AM MAJ OTP-AM MIN	H-893 S-548 RAYE

This bill directs the Board of Trustees of the University of Maine System to apportion a minimum of 3% of the annual disbursements from the Maine Economic Improvement Fund among 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 and the University of Maine at Presque Isle to support research and development.

Committee Amendment "A" (H-893)

This amendment is the majority report of the committee. It amends the section of the bill that requires the Board of Trustees of the University of Maine System to apportion beginning this year a minimum of 3% of the annual disbursements from the Maine Economic Improvement Fund among 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 and the University of Maine at Presque Isle to support research and development. Instead, the amendment requires the

board to set the percentage of the annual disbursements to these university campuses beginning July 1, 2013, at a minimum of 2.5% of the annual disbursement and beginning July 1, 2015, at a minimum of 3% of the annual disbursement.

It also requires the board to include in its annual report to the Governor and the Legislature on the Maine Economic Improvement Fund a summary of the research and development projects at the smaller universities that have been funded as a result of these disbursements from the fund, as well as any external funding sources that have been leveraged as a result of these awards.

Senate Amendment "A" To Committee Amendment "A" (S-548)

This amendment establishes the Maine Economic Improvement Fund Task Force to review the Maine Economic Improvement Fund and recommend any changes necessary to enhance investment in targeted research and development and product innovation and to provide basic investment necessary to obtain matching funds and competitive grants from private and federal sources.

Enacted Law Summary

Public Law 2011, chapter 698 requires the Board of Trustees of the University of Maine System to support research and development at the following university campuses by setting the percentage of the annual disbursements from the Maine Economic Improvement Fund beginning July 1, 2013, at a minimum of 2.5% of the annual disbursement, and beginning July 1, 2015, at a minimum of 3% of the annual disbursement: 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; and the University of Maine at Presque Isle.

The law also requires the board to include in its annual report on the Maine Economic Improvement Fund a summary of the research and development projects at the smaller universities that have been funded as a result of these disbursements from the fund, as well as any external funding sources that have been leveraged as a result of these awards.

The law also establishes the Maine Economic Improvement Fund Task Force to review the Maine Economic Improvement Fund and recommend any changes necessary to enhance investment in targeted research and development and product innovation, as well as to provide basic investment necessary to obtain matching funds and competitive grants from private and federal sources.

LD 1890 **An Act To Streamline the Process for Minors To Obtain a Work Permit** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	ONTP MAJ OTP-AM MIN	

This bill attempts to simplify the process for minors to obtain work permits by creating a general work permit, which may be issued to a minor by a superintendent of schools of the school administrative unit in which the minor resides. The general work permit allows for summer and school-year employment. The bill also creates a master certificate for employers, which identifies those employers who provide jobs that are safe and age-appropriate for minors. The bill describes the process of distributing information regarding approved employers through the Department of Labor's publicly accessible website and career centers and the state Job Bank. Finally, the bill sets out safe working conditions and the consequences to employers if those conditions are not maintained.

LD 1891 **Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State** **RESOLVE 153**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM MAJ OTP-AM MIN	S-489

Resolve 2011, chapter 67 established a pilot project for independent practice dental hygienists to expose and process radiographs in underserved areas of the State and authorized the Board of Dental Examiners to adopt rules to implement the pilot project. This resolve clarifies that the rules for the pilot project must allow an independent practice dental hygienist to expose and process all dental radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series.

Committee Amendment "A" (S-489)

This amendment is the majority report of the committee. It removes the emergency preamble and emergency clause and also amends Resolve 2011, chapter 67 by extending the pilot project for independent practice dental hygienists to process radiographs in underserved areas of the State by one year.

Enacted Law Summary

Resolve 2011, chapter 153 amends Resolve 2011, chapter 67 by specifying the rules for the pilot project must allow an independent practice dental hygienist to expose and process all dental radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series. It also amends Resolve 2011, chapter 67 by extending the pilot project for independent practice dental hygienists to process radiographs in underserved areas of the State by one year.

LD 1894 **An Act To Restore Departmental Management over Costs of State-paid Child Care** **PUBLIC 641**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	OTP-AM MAJ ONTP MIN	S-515

The purpose of this bill is to repeal the requirement that the State engage in collective bargaining with non-state-employee family child care providers.

Committee Amendment "A" (S-515)

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

Enacted Law Summary

Public Law 2011, chapter 641 repeals the requirement that the State engage in collective bargaining with non-state-employee family child care providers.

LD 1895 **An Act To Protect Consumers by Strengthening the Laws Governing Prepaid Home Heating Oil Contracts**

PUBLIC 574
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill is reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Resolve 2011, chapter 79. It requires a dealer who offers prepaid contracts for home heating oil, kerosene or liquefied petroleum gas to residents of this State to register the dealer's intent to offer such contracts with the Commissioner of Professional and Financial Regulation by June 30th of each year and pay a fee of $100 to be used by the commissioner in administering the laws regarding such contracts. It requires such a dealer to file a report with the commissioner by October 31st of each year demonstrating compliance.

The bill requires that the annual report be made on a form provided by the commissioner and that the form conspicuously bear notice that a false statement made on the form is punishable as a Class D crime. The report must be signed by the dealer, or, if the dealer is a corporation, the report must be signed by either the president or an officer of the corporation and include a list of all of the members of the board of directors of the corporation. There is no fee for the annual report. The bill also requires the commissioner to refer to the Attorney General for prosecution any registered dealer who fails to provide the required report or who makes a false statement on the required report. The bill provides that a violation of any of the requirements of the Maine Revised Statutes, Title 10, section 1110 is a violation of the Maine Unfair Trade Practices Act. The bill includes an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 574 requires a dealer who offers prepaid contracts for home heating oil, kerosene or liquefied petroleum gas to residents of this State to register the dealer's intent to offer such contracts with the Commissioner of Professional and Financial Regulation by June 30th of each year and pay a fee of $100 to be used by the commissioner in administering the laws regarding such contracts. It requires such a dealer to file a report with the commissioner by October 31st of each year demonstrating compliance.

The law requires the annual report be made on a form provided by the commissioner and that the form conspicuously bear notice that a false statement made on the form is punishable as a Class D crime. The report must be signed by the dealer, or, if the dealer is a corporation, the report must be signed by either the president or an officer of the corporation and include a list of all of the members of the board of directors of the corporation. There is no fee for the annual report. It also requires the commissioner to refer to the Attorney General for prosecution any registered dealer who fails to provide the required report or who makes a false statement on the required report. The law provides that a violation of any of the requirements of the Maine Revised Statutes, Title 10, section 1110 is a violation of the Maine Unfair Trade Practices Act.

Public Law 2011, chapter 574 was enacted as an emergency measure effective March 30, 2012.

LD 1913 **An Act To Review and Restructure the Workers' Compensation System** **PUBLIC 647**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ ONTP MIN	H-941 CUSHING S-564 RECTOR

This bill is reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Order 2012, H.P. 1345. It is the majority report of the committee.

The bill makes several changes to the current workers' compensation law. It does the following:

1. Eliminates the requirement that an employer, insurer or group self-insurer continue paying benefits to an employee during an appeal of a hearing officer decree by the employee;

2. Increases the percent of the state weekly average calculation from 90% to 100% for the maximum benefit level computation;

3. Adds a presumption that work is unavailable for a person participating in a rehabilitation plan ordered by the Workers' Compensation Board for as long as the employee continues to participate in vocational rehabilitation;

4. Changes the time from which the statute of limitations for filing a petition begins from 2 years from the date an employer is required to file a first report of injury to the actual date of the injury; and

5. Creates a new Appellate Division that consists of panels of no fewer than 3 full-time hearing officers and gives the board authority to adopt routine technical rules of procedure for any review made by the newly created Appellate Division.

The bill makes several changes for injuries incurred on or after January 1, 2013. It does the following:

1. Changes the calculation for determining the maximum benefit amount for total incapacity from 80% of the employee's net average weekly wages, but not more than the maximum benefit, to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit;

2. Changes the calculation for determining the maximum benefit amount for partial incapacity from 80% of the employee's net average weekly wages, but not more than the maximum benefit, to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit;

3. Eliminates the permanent impairment threshold index that is presently calculated from an adjusted impairment threshold, based on an actuarial review of cases receiving permanent impairment ratings in which 25% of all cases with permanent impairment are expected to exceed the threshold and 75% of all cases are expected to be less than the threshold;

4. Establishes 520 weeks as the end date of benefit eligibility for permanently impaired individuals with partial incapacity;

5. Changes the eligibility requirements for extension of benefits for permanently impaired individuals with partial incapacity. In order to qualify for an extension, the following requirements must be met:

A. The injured employee must have a whole person permanent impairment resulting from an injury in excess of 25% and the employee's earnings over the most recent 26-week period must be 50% or less of the preinjury average weekly wage; if so the employer shall pay weekly compensation equal to 2/3 of the difference between the employee's average weekly wage at the time of the injury and the employee's post injury wage, but not more than the maximum benefit allowable;

B. The employee's actual earnings must be commensurate with the employee's earning capacity as determined by an independent medical examiner; and

C. The employee must have earnings from employment for a period of not less than 24 months prior to the expiration of the 520-week durational limit.

In addition, compensation is at a fixed rate and may be reviewed biennially. While the employee is receiving extended partial incapacity benefits, the employee must complete and provide quarterly employment status reports and tax returns. If an employee's weekly earnings over the most recent 26-week period are equal to or greater than the employee's preinjury week earnings, the extension of benefits is terminated permanently. Finally, if an employee does not qualify for an extension at the end of 520 weeks, the employee's benefits expire;

6. Changes the average weekly benefit for partial incapacity for an employee if the wages were lowered after the injury from 80% of net 2/3 of gross of the difference between the employee's average weekly wages received before the date of injury and average weekly wages received post injury, but not more than the maximum benefit;

7. Changes the death benefit for dependents of an employee who were dependent upon the employee's earnings for support at the time of injury to a weekly payment based on 80% of the net of the employee's average weekly wages to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit; and

8. Shortens the time in which a notice of injury must be given from 90 to 30 days.

The bill also establishes the calculation for determining an employee's permanent impairment threshold at 12% for individuals with partial incapacity for injuries incurred between January 1, 2006, and January 1, 2012.

House Amendment "A" (H-941)

This amendment makes technical corrections to the bill to correct dates and clarify the process for discontinuance or reduction of payments.

Senate Amendment "D" (S-564)

This amendment makes the following changes to the bill regarding requirements for receiving benefits for long-term partial incapacity:

1. It reduces the percentage of permanent impairment necessary from 25% to 18%;

2. It changes the necessary percentage of the employee's earnings from 50% or less of the preinjury average weekly wage to 65% or less of the preinjury average weekly wage;

3. It requires consideration of an employee's psychological work capacity in assessing the employee's earning capacity; and

4. It changes the necessary period of earnings from employment from not less than 24 months prior to the expiration of the 520-week durational limit to a period of not less than 12 months within a 24-month period prior to the expiration of the 520-week durational limit.

In addition, this amendment specifies that the statute of limitations bars a petition unless filed within 2 years after the date of injury or the date the employee's employer files a required first report of injury.

Finally, this amendment requires the Workers' Compensation Board report, at least annually, to the Legislature, on costs to employers associated with long-term partial incapacity benefits and permanent impairment rating numbers.

Enacted Law Summary

Public Law 2011, chapter 647 makes several changes to the current workers' compensation law. It does the following:

1. Eliminates the requirement that an employer, insurer or group self-insurer continue paying benefits to an employee during an appeal of a hearing officer decree by the employee;

2. Increases the percent of the state weekly average calculation from 90% to 100% for the maximum benefit level computation;

3. Adds a presumption that work is unavailable for a person participating in a rehabilitation plan ordered by the Workers' Compensation Board for as long as the employee continues to participate in vocational rehabilitation;

4. Specifies the statute of limitations bars a petition unless filed within 2 years after the date of injury or the date the employee's employer files a required first report of injury; and

5. Creates a new Appellate Division that consists of panels of no fewer than 3 full-time hearing officers and gives the board authority to adopt routine technical rules of procedure for any review made by the newly created Appellate Division.

Public Law 2011, chapter 647 makes several changes for injuries incurred on or after January 1, 2013. It does the following:

1. Changes the calculation for determining the maximum benefit amount for total incapacity from 80% of the employee's net average weekly wages, but not more than the maximum benefit, to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit;

2. Changes the calculation for determining the maximum benefit amount for partial incapacity from 80% of the employee's net average weekly wages, but not more than the maximum benefit, to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit;

3. Eliminates the permanent impairment threshold index that is presently calculated from an adjusted impairment threshold, based on an actuarial review of cases receiving permanent impairment ratings in which 25% of all cases with permanent impairment are expected to exceed the threshold and 75% of all cases are expected to be less than the threshold;

4. Establishes 520 weeks as the end date of benefit eligibility for permanently impaired individuals with partial incapacity;

5. Changes the eligibility requirements for extension of benefits for permanently impaired individuals with partial incapacity. In order to qualify for an extension, the following requirements must be met:

   A. The injured employee must have a whole person permanent impairment resulting from an injury in excess of 18% and the employee's earnings over the most recent 26-week period must be 65% or less of the preinjury average weekly wage; if so the employer shall pay weekly compensation equal to 2/3 of the difference between the employee's average weekly wage at the time of the injury and the employees post injury wage, but not more

than the maximum benefit allowable;

B. The employee's actual earnings must be commensurate with the employee's earning capacity as determined by an independent medical examiner; and

C. The employee must have earnings from employment for a period of not less than 12 months within a 24-month period prior to the expiration of the 520-week durational limit.

In addition, compensation is at a fixed rate and may be reviewed biennially. While the employee is receiving extended partial incapacity benefits, the employee must complete and provide quarterly employment status reports and tax returns. If an employee's weekly earnings over the most recent 26-week period are equal to or greater than the employee's preinjury week earnings, the extension of benefits is terminated permanently. Finally, if an employee does not qualify for an extension at the end of 520 weeks, the employee's benefits expire;

6. Changes the average weekly benefit for partial incapacity for an employee if the wages were lowered after the injury from 80% of net 2/3 of gross of the difference between the employee's average weekly wages received before the date of injury and average weekly wages received post injury, but not more than the maximum benefit;

7. Changes the death benefit for dependents of an employee who were dependent upon the employee's earnings for support at the time of injury to a weekly payment based on 80% of the net of the employee's average weekly wages to 2/3 of the employee's gross average weekly wages, but not more than the maximum benefit; and

8. Shortens the time in which a notice of injury must be given from 90 to 30 days.

Public Law 2011, chapter 647 establishes the calculation for determining an employee's permanent impairment threshold at 12% for individuals with partial incapacity for injuries incurred between January 1, 2006, and January 1, 2012. It also requires the Workers' Compensation Board report, at least annually, to the Legislature, on costs to employers associated with long-term partial incapacity benefits and permanent impairment rating numbers.

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Enacted

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LD 1658	An Act To Protect Gasoline Marketers from Liability for Selling Federally Approved Gasoline	PUBLIC 632
LD 1695	An Act To Provide Additional In-store Space for Maine's Businesses by Removing License and Permit Posting Requirements	PUBLIC 535
LD 1697	An Act Relating to the Calculation of Population for Purposes of the Maine Uniform Building and Energy Code and Public Safety Answering Point Assessments	PUBLIC 505 EMERGENCY
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LD 1787	An Act To Create Efficiencies in the Administration and Enforcement of the Maine Uniform Building and Energy Code	PUBLIC 633
LD 1836	An Act To Facilitate Rapid Response by Out-of-state Businesses to State Disasters	PUBLIC 622 EMERGENCY

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Enacted

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Enacted

LD 1895	An Act To Protect Consumers by Strengthening the Laws Governing Prepaid Home Heating Oil Contracts	PUBLIC 574 EMERGENCY

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Enacted

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LD 1675	Resolve, To Establish a Response Team To Facilitate the Redevelopment of Unoccupied Mills and Other Unoccupied Buildings	RESOLVE 167

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Enacted

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Enacted

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Enacted

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Enacted

LD 765	An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired	PUBLIC 661 EMERGENCY

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Enacted

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LD 1786	An Act To Amend the Requirement That the Department of Labor Calculate the Livable Wage	PUBLIC 569
LD 1800	An Act To Conform Maine Apprenticeship Program Standards with Federal Apprenticeship Regulations	PUBLIC 491
LD 1874	An Act To Rename the Maine Jobs Council as the State Workforce Investment Board and Make Changes to Its Structure	PUBLIC 627

Not Enacted

LD 1890	An Act To Streamline the Process for Minors To Obtain a Work Permit	MAJORITY (ONTP) REPORT

Labor Relations

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LD 309	An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State	DIED ON ADJOURNMENT

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LD 1850	An Act To Assist Maine's Current and Former Members of the United States Armed Forces	PUBLIC 603
LD 1877	An Act To Clarify Authorized Associations of Veterinary Practice	PUBLIC 594 EMERGENCY
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Enacted

LD 1725	An Act To Strengthen the Unemployment Insurance Laws and Reduce Unemployment Fraud	PUBLIC 645
LD 1777	An Act To Correct an Inconsistency in the Employment Security Law	PUBLIC 516
LD 1832	An Act To Increase the Amount of Time an Employer May Employ an Employee without Being Charged for Unemployment Benefits	PUBLIC 499

Not Enacted

LD 1600	An Act To Provide That Persons Hiring Assistants To Provide Home Care for Relatives Are Not Employers for Purposes of Unemployment Compensation Laws	ONTP

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Enacted

LD 1685	An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers	PUBLIC 681
LD 1729	An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities	PUBLIC 483

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Enacted

LD 1913	An Act To Review and Restructure the Workers' Compensation System	PUBLIC 647

Not Enacted

LD 1571	An Act To Amend the Laws Governing Workers' Compensation	ONTP

Workforce Investment

Enacted

LD 1844	An Act To Amend the Laws Governing the Governor's Training Initiative Program	PUBLIC 573

MAR

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

June 2012

MEMBERS:

SEN. LOIS A. SNOWE MELLO, CHAIR
SEN. BRIAN D. LANGLEY
*SEN. NANCY B. SULLIVAN

REP. WINDOL C. WEAVER, CHAIR
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REP. DEVIN M. BELIVEAU
REP. RALPH CHAPMAN
REP. WALTER A. KUMIEGA III

STAFF:
ALYSON MAYO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

*REPLACED LATE IN THE SESSION BY SEN. CHRISTOPHER K. JOHNSON

LD 1579 **An Act To Amend the Lobster Promotion Council** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. It revises the structure of the Lobster Promotion Council.

1. It changes the makeup of the council. Current law requires that the council consist of 3 members from each of the defined districts of the State: the western district, the midcoast district and the eastern district. Current law also requires 3 members to be full-time lobster harvesters who have held valid lobster and crab fishing licenses, 3 members to be lobster dealers or pound operators and 3 members to be public members. This bill instead requires the appointment of at least one member who represents the western district of the State, at least one member who represents the eastern district of the State and up to 7 public members who have professional knowledge or experience in trade, promotion or marketing or other disciplines that the Commissioner of Marine Resources determines would assist in the advancement of the council's objectives. This bill also revises the area that is defined as the western district.

2. It authorizes the commissioner to remove a member for cause or for the violation of a marine resources law or Department of Marine Resources rule.

3. It authorizes the commissioner to vote in case of a tie vote on the council.

4. It requires the council to draw upon the expertise of industries, organizations and persons experienced in marketing and promotion and expands the council's purposes to specifically include identification and promotion of initiatives for the marketing and promotion of lobsters harvested or processed in the State.

5. It provides that the terms of the members currently serving on the Lobster Promotion Council expire and directs the commissioner to appoint 9 members to the council within 90 days after the effective date of this bill.

LD 1609 **An Act To Ensure the Safety of Bait Used in Maine's Fishery** **PUBLIC 475**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
PARRY	OTP-AM	H-690

This bill allows the Commissioner of Marine Resources to maintain a list of freshwater organisms acceptable for and a list of marine organisms prohibited from use as bait to fish for or take lobster or crabs. The list of freshwater organisms acceptable for use as bait fish for lobster or crabs must include the locations from which the organisms may be harvested. The list of marine organisms prohibited from use as bait must include the locations from which harvesting is prohibited.

Committee Amendment "A" (H-690)

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

Enacted Law Summary

Public Law 2011, chapter 475 allows the Commissioner of Marine Resources to maintain a list of freshwater organisms acceptable for and a list of marine organisms prohibited from use as bait to fish for or take lobster or crabs. The list of freshwater organisms acceptable for use as bait to fish for lobster or crabs must include the locations from which the organisms may be harvested. The list of marine organisms prohibited from use as bait must include the locations from which harvesting is prohibited.

Public Law 2011, chapter 475 was enacted as an emergency measure effective February 22, 2012.

LD 1654 **An Act To Permit the Department of Marine Resources To Develop and Establish a Seafood Export Certification Program** **PUBLIC 567 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
LANGLEY	OTP-AM	S-449

This bill establishes the Seafood Export Certification Program in the Department of Marine Resources to allow the department, in conjunction with the United States Department of Commerce, National Oceanic and Atmospheric Administration, to inspect and certify seafood and issue certificates of compliance necessary to meet international export standards.

Committee Amendment "A" (S-449)

This amendment provides that the Commissioner of Marine Resources may enter into agreements with the United States Department of Commerce, National Oceanic and Atmospheric Administration and seafood producers for the issuance of certificates of compliance required by international regulations. The department may also seek reimbursement from the National Oceanic and Atmospheric Administration for the costs incurred by the Department of Marine Resources for the inspection and certification program. Such agreements would allow the department to perform inspections that are otherwise performed by the National Oceanic and Atmospheric Administration. The amendment also requires the commissioner to submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters detailing the department's progress regarding a voluntary fishery product inspection program, including draft legislation if necessary to implement the program. It also gives the committee permission to report out a bill to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 567 authorizes the Commissioner of Marine Resources to enter into agreements with the United States Department of Commerce, National Oceanic and Atmospheric Administration and seafood producers for the issuance of certificates of compliance required by international regulations. The department may seek reimbursement from the National Oceanic and Atmospheric Administration for the costs incurred by the Department of Marine Resources for the inspection and certification program. The agreements allow the department to perform inspections that are otherwise performed by the National Oceanic and Atmospheric Administration. Public Law 2011, chapter 567 also requires the commissioner to submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters detailing the department's progress regarding a voluntary fishery product inspection program, including draft legislation if necessary to implement the program. It also gives the committee permission to report out a bill to the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 567 was enacted as an emergency measure effective March 30, 2012.

LD 1674 **Resolve, Directing the Department of Marine Resources To Examine the Role of 3rd-party Laboratories in Conducting Testing for the Department** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

This resolve directs the Department of Marine Resources to examine the role of 3rd-party laboratories in conducting testing for the department. The resolve also requires the department to report its findings to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013, and allows the committee to submit a bill to the First Regular Session of the 126th Legislature.

Although the Joint Standing Committee on Marine Resources voted ONTP, the Committee wanted to immediately address the role 3rd-party laboratories could play in water testing. The Committee sent a letter to the commissioner to convene the necessary parties to make a determination by February 24, 2012, of the feasibility of 3rd-party laboratories in helping to meet the needs of the department, protect public health and improve service to the State's shellfish industry.

LD 1709 **An Act To Amend the Limited-entry Program for Taking Lobsters in the Monhegan Lobster Conservation Area** **PUBLIC 486**

Sponsor(s)	Committee Report	Amendments Adopted
WEAVER	OTP	

This bill changes the limited-entry program for taking lobsters in the Monhegan Lobster Conservation Area by:

1. Limiting the number of traps per registered individual to 400;

2. Allowing a person who holds a federal lobster permit and Monhegan Lobster Conservation Area trap tags to take lobsters from Lobster Management Area 3, as identified by the Atlantic States Marine Fisheries Commission;

3. Limiting the number of individuals that may be registered to obtain Monhegan Lobster Conservation Area trap tags to 17;

4. Allowing a person who does not hold a Monhegan Lobster Conservation Area trap tag to fish for lobster in the Monhegan Lobster Conservation Area as long as that person holds a noncommercial lobster and crab fishing license but does not hold a commercial lobster and crab fishing license;

5. Requiring the Commissioner of Marine Resources to maintain a waiting list of persons who have requested but not obtained a Monhegan Island limited-entry lobster and crab fishing license, instead of a registry of persons who have completed the Monhegan Lobster Conservation Area apprenticeship program. Persons on the waiting list may obtain Monhegan Lobster Conservation Area trap tags as they become available; and

6. Eliminating the Monhegan Lobster Conservation Area apprenticeship program.

Enacted Law Summary

Public Law 2011, chapter 486 changes the limited-entry program for taking lobsters in the Monhegan Lobster Conservation Area by:

1. Limiting the number of traps per registered individual to 400;

2. Allowing a person who holds a federal lobster permit and Monhegan Lobster Conservation Area trap tags to take lobsters from Lobster Management Area 3, as identified by the Atlantic States Marine Fisheries Commission;

3. Limiting the number of individuals that may be registered to obtain Monhegan Lobster Conservation Area trap tags to 17;

4. Allowing a person who does not hold a Monhegan Lobster Conservation Area trap tag to fish for lobster in the Monhegan Lobster Conservation Area as long as that person holds a noncommercial lobster and crab fishing license but does not hold a commercial lobster and crab fishing license;

5. Requiring the Commissioner of Marine Resources to maintain a waiting list of persons who have requested but not obtained a Monhegan Island limited-entry lobster and crab fishing license, instead of a registry of persons who have completed the Monhegan Lobster Conservation Area apprenticeship program. Persons on the waiting list may obtain Monhegan Lobster Conservation Area trap tags as they become available; and

6. Eliminating the Monhegan Lobster Conservation Area apprenticeship program.

LD 1721 **An Act To Improve the Method of Classifying Shellfish Harvesting Areas and Providing Notification of Changes** **PUBLIC 527 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
LANGLEY	OTP-AM	S-415

This bill changes the method used by the Department of Marine Resources to manage contaminated or polluted shellfish resource areas to protect public health. It changes the classification method from the adoption of emergency rules to a classification by the Commissioner of Marine Resources of areas as open or closed through text descriptions and maps provided on the department's website and to affected municipalities and the Bureau of Marine Patrol.

Committee Amendment "A" (S-415)

This amendment adds an emergency preamble and emergency clause to the bill. It also clarifies that a person with a valid depuration certificate may take shellfish from an area classified as closed.

Enacted Law Summary

Public Law 2011, chapter 527 changes the method used by the Department of Marine Resources to manage contaminated or polluted shellfish resource areas to protect public health. It changes the classification method from the adoption of emergency rules to a classification by the Commissioner of Marine Resources of areas as open or closed through text descriptions and maps provided on the department's website and to affected municipalities and the Bureau of Marine Patrol. It also clarifies that a person with a valid depuration certificate may take shellfish from an area classified as closed.

Public Law 2011, chapter 527 was enacted as an emergency measure effective March 19, 2012.

LD 1722 **An Act To Make Technical Changes to Maine's Marine Resources Laws** **PUBLIC 598**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	OTP-AM	S-466

This bill does the following.

1. It eliminates the definition of "alewives," which included both alewives and blueback herring, in the marine resources laws and provides instead a definition of "river herring," which includes both alewives and blueback herring and replaces the term "alewife" with "river herring" throughout the marine resources laws.

2. It expands the allowable uses of the funds collected through the leasing of fisheries allocations held in the permit banking program beyond the administration of the program to include providing assistance to the groundfishing industry, consistent with the goals of the program.

3. It eliminates a number of reports to the Legislature, including:

A. A financial report on the Department of Marine Resources Educational Fund;

B. A financial report on the Aquaculture Management Fund;

C. A financial report on the Aquaculture Monitoring, Research and Development Fund;

D. A report on the activities of the Maine Coast Environmental Trust Fund;

E. A report on the lobster research program within the Department of Marine Resources, Bureau of Resource Management;

F. A report on the stock status of mahogany quahogs and a financial report on the status of the Mahogany Quahog Monitoring Fund;

G. A report on the quantity and type of sea urchin licenses sold in each zone in each year; and

H. A report on the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species.

4. It eliminates the repeal of a provision that allows the Department of Marine Resources to adopt certain rules as routine technical rules, rather than as major substantive rules.

5. It provides that a member of the Passamaquoddy Tribe or Penobscot Nation who is a resident of this State is not required to hold a state license to use a boat for dragging for the harvesting of surf clams, or fish for or take green crabs or possess, ship or sell green crabs if that member holds a valid license issued by the tribe or nation to conduct those activities.

6. It lengthens the time frame by which a hearing requested under the administrative suspension process must be provided from 10 days to 30 days.

7. It adds taking by hand dip net to the allowable methods of taking for which an individual does not need to obtain a commercial pelagic and anadromous fish license, as long as the fish taken are for personal use.

8. It eliminates the green crab fencing program.

9. It establishes the Marine Recreation Fishing Conservation and Management Fund to be used for research and conservation efforts related to the saltwater recreational fishery.

10. It allows a holder of a wholesale seafood license to buy, sell, ship or transport shrimp, except for shrimp purchased directly from a harvester, unless the person also holds a shrimp permit. Currently, the holder of a wholesale seafood license is not allowed to buy, sell, ship or transport shrimp unless that person also holds a shrimp permit.

Committee Amendment "A" (S-466)

This amendment makes the following changes to the bill.

1. It reenacts the Aquaculture Advisory Council.

2. Instead of eliminating the Department of Marine Resources' requirement to report on the Aquaculture Management Fund by February 1st of each year to the joint standing committee of the Legislature having jurisdiction over marine resources matters, it requires the department to report annually to the Aquaculture Advisory Council.

3. It provides that a member of the Aroostook Band of Micmacs who is a resident of this State is not required to hold a state license to use a boat for dragging for the harvesting of surf clams, or fish for or take green crabs or possess, ship or sell green crabs if that member holds a valid license issued by the band or the agent of the band to conduct those activities.

4. It adds the Aroostook Band of Micmacs under the tribal exemption for certain commercial harvesting licenses and allows the band or the agent of the band to issue those licenses.

5. It specifies that the Aroostook Band of Micmacs or the agent of the band may issue up to 10 commercial lobster and crab fishing licenses, 10 commercial scallop licenses and 8 commercial elver licenses in any calendar year to members of the band.

6. It requires the commissioner to adopt rules authorizing the Aroostook Band of Micmacs or its agent to issue commercial sea urchin licenses if the commissioner determines that the sea urchin resources are sufficient to permit the issuance of new licenses.

7. It adds the Aroostook Band of Micmacs under the tribal exemption of sustenance or ceremonial tribal use.

8. It expands the area where sustenance use is allowed to include the Passamaquoddy Indian territory, Penobscot Indian territory and Aroostook Band Trust Land, instead of only Passamaquoddy Tribe and Penobscot Nation reservation land.

9. It allows the Aroostook Band of Micmacs to have an agent to act on its behalf if the Aroostook Band of Micmacs Tribal Council certifies the agent with the Department of Marine Resources.

10. It clarifies that a person may not use a boat for dragging scallops in the State's territorial waters unless that person holds a scallop dragging license. This continues to allow those with federal scallop licenses who fish in federal waters to land scallops in the State if they have a wholesale dealer's license.

11. It decreases the license fee for a Zone 1 individual handfishing sea urchin license from $152 to $25 and a handfishing sea urchin license with tender from $202 to $50 due to a short season in Zone 1. The fees remain in effect as long as the sea urchin season in Zone 1 is 10 days or less, after which the Department of Marine Resources may increase fees to an amount no higher than fees in Zone 2.

12. It repeals the enhanced retail seafood license and creates an enhanced retail certificate. A person must have a retail seafood license to obtain an enhanced retail certificate. A certificate authorizes the holder to buy, sell, transport, ship or serve shellstock bought from a commercial shellfish license holder, a surf clam boat license holder, a mahogany quahog license holder or a hand-raking mussel license holder or mussel boat license holder in the retail trade within state limits. A certificate authorizes activities at only one establishment. The fee for an enhanced retail certificate is $28 and is deposited in the Shellfish Fund.

13. It removes "within state limits" from licensed activities under the retail seafood license in order to allow license holders to buy, sell, transport, ship or serve shellstock purchased from a wholesale seafood license holder, crayfish or lobsters in the retail trade within or outside of the State. It eliminates shucked shellfish and lobster parts or meat from what can be bought, sold, transported, shipped or served under this license.

14. It applies rules currently in effect pertaining to enhanced retail seafood license holders to enhanced retail certificate holders until the Department of Marine Resources updates its rules.

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

Enacted Law Summary

Public Law 2011, chapter 598 does the following.

1. It eliminates the definition of "alewives," which included both alewives and blueback herring, in the marine resources laws and provides instead a definition of "river herring," which includes both alewives and blueback herring and replaces the term "alewife" with "river herring" throughout the marine resources laws.

2. It expands the allowable uses of the funds collected through the leasing of fisheries allocations held in the permit banking program beyond the administration of the program to include providing assistance to the groundfishing industry, consistent with the goals of the program.

3. It eliminates a number of reports to the Legislature, including:

A. A financial report on the Department of Marine Resources Educational Fund;

B. A financial report on the Aquaculture Monitoring, Research and Development Fund;

C. A report on the activities of the Maine Coast Environmental Trust Fund;

D. A report on the lobster research program within the Department of Maine Resources, Bureau of Resource Management;

E. A report on the stock status of mahogany quahogs and a financial report on the status of the Mahogany Quahog Monitoring Fund;

F. A report on the quantity and type of sea urchin licenses sold in each zone in each year;

G. A report on the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species.

4. It reenacts the Aquaculture Advisory Council.

5. It requires the department to report annually to the Aquaculture Advisory Council.

6. It retains a provision that allows the Department of Marine Resources to adopt certain rules as routine technical rules, rather than as major substantive rules.

7. It provides that a member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs who is a resident of this State is not required to hold a state license to use a boat for dragging for the harvesting of surf clams, or fish for or take green crabs or possess, ship or sell green crabs if that member holds a valid license issued by the tribe, nation, band or agent of the band to conduct those activities.

8. It adds the Aroostook Band of Micmacs under the tribal exemption for certain commercial harvesting licenses and allows the band or the agent of the band to issue those licenses.

9. It specifies that the Aroostook Band of Micmacs or the agent of the band may issue up to 10 commercial lobster and crab fishing licenses, 10 commercial scallop licenses and 8 commercial elver licenses in any calendar year to members of the band.

10. It requires the commissioner to adopt rules authorizing the Aroostook Band of Micmacs or its agent to issue commercial sea urchin licenses if the commissioner determines that the sea urchin resources are sufficient to permit the issuance of new licenses.

11. It adds the Aroostook Band of Micmacs under the tribal exemption of sustenance or ceremonial tribal use.

12. It expands the area where sustenance use is allowed to include the Passamaquoddy Indian territory, Penobscot Indian territory and Aroostook Band Trust Land, instead of only Passamaquoddy Tribe and Penobscot Nation reservation land.

13. It allows the Aroostook Band of Micmacs to have an agent to act on its behalf if the Aroostook Band of Micmacs Tribal Council certifies the agent with the Department of Marine Resources.

14. It lengthens the time frame by which a hearing requested under the administrative suspension process must be provided from 10 days to 30 days.

15. It adds taking by hand dip net to the allowable methods of taking for which an individual does not need to obtain a commercial pelagic and anadromous fish license, as long as the fish taken are for personal use.

16. It eliminates the green crab fencing program.

17. It reenacts the Marine Recreation Fishing Conservation and Management Fund to be used for research and conservation efforts related to the saltwater recreational fishery.

18. It allows a holder of a wholesale seafood license to buy, sell, ship or transport shrimp, except for shrimp purchased directly from a harvester, unless the person also holds a shrimp permit.

19. It clarifies that a person may not use a boat for dragging scallops in the State's territorial waters unless that person holds a scallop dragging license. This continues to allow those with federal scallop licenses who fish in federal waters to land scallops in the State if they have a wholesale dealer's license.

20. It decreases the license fee for a Zone 1 individual handfishing sea urchin license from $152 to $25 and a

handfishing sea urchin license with tender from $202 to $50 due to a short season in Zone 1. The fees remain in effect as long as the sea urchin season in Zone 1 is 10 days or less, after which the Department of Marine Resources may increase fees to an amount no higher than fees in Zone 2.

21. It repeals the enhanced retail seafood license and creates an enhanced retail certificate. A person must have a retail seafood license to obtain an enhanced retail certificate. A certificate authorizes the holder to buy, sell, transport, ship or serve shellstock bought from a commercial shellfish license holder, a surf clam boat license holder, a mahogany quahog license holder or a hand-raking mussel license holder or mussel boat license holder in the retail trade within state limits. A certificate authorizes activities at only one establishment. The fee for an enhanced retail certificate is $28 and is deposited in the Shellfish Fund.

22. It allows retail seafood license holders to buy, sell, transport, ship or serve shellstock purchased from a wholesale seafood license holder, crayfish or lobsters in the retail trade within or outside of the State. It eliminates shucked shellfish and lobster parts or meat from what can be bought, sold, transported, shipped or served under this license.

23. It applies rules currently in effect pertaining to enhanced retail seafood license holders to enhanced retail certificate holders until the Department of Marine Resources updates its rules.

Public Law 2011, chapter 598 was enacted as an emergency measure effective April 6, 2012.

LD 1765 **An Act To Sustain the Elver Fishery** **PUBLIC 549**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
TILTON RAYE	OTP-AM	H-816

This bill lifts the moratorium on the issuance of new elver fishing licenses and increases the total number of licenses available to 600. New licenses are geographically distributed and issued by a lottery system overseen by the Commissioner of Marine Resources. The bill also does the following: increases the cost of licenses; increases the number of allowable elver fyke nets for residents to 3; increases the fines for elver gear molestation, failure to pay elver gear fees and fishing without a license to up to $5,000; changes the open season to April 1st to June 20th; and allows elver fishing 7 days per week during the open season.

Committee Amendment "A" (H-816)

This amendment replaces the bill and adds an emergency preamble and clause. It does the following.

1. It changes the suspension for molesting elver fishing gear from a one-year license suspension to a 3-year suspension for the first offense and adds that a second offense results in permanent revocation of the elver fishing license. It increases the fine for molesting elver fishing gear from between $100 and $500 to $2,000.

2. It creates an elver fishing lottery system and adds a suspension of eligibility in the elver lotteries for fishing without an elver fishing license. The first offense results in a one-year suspension of eligibility. A second offense results in a permanent loss of eligibility in the elver lotteries. It increases the fine for fishing without a license from between $100 and $500 to $2,000 and makes a second or subsequent offense a Class D crime.

3. It adds a license suspension for an adjudication of untagged elver gear. The first offense results in a one-year license suspension. A second offense results in permanent revocation of the license holder's license. It increases the fine for untagged elver gear from between $100 and $500 to $2,000.

4. It adds a license suspension for elver fishing during the closed season or a closed period. The first offense results in a one-year license suspension. A second offense results in permanent revocation of the license holder's license.

5. It adds a license suspension for violation of an elver dealer's license. The first offense results in a one-year license suspension. A second offense results in permanent revocation of the license holder's license. It increases the fine for a violation of an elver dealer's license from between $100 and $500 to $2,000.

6. It lifts the moratorium on elver fishing licenses and creates a dual elver fishing lottery system to keep the fishery at the same level as it was December 31, 2011.

7. It requires the elver gear lottery and elver license lottery to begin in 2013. Gear authorized by licenses that are not renewed is placed in the elver gear lottery. Each lottery entrant can win authorization to use only one piece of gear.

8. It allows only current elver fishing license holders who hold a dip net authorization to enter the elver gear lottery to exchange authorization to use a dip net for authorization to use a fyke net, if any are available.

9. It sets up the elver license lottery to be held after the elver gear lottery for any remaining gear authorizations left over after the elver gear lottery. Each winner of the elver license lottery wins the ability to purchase an elver fishing license and authorization to use one piece of gear. The number of licenses available is based on and is the same as the number of gear pieces available in the elver gear lottery.

10. It changes the closed period for elver harvesting, which in current law is from noon Friday to noon Sunday, and splits the days in the closed period. The closed period is changed to from noon Tuesday to noon Wednesday and from noon Saturday to noon Sunday.

11. It adds that it is unlawful for an elver dealer to possess elvers prior to the beginning of the elver season and five days beyond the end of the season. This allows dealers to package and ship product after the season ends.

12. It restricts the elver dealer's license to allow activities at only one permanent facility. A supplemental license is required for vehicles and for additional facilities.

13. It allows an elver dealer's license holder to identify authorized representatives to purchase elvers for the dealer at locations other than the permanent facility.

14. It requires the elver dealer's license holder or the license holder's authorized representative to purchase elvers from licensed harvesters and requires the elver dealer or authorized representative to keep a record that identifies each harvester from which elvers were purchased and the amount of elvers purchased from each harvester. The records must be available for inspection by a marine patrol officer.

15. It requires the elver dealer's license holder or the license holder's authorized representative to transport elvers to a permanent facility identified on the license holder's license prior to shipping or transporting elvers outside state limits.

16. It provides for the Commissioner of Marine Resources to make routine technical rules to set up the elver lotteries and the additional requirements for elver dealer's license holders.

Enacted Law Summary

Public Law 2011, chapter 549 does the following.

1. It changes the suspension for molesting elver fishing gear from a one-year license suspension to a 3-year suspension for the first offense and adds that a second offense results in permanent revocation of the elver fishing

license. It increases the fine for molesting elver fishing gear from between $100 and $500 to $2,000.

2. It creates an elver fishing lottery system and adds a suspension of eligibility in the elver lotteries for fishing without an elver fishing license. The first offense results in a one-year suspension of eligibility. A second offense results in a permanent loss of eligibility in the elver lotteries. It increases the fine for fishing without a license from between $100 and $500 to $2,000 and makes a second or subsequent offense a Class D crime.

3. It adds a license suspension for an adjudication of untagged elver gear. The first offense results in a one-year license suspension. A second offense results in permanent revocation of the license holder's license. It increases the fine for untagged elver gear from between $100 and $500 to $2,000.

4. It adds a license suspension for elver fishing during the closed season or a closed period. The first offense results in a one-year license suspension. A second offense results in permanent revocation of the license holder's license.

5. It adds a license suspension for violation of an elver dealer's license. The first offense results in a one-year license suspension. A second offense results in permanent revocation of the license holder's license. It increases the fine for a violation of an elver dealer's license from between $100 and $500 to $2,000.

6. It lifts the moratorium on elver fishing licenses and creates a dual elver fishing lottery system to keep the fishery at the same level as it was December 31, 2011.

7. It requires the elver gear lottery and elver license lottery to begin in 2013. Gear authorized by licenses that are not renewed is placed in the elver gear lottery. Each lottery entrant can win authorization to use only one piece of gear.

8. It allows only current elver fishing license holders who hold a dip net authorization to enter the elver gear lottery to exchange authorization to use a dip net for authorization to use a fyke net, if any are available.

9. It sets up the elver license lottery to be held after the elver gear lottery for any remaining gear authorizations left over after the elver gear lottery. Each winner of the elver license lottery wins the ability to purchase an elver fishing license and authorization to use one piece of gear. The number of licenses available is based on and is the same as the number of gear pieces available in the elver gear lottery.

10. It changes the closed period for elver harvesting from noon Friday to noon Sunday, and splits the days in the closed period. The closed period is changed to from noon Tuesday to noon Wednesday and from noon Saturday to noon Sunday.

11. It adds that it is unlawful for an elver dealer to possess elvers prior to the beginning of the elver season and five days beyond the end of the season. This allows dealers to package and ship product after the season ends.

12. It restricts the elver dealer's license to allow activities at only one permanent facility. A supplemental license is required for vehicles and for additional facilities.

13. It allows an elver dealer's license holder to identify authorized representatives to purchase elvers for the dealer at locations other than the permanent facility.

14. It requires the elver dealer's license holder or the license holder's authorized representative to purchase elvers from licensed harvesters and requires the elver dealer or authorized representative to keep a record that identifies each harvester from which elvers were purchased and the amount of elvers purchased from each harvester. The records must be available for inspection by a marine patrol officer.

15. It requires the elver dealer's license holder or the license holder's authorized representative to transport elvers to

a permanent facility identified on the license holder's license prior to shipping or transporting elvers outside state limits.

16. It provides for the Commissioner of Marine Resources to make routine technical rules to set up the elver lotteries and the additional requirements for elver dealer's license holders.

Public Law 2011, chapter 549 was enacted as an emergency measure effective March 29, 2012.

SUBJECT INDEX

Clams, Quahogs, Oysters, and Mussels

Enacted

LD 1721	An Act To Improve the Method of Classifying Shellfish Harvesting Areas and Providing Notification of Changes	PUBLIC 527 EMERGENCY

Not Enacted

LD 1674	Resolve, Directing the Department of Marine Resources To Examine the Role of 3rd-party Laboratories in Conducting Testing for the Department	ONTP

Elvers

Enacted

LD 1765	An Act To Sustain the Elver Fishery	PUBLIC 549 EMERGENCY

Lobsters

Enacted

LD 1709	An Act To Amend the Limited-entry Program for Taking Lobsters in the Monhegan Lobster Conservation Area	PUBLIC 486

Lobsters and Crabs

Enacted

LD 1609	An Act To Ensure the Safety of Bait Used in Maine's Fishery	PUBLIC 475 EMERGENCY

Seafood Inspections

Enacted

LD 1654	An Act To Permit the Department of Marine Resources To Develop and Establish a Seafood Export Certification Program	PUBLIC 567 EMERGENCY

Seafood Promotion

Not Enacted

LD 1579	An Act To Amend the Lobster Promotion Council	ONTP

Technical Changes

Enacted

LD 1722	**An Act To Make Technical Changes to Maine's Marine Resources Laws**	**PUBLIC 598** **EMERGENCY**

RULES

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT SELECT COMMITTEE ON RULES

June 2012

MEMBERS:

SEN. JONATHAN T.E. COURTNEY, CHAIR
SEN. DEBRA D. PLOWMAN
SEN. DAVID R. HASTINGS III
SEN. PHILIP L. BARTLETT II
SEN. STAN GERZOFSKY

REP. ANDRE E. CUSHING III, CHAIR
REP. STACEY ALLEN FITTS
REP. RICHARD M. CEBRA
REP. JOHN L. MARTIN
REP. TERESEA HAYES

Joint Select Committee on Joint Rules

LD 1335 **An Act Relating to the Authority of the Legislative Council over the Fiscal Note Process** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND		

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill requires Legislative Council to require the Office of Fiscal and Program Review to provide a sponsor of legislation with the following: review and comment periods relating to the prepared fiscal notes; the assumptions on which the fiscal note is based; the specific revenues, savings and costs associated with the legislation; opportunities to meet with any agency, person or organization providing information relating to the fiscal notes; the opportunity for the sponsor to indicate in a fiscal note that the sponsor disagrees with the fiscal note and the reasons for the disagreement; and the impact of any increased or decreased federal funds associated with legislation, including the impact on employment, salaries and benefits and tax revenues.

Joint Select Committee on Joint Rules

SUBJECT INDEX

Fiscal Note Process

Not Enacted

LD 1335	**An Act Relating to the Authority of the Legislative Council over the Fiscal Note Process**	**DIED ON ADJOURNMENT**

SLG

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

June 2012

MEMBERS:

SEN. DOUGLAS A. THOMAS, CHAIR
SEN. RONALD F. COLLINS
SEN. NANCY B. SULLIVAN

REP. H. DAVID COTTA, CHAIR
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REP. ALAN M. CASAVANT
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STAFF:
ANNA T. BROOME, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

*REPLACED REP. MICHAEL CELLI EARLY IN THE SESSION

LD 287 **An Act To Provide Savings to the State by Contracting Out Certain Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WINSOR	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to identify the types of services provided by the State and the extent to which those services are provided by state employees or through contracts with private entities. The bill proposes the identification of the types of services provided by state employees that could be provided more effectively and with reduced cost by privately contracted services. The bill proposes to explore the practices of other states and identify private contracting practices that are effective and the actions that would be necessary to achieve similar benefits in Maine.

LD 543 **An Act To Protect Legislative Intent in Rulemaking** **PUBLIC 479**

Sponsor(s)	Committee Report	Amendments Adopted
PRESCOTT	OTP-AM MAJ	H-688
GOODALL	OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill requires the review of agency rulemaking authority and establishes clearer distinctions between major substantive rules and routine technical rules to ensure that legislative grants of rulemaking authority are clear and specific enough to not result in agency misunderstanding of legislative intent or overly broad construction of the grant of rulemaking authority.

Committee Amendment "B" (H-688)

This amendment, which is the majority report of the committee, replaces the bill. The amendment requires a state agency to notify the primary sponsor of the legislation that authorized the rulemaking, as long as the rulemaking occurs within two years of the enactment of the legislation. The amendment also requires that by February 1st of each year the Secretary of State must provide the Executive Director of the Legislative Council with a list of all rules adopted by each agency in the previous calendar year. The Executive Director of the Legislative Council must forward the list to the joint standing committee or committees of the Legislature having jurisdiction over those rules. The list must include the statutory authority for the rule, the rule chapter number and title, the principal reason or purpose for the rule, a written statement explaining the factual and policy basis for the rule, whether the rule was major substantive or routine technical, whether the rule was adopted as an emergency and the fiscal impact of the rule. Each committee may require an agency to appear before it, and the committee is authorized to report out legislation in the same legislative session to adjust the rule-making authority of the agency if the committee considers it necessary.

Committee Amendment "C" (H-689)

This amendment, which is the minority report of the committee, replaces the bill. The amendment requires a state agency to notify the primary sponsor of the legislation that authorized the rulemaking, as long as the rulemaking

occurs within two years of the enactment of the legislation. The amendment also requires that by February 1st of each year an agency that was authorized to adopt rules in the previous calendar year must provide a consolidated list of all rules adopted in that year to the Executive Director of the Legislative Council, who is required to refer the list to the joint standing committee or committees of the Legislature having jurisdiction over those rules. The consolidated list must include the statutory authority for the rule, the rule chapter number and title, the principal reason or purpose for the rule, a written statement explaining the factual and policy basis for the rule, whether the rule was major substantive or routine technical, whether the rule was adopted as an emergency and the fiscal impact of the rule. Each committee is authorized to report out legislation in the same legislative session to adjust the rule-making authority of the agency if the committee considers it necessary. This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 479 requires a state agency to notify the primary sponsor of the legislation that authorized the rulemaking, as long as the rulemaking occurs within two years of the enactment of the legislation. By February 1st of each year, the Secretary of State must provide the Executive Director of the Legislative Council with a list of all rules adopted by each agency in the previous calendar year. The Executive Director of the Legislative Council must forward the list to the joint standing committee or committees of the Legislature having jurisdiction over those rules. The list must include the statutory authority for the rule, the rule chapter number and title, the principal reason or purpose for the rule, a written statement explaining the factual and policy basis for the rule, whether the rule was major substantive or routine technical, whether the rule was adopted as an emergency and the fiscal impact of the rule. Each committee may require an agency to appear before it, and the committee is authorized to report out legislation in the same legislative session to adjust the rule-making authority of the agency if the committee considers it necessary.

LD 769 **An Act To Review the Functions of the State Planning Office** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MOULTON RECTOR	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to restructure the Executive Department, State Planning Office. It retains within the State Planning Office those functions that are best performed by that office, and removes to other offices and entities those functions best performed by organizations other than the State Planning Office. As part of the restructuring, the roles of the regional planning commissions established pursuant to the Maine Revised Statutes, Title 30-A, chapter 119 would be more clearly defined, as is the role of the State Planning Office in the review of comprehensive plans developed pursuant to Title 30-A.

LD 1550 **An Act To Change Document Filing Fees for County Registries of Deeds** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
MOULTON COLLINS	OTP-AM MAJ ONTP MIN	H-711 H-851 MOULTON

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill increases the fee for recording an instrument, including plans, at all registries of deeds by $12.

Committee Amendment "A" (H-711)

This amendment, which is the majority report of the committee, increases the fee for recording an instrument, including plans, at all registries of deeds by $6, rather than $12 as in the bill.

House Amendment "A" To Committee Amendment "A" (H-806)

This amendment allows the county commissioners for each county to establish the fee for recording an instrument at the registry of deeds for that county. The recording fee is limited to a maximum of $19 for the first record page and $21 for plans, the same amounts proposed in Committee Amendment "A." This amendment was not adopted.

House Amendment "A" (H-851)

This amendment removes the emergency preamble and emergency clause.

LD 1596 **Resolve, To Review Laws and Policies Related to Discontinued and Abandoned Roads** **RESOLVE 120**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM MAJ ONTP MIN	S-377

Under existing law, a public easement is retained on discontinued town ways. This bill authorizes municipal officers to propose placing restrictions on the public easement, such as limiting motorized vehicle traffic, as part of the discontinuance order approved by the local legislative body.

Committee Amendment "A" (S-377)

This amendment, which is the majority report of the committee, replaces the bill with a resolve establishing a stakeholder group of no more than 10 members to review laws and policies related to discontinued and abandoned roads. The stakeholder group is directed to examine issues relating to continued access through public easements, damage caused by abutting land owners and members of the public, maintenance of private roads that have public easements, methods to address problems of road damage and ways to maintain access for intermittent users who need access to a road. The stakeholder group must include representatives of the Department of Transportation, up to two residents that live on a discontinued or abandoned road with a public easement and members from statewide organizations representing municipalities, small woodlot owners, producers of forest products, snowmobilers and other interested parties. The Department of Conservation is required to report the stakeholder group's findings to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2013, and the committee is authorized to report out legislation to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Resolve 2011, chapter 120 establishes a stakeholder group of no more than 10 members to review laws and policies related to discontinued and abandoned roads. The stakeholder group is directed to examine issues relating to continued access through public easements, damage caused by abutting land owners and members of the public, maintenance of private roads that have public easements, methods to address problems of road damage and ways to maintain access for intermittent users who need access to a road. The stakeholder group includes representatives of the Department of Transportation, up to two residents that live on a discontinued or abandoned road with a public

easement and members from statewide organizations representing municipalities, small woodlot owners, producers of forest products, snowmobilers and other interested parties. The Department of Conservation is required to report the stakeholder group's findings to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2013, and the committee is authorized to report out legislation to the First Regular Session of the 126th Legislature.

LD 1616 **An Act Concerning Copying Fees for Users of County Registries of Deeds** **PUBLIC 508 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP	

Currently, the fees specified in statute for making abstracts and copies of records at county registries of deeds will be repealed July 31, 2012 and beginning August 1, 2012, county commissioners will set the fees. This bill eliminates the repeal and continues the fees specified in statute.

Enacted Law Summary

Public Law 2011, chapter 378 set copying fees until a sunset of July 31, 2012 and beginning August 1, 2012, county commissioners would have set the fees. Public Law 2011, chapter 508 eliminates the sunset so that the copying fees continue to be specified in statute.

Public Law 2011, chapter 508 was enacted as an emergency measure effective March 16, 2012.

LD 1631 **An Act To Address Research and Teaching in Maine's Institutions of Higher Education by Amending the Laws Governing the Purchase of Goods and Services by the State Involving Institutions of Higher Education** **PUBLIC 555**

Sponsor(s)	Committee Report	Amendments Adopted
MASON	OTP-AM MAJ OTP-AM MIN	S-428

This bill allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to waive the requirement of competitive bidding for the purchase of goods and services if the purchase is part of a cooperative project between the State and a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving an activity assisting a state agency and enhancing the ability of the institution to fulfill its mission of teaching and research. The bill removes the requirement that the waiver be for an activity that has a public service component. Current law allows for such a waiver in the case of a cooperative project between the State and the University of Maine System or the Maine Community College System.

Committee Amendment "A" (S-428)

This amendment, which is the majority report of the committee, allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to waive the requirement of competitive bidding for the purchase of goods and services if the purchase is part of a cooperative project between the State and the Maine Maritime Academy. The amendment also restores language that was removed from current law in the bill requiring that such a cooperative project address the institution's mission of public service.

Committee Amendment "B" (S-429)

This amendment, which is the minority report of the committee, allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to waive the requirement of competitive bidding for the purchase of goods and services if the purchase is part of a cooperative project between the State and the Maine Maritime Academy. It removes private nonprofit institutions of higher education from the list of institutions eligible for that waiver as in the bill. The amendment also restores language that was removed from current law in the bill requiring that such a cooperative project address the institution's mission of public service. This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 555 allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to waive the requirement of competitive bidding for the purchase of goods and services if the purchase is part of a cooperative project between the State and the Maine Maritime Academy or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving an activity assisting a state agency and enhancing the ability of the institution to fulfill its mission of teaching and research. Previously, waivers for cooperative projects were limited to the University of Maine System and the Maine Community College System.

LD 1639 **An Act To Allow the Adjutant General To Address a Joint Session of the Legislature** **PUBLIC 472 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
FREDETTE HASTINGS	OTP	

Under current law, the Chancellor of the University of Maine System and the President of the Maine Community College System are invited annually to address the Legislature on matters within their purviews. This bill authorizes the President of the Senate and the Speaker of the House of Representatives to invite the Adjutant General to appear annually before a joint session of the Legislature to address the Legislature on defense, veterans' services and emergency management matters.

Enacted Law Summary

Public Law 2011, chapter 472 authorizes the President of the Senate and the Speaker of the House of Representatives to invite the Adjutant General to appear annually before a joint session of the Legislature to address the Legislature on defense, veterans' services and emergency management matters.

Public Law 2011, chapter 472 was enacted as an emergency measure effective February 10, 2012.

LD 1640 **An Act To Promote POW/MIA Recognition Day** **PUBLIC 490**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER RAYE	OTP-AM	H-705

This bill requires the Governor to issue the proclamation designating the 3rd Friday in September as Prisoner of War - Missing in Action Recognition Day through a media outlet at least 48 hours in advance of the day. The bill also requires that the proclamation specify that the United States flag and the State of Maine flag be flown at half staff on that day. The bill requires that the Department of Education and the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services make appropriate information available within the limits of their budgets.

Committee Amendment "A" (H-705)

This amendment alters the bill to allow the Governor to issue a proclamation through a media outlet in advance of Prisoner of War - Missing in Action Recognition Day. It removes the language that would have required the United States flag to be flown at half staff because the President determines when the flag should be flown at half staff. It also clarifies that the State of Maine flag must be flown at half staff if the Governor considers it appropriate. Flag protocol determines that it would be inappropriate for the State of Maine flag to be at half staff if the President has raised the Prisoner of War - Missing in Action flag.

Enacted Law Summary

Public Law 2011, chapter 490 allows the Governor to issue the proclamation designating the 3rd Friday in September as Prisoner of War - Missing in Action Recognition Day through a media outlet at least 48 hours in advance of the day. On that day, the State of Maine flag must be flown at half staff if the Governor considers it appropriate. Flag protocol determines that it would be inappropriate for the State of Maine flag to be at half staff if the President has raised the Prisoner of War - Missing in Action flag. The Department of Education and the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services is required to make appropriate information available within the limits of their budgets.

LD 1681 **An Act To Amend the Charter of the Lucerne-in-Maine Village Corporation** **P & S 22 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	OTP-AM	S-384

This bill amends the charter of the Lucerne-in-Maine Village Corporation to remove the requirement that a nonresident member of the Board of Overseers must reside within 25 miles of the Lucerne-in-Maine fire station and remove a restriction on the staggering of terms.

Committee Amendment "A" (S-384)

This amendment removes the provision from the charter of the Lucerne-in-Maine Village Corporation that requires the Board of Overseers to include both residents and nonresidents to serve on the board. It establishes a new procedure for elections. It clarifies that the members continue to have staggered terms by requiring that one seat expire each calendar year. If a vacancy occurs due to resignation before the annual summer meeting, the remaining board members must appoint a person to fill the position until the next summer meeting.

Enacted Law Summary

Private and Special Law 2011, chapter 22 amends the charter of the Lucerne-in-Maine Village Corporation to remove the requirement for the Board of Overseers to include both residents and nonresidents on the board. It establishes a new procedure for elections and clarifies that members continue to have staggered terms. If a vacancy occurs due to resignation before the annual summer meeting, the remaining board members must appoint a person to fill the position until the next summer meeting.

Private and Special Law 2011, chapter 22 was enacted as an emergency measure effective March 8, 2012.

LD 1712 **An Act Regarding the School Fund in the Town of Burlington** **P & S 20**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER ROSEN R	OTP	

This bill authorizes the Town of Burlington to allow the funds remaining in the town's school and ministerial fund to lapse to the town's general fund.

Enacted Law Summary

Private and Special Law 2011, chapter 20 authorizes the Town of Burlington to allow the funds remaining in the town's school and ministerial fund to lapse to the town's general fund.

LD 1757 **An Act To Require Agencies To Report the Costs of Pursuing Actions in Adjudicatory and Court Proceedings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill requires state agencies to annually report expenditures for pursuing actions in adjudicatory and court proceedings to the joint standing committee of the Legislature having jurisdiction over that agency's activities. The report must include costs incurred directly by the agency as well as any costs incurred by the Office of the Attorney General.

LD 1815 **An Act To Establish "The Dirigo March" as the Official March of the State** **PUBLIC 536**

Sponsor(s)	Committee Report	Amendments Adopted
KATZ	OTP-AM	S-418

This bill establishes "The Dirigo March" by Leo Pepin of Augusta as the official march of the State.

Committee Amendment "A" (S-418)

This amendment clarifies that "The Dirigo March" is a march rather than a song.

Enacted Law Summary

Public Law 2011, chapter 536 establishes "The Dirigo March" by Leo Pepin of Augusta as the official march of the State.

LD 1821 **Resolve, Regarding Prequalification Processes for Contractors** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM A ONTP B OTP-AM C	

This resolve, which is submitted pursuant to Resolve 2011, chapter 74, requires the Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation to convene a stakeholder group to review the prequalification processes for contractors for projects administered by the University of Maine System, the Maine Community College System and municipalities to determine when the state prequalification system could be used. The stakeholder group is required to consider and determine a level of state funding appropriate for requiring these entities to use the state prequalification system. The Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation is required to invite the participation of representatives of the University of Maine System, the Maine Community College System, a statewide organization representing municipalities, a statewide organization representing contractors and other interested parties considered appropriate. The Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation are directed to report the findings and recommendations of the stakeholder group to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2013, and the committee is authorized to report out legislation to the First Regular Session of the 126th Legislature.

Committee Amendment "A" (S-456)

This amendment, which is the majority report of the committee, removes municipalities from the stakeholder group reviewing prequalification processes for contractors. In the amendment, the stakeholder group does not include a representative of municipalities, and municipal projects that require prequalification are not included as part of the review of when the state prequalification process can be used. The amendment adds to the stakeholder group representatives from a statewide organization representing organized labor and a statewide organization representing building trades within the State.

Committee Amendment "B" (S-457)

This amendment, which is a minority report of the committee, removes municipalities from the bill. The stakeholder group does not include a representative of municipalities, and municipal projects that require prequalification are not included as part of the review of when the state prequalification process can be used.

LD 1843 **An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities** **PUBLIC 616**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-831

This bill implements recommendations of the Government Oversight Committee stemming from the report on the Maine Turnpike Authority issued by the Office of Program Evaluation and Government Accountability. The purpose of this bill is to improve transparency, accountability, governance and financial practices in specified areas

for existing and future quasi-independent state entities.

Part A of the bill requires certain existing quasi-independent state entities to adopt and implement policies and procedures related to procurement practices, contributions made to outside organizations, and travel, meal and entertainment expenses. It also prohibits those entities from retaining persons other than entity staff for lobbying. This Part also clarifies that the entity's governing body is responsible for ensuring compliance with the adopted policies and for reporting annually to the Legislature on certain procurements and contributions. Part A also establishes a framework for joint standing committees of the Legislature to use in assessing whether proposed quasi-independent state entities should be required to follow these requirements and to help ensure that strong governance structures are incorporated into legislation for future quasi-independent state entities.

Part B of the bill gives a joint standing committee of the Legislature authority to submit legislation to the 126th Legislature to add an existing quasi-independent state entity to the list of agencies that must adhere to the requirements established in Part A for financial policies and procedures and reporting to the Legislature or to incorporate the provisions required for future quasi-independent state entities into the laws governing existing entities that fall under the committee's jurisdiction.

Committee Amendment "A" (H-831)

This amendment removes the Board of Licensure in Medicine, the Combat Sports Authority of Maine, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf, and the State Board of Nursing from the list of quasi-independent state entities required to adopt policies and procedures under the bill. It prohibits the quasi-independent state entities in the bill from hiring a lobbyist rather than prohibiting lobbying as in the bill. It clarifies that governing boards filing ongoing reports to the Legislature relating to procurement, contributions and changes made to policies for compliance are for the most recent budget cycle, either for January 1st to December 31st or July 1st to June 30th, depending on the cycle the entity uses. It also clarifies that the report due on February 1, 2014 only covers a 6-month period, from July 1, 2013 to December 31, 2013. The amendment corrects a reference to these annual reports being required under a subsection rather than a section. The amendment also requires the Executive Director of the Legislative Council to forward the annual reports to the appropriate joint standing committee or committees of the Legislature.

Enacted Law Summary

Public Law 2011, chapter 616 implements recommendations of the Government Oversight Committee stemming from the report on the Maine Turnpike Authority issued by the Office of Program Evaluation and Government Accountability. The purpose is to improve transparency, accountability, governance and financial practices in specified areas for existing and future quasi-independent state entities. It requires certain quasi-independent state agencies to adopt and implement policies and procedures related to procurement practices, contributions made to outside organizations, and travel, meal and entertainment expenses. It also prohibits those agencies from retaining persons other than entity staff as lobbyists. The law establishes a framework for joint standing committees of the Legislature to use in assessing whether proposed quasi-independent state entities should be required to follow these requirements and to help ensure that strong governance structures are incorporated into legislation for future quasi-independent state entities. It also gives authority to a joint standing committee of the Legislature to submit legislation to the 126th Legislature to add an existing quasi-independent state entity to the list of agencies that must adhere to the newly established requirements.

LD 1881 **An Act Regarding the Commercial Sale of Deeds Records** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill prohibits the resale of digital abstracts and copies of deeds. A person requesting 1,000 or more consecutive deeds records must file a signed written statement with the register of deeds that the records are not being requested with the intent to resell. A person who resells deeds commits a civil violation for which a fine of not more than $1,000 may be adjudged. A person who executes a statement containing a false statement commits unsworn falsification under the Maine Revised Statutes, Title 17-A, section 453. This prohibition does not apply to commercial activity for which the exchange of copies of abstracts and deeds records is incidental to the activity, such as a real estate closing.

LD 1898 **Resolve, Authorizing the Lease of the Guy P. Gannett House in Augusta to a Nonprofit Organization for Use as a Museum** **RESOLVE 152**

Sponsor(s)	Committee Report	Amendments Adopted
KATZ	OTP-AM	S-499

This resolve authorizes the Commissioner of Administrative and Financial Services to lease the Guy P. Gannett House in the City of Augusta to a nonprofit organization for use as a museum.

Committee Amendment "A" (S-499)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2011, chapter 152 authorizes the Commissioner of Administrative and Financial Services to lease the Guy P. Gannett House in the City of Augusta to a nonprofit organization for use as a museum.

LD 1904 **An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority and To Provide for the Transfer of Certain Land** **PUBLIC 689**

Sponsor(s)	Committee Report	Amendments Adopted
KATZ	OTP-AM MAJ OTP-AM MIN	S-527

This bill makes the following changes to laws regarding state property.

1. It creates the Leased Space Reserve Fund, a nonlapsing fund to be used for costs related to relocation from leased spaces to state-owned facilities or relocation to lower-priced leased spaces and capital projects that construct, renovate or improve state facilities. It also authorizes the baseline allocation for the Leased Space Reserve Fund program.

2. It allows the use of securities issued by the Maine Governmental Facilities Authority to be used to purchase or acquire facilities.

3. It corrects an inaccurate deed reference authorizing the sale of the Patrick Theriault School property in Aroostook County and applies the correction retroactively to September 28, 2011, the effective date of the resolve authorizing the sale.

4. It authorizes the State, through the Commissioner of Administrative and Financial Services, to purchase three pieces of property located in Augusta that are owned by the Maine Public Employees Retirement System using available resources. The purchase must be made by June 30, 2013.

Committee Amendment "A" (S-527)

This amendment, which is the majority report of the committee, adds to the bill authority for the Commissioner of Administrative and Financial Services to convey by sale a piece of property including easements and other access rights that is currently part of the Dorothea Dix Psychiatric Center to the Bangor Hydro Electric Company, as long as the amount of land to be sold and its boundary are determined to be in the best interests of the State.

Committee Amendment "B" (S-528)

This amendment, which is the minority report of the committee, is the same as the majority report except that any sale of the property is conditional upon design criteria that respect safety precautions against damage from solar storms and electromagnetic pulse.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-930)

This amendment requires the Commissioner of Administrative and Financial Services to recommend that Bangor Hydro Electric Company use design criteria that take into consideration available safety precautions against damage from solar storms and electromagnetic pulses.

This amendment was not adopted.

Enacted Law Summary

Public Law 2011, chapter 689 makes the following changes to laws regarding state property.

1. It creates the Leased Space Reserve Fund, a nonlapsing fund to be used for costs related to relocation from leased spaces to state-owned facilities or relocation to lower-priced leased spaces and capital projects that construct, renovate or improve state facilities. It also authorizes the baseline allocation for the Leased Space Reserve Fund program.

2. It allows the use of securities issued by the Maine Governmental Facilities Authority to be used to purchase or acquire facilities.

3. It corrects an inaccurate deed reference authorizing the sale of the Patrick Theriault School property in Aroostook County and applies the correction retroactively to September 28, 2011, the effective date of the resolve authorizing the sale.

4. It authorizes the State, through the Commissioner of Administrative and Financial Services, to purchase three pieces of property located in Augusta that are owned by the Maine Public Employees Retirement System using available resources. The purchase must be made by June 30, 2013.

5. It authorizes the Commissioner of Administrative and Financial Services to convey by sale a piece of property including easements and other access rights that is currently part of the Dorothea Dix Psychiatric Center to the Bangor Hydro Electric Company, as long as the amount of land to be sold and its boundary are determined to be in the best interests of the State.

Joint Standing Committee on State and Local Government

SUBJECT INDEX

County Government

Enacted

LD 1616	An Act Concerning Copying Fees for Users of County Registries of Deeds	PUBLIC 508 EMERGENCY

Not Enacted

LD 1550	An Act To Change Document Filing Fees for County Registries of Deeds	VETO SUSTAINED
LD 1881	An Act Regarding the Commercial Sale of Deeds Records	ONTP

Departments and Agencies of State Government

Enacted

LD 1843	An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities	PUBLIC 616

Not Enacted

LD 769	An Act To Review the Functions of the State Planning Office	ONTP
LD 1757	An Act To Require Agencies To Report the Costs of Pursuing Actions in Adjudicatory and Court Proceedings	ONTP

Legislature and Legislative Process

Enacted

LD 1639	An Act To Allow the Adjutant General To Address a Joint Session of the Legislature	PUBLIC 472 EMERGENCY

Monuments and Memorial Days

Enacted

LD 1640	An Act To Promote POW/MIA Recognition Day	PUBLIC 490
LD 1815	An Act To Establish "The Dirigo March" as the Official March of the State	PUBLIC 536

Municipalities and Quasi-Municipalities

Enacted

LD 1596	Resolve, To Review Laws and Policies Related to Discontinued and Abandoned Roads	RESOLVE 120
LD 1681	An Act To Amend the Charter of the Lucerne-in-Maine Village Corporation	P & S 22 EMERGENCY
LD 1712	An Act Regarding the School Fund in the Town of Burlington	P & S 20

Rulemaking

Enacted

LD 543	An Act To Protect Legislative Intent in Rulemaking	PUBLIC 479

State Contracts and Fiscal Procedures

Enacted

LD 1631	An Act To Address Research and Teaching in Maine's Institutions of Higher Education by Amending the Laws Governing the Purchase of Goods and Services by the State Involving Institutions of Higher Education	PUBLIC 555

Not Enacted

LD 1821	Resolve, Regarding Prequalification Processes for Contractors	DIED BETWEEN HOUSES

State Government - General

Not Enacted

LD 287	An Act To Provide Savings to the State by Contracting Out Certain Services	ONTP

State Property

Enacted

LD 1898	Resolve, Authorizing the Lease of the Guy P. Gannett House in Augusta to a Nonprofit Organization for Use as a Museum	RESOLVE 152
LD 1904	An Act To Create the Leased Space Reserve Fund and To Amend the Law Regarding the Issuance of Securities under the Maine Governmental Facilities Authority and To Provide for the Transfer of Certain Land	PUBLIC 689

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON TAXATION

June 2012

MEMBERS:

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SEN. DAVID R. HASTINGS, III
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REP. L. GARY KNIGHT, CHAIR
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WILLIAM B. GARDINER, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

LD 52 **An Act To Dedicate a Percentage of the Sales and Use Tax on Automobiles and Motorcycles to the Highway Fund** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA THOMAS	OTP-AM MAJ ONTP MIN	H-694

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill provides that 20% of the sales or use tax on motor vehicles and motor vehicle parts must be transferred to the Highway Fund beginning in 2012.

Committee Amendment "A" (H-694)

This amendment provides that 20% of the sales or use tax on automobiles and motorcycles, rather than on motor vehicles and motor vehicle parts as in the bill, must be transferred to the Highway Fund beginning in 2013, rather than in 2012 as in the bill. The amendment also adds an appropriations and allocations section.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 205 **An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	OTP-AM MAJ ONTP MIN	S-342 ROSEN R S-90

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill provides a sales tax exemption for sales to incorporated nonprofit performing arts organizations.

Committee Amendment "A" (S-90)

This amendment adds an effective date of October 1, 2011.

Senate Amendment "A" To Committee Amendment "A" (S-342)

This amendment changes the effective date from October 1, 2011 to October 1, 2012.

This bill was enacted in the First Regular Session of the 125th Legislature, but was held by the Governor. In the Second Regular Session, the Governor vetoed this bill. The veto was sustained by the Legislature on January 10, 2012.

LD 234 **An Act To Provide a Sales Tax Exemption to Commercial Horticulturists** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
HARVELL	OTP-AM	H-687

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill makes the following changes to the sales and use tax law with respect to commercial agriculture.

1. It enacts a definition of "commercial agricultural production" and specifies that it includes greenhouse and nursery products.

2. It specifies that the sales tax exemption contained in current law applies to products used in commercial agricultural production.

Committee Amendment "B" (H-687)

This amendment adds an emergency preamble and emergency clause to the bill. It removes redundant language related to exempting from the sales tax products used in the commercial production of livestock. The amendment requires the joint standing committee of the Legislature having jurisdiction over taxation matters to conduct, no later than February 1, 2017, a review to determine whether the sales tax exemption for those products used in commercial agricultural production of greenhouse or nursery products should be continued, repealed or modified. See LD 1746, Part N.

Senate Amendment "A" To Committee Amendment "B" (S-593)

This amendment strikes the bill and Committee Amendment "B". It requires a retail seller that does not maintain a place of business in the State but makes retail sales or solicits orders through salespeople, independent contractors, representatives or affiliates that exceed a minimum threshold to register with the State Tax Assessor and collect sales tax. The amendment establishes a presumption that a seller is soliciting business through a salesperson, independent contractor, representative or affiliate if that seller enters into an agreement with a resident of the State under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on a website or otherwise, to the seller, if the cumulative gross receipts from sales by the seller to customers in the State who are referred to the seller by all residents with this type of agreement with the seller exceed $10,000 during the preceding 4 quarterly filing periods. The amendment permits a seller to rebut the presumption that the seller is required to register and collect taxes by demonstrating the resident with whom the seller has an agreement did not engage in solicitation during the preceding 4 quarterly filing periods. It prohibits the State Tax Assessor from collecting taxes from a seller with a presumed nexus for periods before October 1, 2012, if the seller registers and begins to collect tax by that date.

This amendment was adopted in the Senate, but it was not adopted in the House.

House Amendment "A" To Committee Amendment "B" (H-978)

This amendment replaces the statutory changes in the committee amendment with a resolve directing the Department of Administrative and Financial Services, Bureau of Revenue Services to convene a working group to study the issues involved in the application of the sales tax to retailers with an affiliate nexus in the State and directing the bureau to present a report on the issues to the 126th Legislature by January 15, 2013.

This amendment was not adopted.

LD 305 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Land and Buildings To Be Assessed Differently** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CHIPMAN	ONTP	

This resolution was carried over from the First Regular Session of the 125th Legislature.

This resolution proposes to amend the Constitution of Maine to allow land to be assessed at a rate different from the rate at which buildings located on that land are assessed.

LD 338 **An Act To Provide an Income Tax Credit for Persons Engaged in Commercial Forestry** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	ONTP MAJ OTP-AM MIN	S-367 ROSEN R

This bill allows an income tax credit to an employer in the logging industry that employs residents of the State who are engaged primarily in the harvesting of timber in this State. The credit is equal to $2,500 for each full-time equivalent employee.

Committee Amendment "A" (S-41)

This amendment is the minority report. It changes the bill by reducing the income tax credit to an employer in the logging industry that employs residents of the State who are engaged primarily in the harvesting of timber in this State to $250 for each employee who is employed full-time. It also adds an application date and an appropriations and allocations section. This amendment was not adopted.

Senate Amendment "A" (S-367)

This amendment replaces the per employee income tax credit to an employer in the logging industry that employs residents of the State to harvest timber in this State with a credit equal to the tax paid during the taxable year on fuel used by the employer for commercial forestry up to a maximum credit of $1,000. The amendment also delays the application to tax years beginning on or after January 1, 2013 and adds an appropriations and allocations section.

This bill was enacted in the First Regular Session of the 125th Legislature, but was held by the Governor. In the Second Regular Session, the Governor vetoed this bill. The veto was sustained by the Legislature on January 10, 2012.

LD 590 **An Act To Codify the Review Practice of Certain Changes in the Application of the Sales and Use Tax Law** **PUBLIC 503**

Sponsor(s)	Committee Report	Amendments Adopted
CHASE SHERMAN	OTP-AM	H-718

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill requires the State Tax Assessor to report to the joint standing committee of the Legislature having jurisdiction over taxation matters prior to implementing any change in policy application or practice of the Department of Administrative and Financial Services, Bureau of Revenue Services regarding the sales and use tax if that change will result in additional revenue. The joint standing committee of the Legislature having jurisdiction over taxation matters is authorized to report out legislation reversing or modifying the change.

Committee Amendment "C" (H-718)

This amendment changes the title and replaces the bill. It codifies and expands upon previously enacted but unallocated law and the current practice of the Department of Administrative and Financial Services, Bureau of Revenue Services related to implementing a significant change in policy, practice or interpretation of the sales and use tax law that would result in additional revenue. It requires the bureau to consult with the Office of the Attorney General to determine if the change should be reviewed by the appropriate legislative committee of oversight prior to implementation. The amendment requires the bureau to notify the committee chairs at least 45 days prior to the implementation of the change in policy, practice or interpretation of the sales and use tax law, if reasonably practicable. It requires the bureau to report annually to the joint standing committee of the Legislature having jurisdiction over taxation matters on the consultation process and to summarize the issues as permitted by law. It also specifies that the provisions proposed in this amendment establish a procedural consultation and reporting requirement to assist routine legislative oversight and do not affect the validity of any assessment or tax liability under current law.

Enacted Law Summary

Public Law 2011, chapter 503 codifies and expands upon previously enacted but unallocated law and the current practice of the Department of Administrative and Financial Services, Bureau of Revenue Services related to implementing a significant change in policy, practice or interpretation of the sales and use tax law that would result in additional revenue. It requires the bureau to consult with the Office of the Attorney General to determine if the change should be reviewed by the appropriate legislative committee of oversight prior to implementation. It requires the bureau to notify the committee chairs at least 45 days prior to the implementation of the change in policy, practice or interpretation of the sales and use tax law, if reasonably practicable. It requires the bureau to report annually to the joint standing committee of the Legislature having jurisdiction over taxation matters on the consultation process and to summarize the issues as permitted by law.

LD 835 **An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit** **PUBLIC 665**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT SNOWE-MELLO	OTP-AM A OTP-AM B ONTP C	H-703 H-814 KESCHL H-844 DAMON

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill amends the educational opportunity tax credit by removing restrictions on the term of eligible loans and by making the tax credit refundable.

Committee Amendment "B" (H-703)

This amendment, which is the majority report, replaces the bill and makes the following changes to the educational opportunity tax credit.

1. Beginning January 1, 2013, it allows an individual who transfers to an accredited Maine community college, college or university after completing up to 30 credit hours of course work at a non-Maine accredited community college, college or university to be eligible for a portion of the tax credit created to implement the Job Creation Through Educational Opportunity Program.

2. It provides that an individual may claim the educational opportunity tax credit only with respect to loans that are part of that individual's financial aid package and that are entered into before July 1, 2023.

3. It makes the credit refundable for a Job Creation Through Educational Opportunity Program participant entitled to the credit.

4. It allows an employer to claim the credit if a qualified employee meets all eligibility criteria for a Job Creation Through Educational Opportunity Program participant except that the qualified employee's associate degree or bachelor's degree was awarded by an accredited non-Maine community college, college or university.

5. It requires all Maine community colleges, colleges and universities to report to the Department of Education by February 1, 2021 on efforts to promote and enroll individuals in the Job Creation Through Educational Opportunity Program and to train admissions and financial aid staff about the program.

6. It requires the Department of Education and the Department of Administrative and Financial Services, Bureau of Revenue Services to report by March 1, 2021 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters.

7. It requires the joint standing committee of the Legislature having jurisdiction over taxation matters to review the educational opportunity tax credit by June 1, 2021. The committee is required to consider information provided by the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Education to determine whether the credit should be retained, modified or repealed.

Committee Amendment "C" (H-704)

This amendment, which is a minority report, is exactly the same as the majority report except the credit is not refundable. This amendment was not adopted.

House Amendment "A" To Committee Amendment "B" (H-814)

This amendment makes the education opportunity tax credit refundable for program participants who obtain an associate degree or bachelor's degree in science, technology, engineering or mathematics.

House Amendment "B" To Committee Amendment "B" (H-844)

This amendment allows an individual who is domiciled in Maine but who is deployed for military service to be eligible for the educational opportunity tax credit as long as all the other qualifications are met.

Enacted Law Summary

Public Law 2011, chapter 665 makes the following changes to the tax credit created to implement the Job Creation Through Educational Opportunity Program.

1. Beginning January 1, 2013, it allows an individual who transfers to an accredited Maine community college, college or university after completing up to 30 credit hours of course work at a non-Maine accredited community college, college or university to be eligible for a portion of the tax credit.

2. It allows an individual who is domiciled in Maine but who is deployed for military service to be eligible for the credit.

3. It makes the credit refundable for a participant entitled to the credit who obtains a degree in science, technology, engineering or mathematics.

4. It allows an employer to claim the tax credit if a qualified employee meets all eligibility criteria except that the employee's degree was awarded by an accredited non-Maine community college, college or university.

5. It provides a sunset date by requiring that the tax credit applies to loans that are part of the eligible individual's financial aid package entered into before July 1, 2023.

6. It requires all Maine community colleges, colleges and universities to report to the Department of Education by February 1, 2021 on efforts to promote and enroll individuals in the Job Creation Through Educational Opportunity Program and to train admissions and financial aid staff about the program.

7. It requires the Department of Education and the Department of Administrative and Financial Services, Bureau of Revenue Services to report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Taxation by March 1, 2021.

8. It requires the Joint Standing Committee on Taxation to review the educational opportunity tax credit by June 1, 2021, and consider information provided by the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Education to determine whether the credit should be retained, modified or repealed.

LD 849 **An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes** **PUBLIC 692**

Sponsor(s)	Committee Report	Amendments Adopted
TRAHAN	OTP-AM MAJ ONTP MIN	S-427 S-443 COURTNEY S-596 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill provides tax relief for Maine's citizens by reducing income taxes paid by Maine citizens. The bill requires that revenue exceeding the General Fund appropriation limitation and unappropriated surplus of the General Fund be used to gradually increase by 20% the income bracket thresholds at which higher income tax rates apply and to reduce the highest income tax rates from 8.5% and 7% to 6.5%.

Committee Amendment "C" (S-427)

This amendment replaces the bill. It removes the requirement proposed in the bill that revenue exceeding the General Fund appropriation limitation and unappropriated surplus of the General Fund be applied to gradually increase by 20% the income bracket thresholds at which higher income tax rates apply. The amendment requires that a portion of revenue exceeding the General Fund appropriation limitation and unappropriated surplus of the General Fund be used to gradually reduce the tax rates to 4% instead of 6.5% as proposed in the bill.

Senate Amendment "C" To Committee Amendment "C" (S-443)

This amendment requires that the Circuitbreaker Program be fully funded prior to using the Tax Relief Fund for Maine Residents to reduce income tax rates.

Senate Amendment "F" To Committee Amendment "C" (S-596)

This amendment decreases the percentage of excess revenue that is transferred to the Tax Relief Fund for Maine Residents from 40% to 20% and revises the percentages of excess revenue that are transferred to certain other accounts in the cascade. In addition, this amendment makes a technical correction to clarify that the amount to be transferred to the Tax Relief Fund for Maine Residents is based on the amount by which General Fund budgeted revenue exceeds the General Fund appropriation limitation for that fiscal year.

Enacted Law Summary

Public Law 2011, chapter 692 requires that a portion of revenue exceeding the General Fund appropriation limitation and unappropriated surplus of the General Fund be used to gradually reduce the tax rates to 4%. It requires that the Circuitbreaker Program be fully funded prior to using the Tax Relief Fund for Maine Residents to reduce income tax rates.

LD 876 **An Act To Convert Vacant Commercial Property to Occupied Commercial Property** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BENNETT	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature. This bill is a concept draft pursuant to Joint Rule 208.

It proposes to modify the tax laws to provide incentives that will encourage the improvement of unoccupied commercial property in order to attract tenants and stimulate business development.

LD 1138 **An Act To Amend the Maine Tree Growth Tax Law and the Open Space Tax Law** **PUBLIC 618**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT LANGLEY	OTP-AM MAJ ONTP MIN	H-859

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill requires the State Tax Assessor to impose a $100 administrative penalty on a landowner enrolled in the Maine Tree Growth Tax Law program if the landowner fails to file a forest management and harvest plan by the later of the end of the 10-year period and the end of the 120-day notice period given by the assessor to notify the landowner that a plan is needed. If the landowner still does not file a plan within one year of the end of the 10-year deadline, then the assessor is required to withdraw the land from the tree growth tax program and assess a withdrawal penalty. This bill also repeals the 15,000-acre cap on land enrolled in the farm and open space tax law program to allow easier transfer of property between that program and the tree growth tax law program.

Committee Amendment "A" (H-859)

This amendment replaces the bill and changes the title. The amendment does the following.

1. It provides that, on or after August 1, 2012, an owner seeking classification under the Maine Tree Growth Tax Law program for a parcel of land that contains a structure for which a minimum lot size is required under state law or by municipal ordinance, the owner must exclude from the owner's schedule the area of land containing the structure, which may be no less than 1/2 acre. For a parcel of land that contains a residential structure in a shoreland area, the owner must exclude the area of land containing the structure, which may be no less than 1/2 acre, and the excluded parcel must include 100 feet of shoreland frontage or the minimum shoreland frontage required by the applicable minimum requirements of the zoning ordinance for the area in which the land is located, whichever is larger.

2. It requires, beginning August 1, 2012, that landowners in the Maine Tree Growth Tax Law program attest at the time of enrollment and at each update of the forest management and harvest plan that the primary use of the enrolled property is commercial timber harvesting or forest land that cannot be excluded from tree growth classification by statute.

3. It creates a multiple-step process for notification and imposing penalties when a landowner fails to comply with the requirement to update the forest management and harvest plan every 10 years. The process requires up to 3 notifications sent by certified mail. It allows the assessor to impose a $500 fine if the landowner misses the initial deadline and a subsequent $500 penalty if the landowner has not met the requirement within 6 months. If the landowner has not complied with the requirement to update the plan or transferred the land to open space classification within an additional 6 months, the land will be withdrawn from the Maine Tree Growth Tax Law program and a penalty assessed pursuant to the Maine Revised Statutes, Title 36, section 581.

4. It creates an additional category under the alternative valuation method of open space land assessment providing for an additional reduction of 10% for a landowner who provides and complies with a forest management and harvest plan. It provides that a landowner who fails to comply with the plan as required under the open space tax program loses the additional percentage for 10 years.

5. It requires that, for property transferred from the Maine Tree Growth Tax Law program to the open space tax program and subsequently withdrawn from all current use tax programs entirely, the tree growth withdrawal penalty rather than the open space withdrawal penalty applies for the first 10 years after transfer.

6. It clarifies that any property within the unorganized territory that was withdrawn from classification under the Maine Tree Growth Tax Law between September 20, 2007 and July 1, 2010 and returned to tree growth classification pursuant to Public Law 2009, chapter 577, section 3 is for all purposes deemed not to have been withdrawn from tree growth classification during that period of time.

Enacted Law Summary

Public Law 2012, chapter 618 does the following.

1. It provides that, on or after August 1, 2012, an owner seeking classification under the Maine Tree Growth Tax Law program for a parcel of land that contains a structure for which a minimum lot size is required under state law or by municipal ordinance, the owner must exclude from the owner's schedule the area of land containing the structure, which may be no less than 1/2 acre. For a parcel of land that contains a residential structure in a shoreland area, the owner must exclude the area of land containing the structure, which may be no less than 1/2 acre, and the excluded parcel must include 100 feet of shoreland frontage or the minimum shoreland frontage required by the applicable minimum requirements of the zoning ordinance for the area in which the land is located, whichever is larger.

2. It requires, beginning August 1, 2012, that landowners in the Maine Tree Growth Tax Law program attest at the time of enrollment and at each update of the forest management and harvest plan that the primary use of the enrolled property is commercial timber harvesting or forest land that cannot be excluded from tree growth classification by statute.

3. It creates a multiple-step process for notification and imposing penalties when a landowner fails to comply with the requirement to update the forest management and harvest plan every 10 years. The process requires up to 3 notifications sent by certified mail. It allows the assessor to impose a $500 fine if the landowner misses the initial deadline and a subsequent $500 penalty if the landowner has not met the requirement within 6 months. If the landowner has not complied with the requirement to update the plan or transferred the land to open space classification within an additional 6 months, the land will be withdrawn from the Maine Tree Growth Tax Law program and a penalty assessed pursuant to the Maine Revised Statutes, Title 36, section 581.

4. It creates an additional category under the alternative valuation method of open space land assessment providing for an additional reduction of 10% for a landowner who provides and complies with a forest management and harvest plan. It provides that a landowner who fails to comply with the plan as required under the open space tax program loses the additional percentage for 10 years.

5. It requires that, for property transferred from the Maine Tree Growth Tax Law program to the open space tax program and subsequently withdrawn from all current use tax programs entirely, the tree growth withdrawal penalty rather than the open space withdrawal penalty applies for the first 10 years after transfer.

6. It clarifies that any property within the unorganized territory that was withdrawn from classification under the Maine Tree Growth Tax Law between September 20, 2007 and July 1, 2010 and returned to tree growth classification pursuant to Public Law 2009, chapter 577, section 3 is for all purposes deemed not to have been withdrawn from tree growth classification during that period of time.

LD 1164 **An Act To Support Maine Farms and Alleviate Hunger** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
DION ALFOND	OTP-AM MAJ ONTP MIN	H-710

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill provides an income tax credit up to $5,000 to persons engaged in commercial agricultural production for donations of food to incorporated nonprofit organizations that provide free food to low-income individuals for the purpose of alleviating hunger.

Committee Amendment "A" (H-710)

This amendment changes the bill by reducing the maximum amount of the income tax credit for a donation of agricultural products to $2,500 and making the credit nonrefundable. It clarifies that an organization receiving the donated food must be exempt from federal income tax under Section 501(c) of the federal Internal Revenue Code or a nonprofit corporation organized under the Maine Revised Statutes, Title 13-B and may not charge a fee for the food or require any other type of compensation. It provides a definition of "low-income individual," clarifies how fair market value of the donation will be determined and prohibits a taxpayer that has claimed a federal deduction for a charitable contribution for the same donation from claiming the credit. It provides for a review of the tax credit by the joint standing committee of the Legislature having jurisdiction over taxation matters no later than April 1, 2018 to determine whether the credit should be continued, repealed or modifed. It provides that the changes apply to tax years beginning on or after January 1, 2013.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 1225 **An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
STRANG BURGESS RAYE	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill creates a checkoff on the income tax form to allow tax filers to donate to the Comprehensive Cancer

Screening, Detection and Prevention Fund for funding the cancer prevention and control program.

Committee Amendment "A" (H-712)

This amendment, which is the minority report, incorporates an appropriations and allocations section. This amendment was not adopted.

LD 1470 **An Act To Evaluate the Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law** **PUBLIC 619**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM MAJ ONTP MIN	S-441

This bill was carried over from the First Regular Session of the 125th Legislature. This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to ensure that future applicants for classification of land under the Maine Tree Growth Tax Law are eligible only if they are actually engaged in harvesting timber and not using the land as a property tax shelter without harvesting.

Committee Amendment "A" (S-441)

This amendment replaces the bill, which was a concept draft, and changes the title. It authorizes the Director of the Bureau of Forestry within the Department of Conservation to conduct periodic random sampling of land enrolled under the Maine Tree Growth Tax Law and assess overall compliance with the law as well as differences in compliance based on property location. It allows the director or the director's designee to examine forest land and review the forest management and harvest plan, or an expired plan, upon request when the director is conducting random sampling. This amendment provides that the information collected is confidential, except that the director is required to publish at least one summary report that does not reveal the activities of any person or business entity and that must be available as a public record. It also requires the director to provide a report that includes findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters no later than March 1, 2014. This amendment provides that the provision authorizing the random sampling and report is repealed on December 31, 2014.

Enacted Law Summary

Public Law 2011, chapter 619 authorizes the Director of the Bureau of Forestry within the Department of Conservation to conduct periodic random sampling of land enrolled under the Maine Tree Growth Tax Law and assess overall compliance with the law as well as differences in compliance based on property location. It allows the director or the director's designee to examine forest land and review the forest management and harvest plan, or an expired plan, upon request when the director is conducting random sampling. It provides that the information collected is confidential, except that the director is required to publish at least one summary report that does not reveal the activities of any person or business entity and that must be available as a public record. It also requires the director to provide the summary report, including findings and recommendations, to the joint standing committee of the Legislature having jurisdiction over taxation matters no later than March 1, 2014. The law provides that the provision authorizing the random sampling and report is repealed on December 31, 2014.

LD 1535 **Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Develop a Pilot Project for a Tax Simulation Model for State Dynamic Fiscal Analysis** **RESOLVE 114**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT TRAHAN	OTP-AM	H-685

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill requires the Department of Administrative and Financial Services, Bureau of Revenue Services and the Office of Fiscal and Program Review to prepare a dynamic fiscal note for any legislation that involves a tax expenditure or an increase or decrease in tax revenue resulting in a projected direct annual revenue impact of more than $1,000,000. The dynamic fiscal note must include an analysis of the anticipated effects of any significant behavioral changes expected as a result of the legislation, excluding those reflected in the standard fiscal note, and must analyze any significant secondary and indirect economic effects of the legislation, including the effects on jobs, incomes and capital investment as well as the overall effect on the State's economy. Dynamic fiscal notes are for informational purposes only.

Committee Amendment "A" (H-685)

This amendment changes the bill to a resolve and changes the title. It requires the Department of Administrative and Financial Services, Bureau of Revenue Services to undertake a pilot project to develop and evaluate a tax simulation model for state dynamic fiscal analysis. It allows the bureau to enter into a memorandum of understanding with the University of Maine for the development and evaluation of the pilot project model and it provides an exemption from certain confidentiality requirements related to taxpayer information in order to complete this work. It requires the bureau and the Office of Fiscal and Program Review to submit a joint report with findings and recommendations to the Joint Standing Committee on Taxation by November 15, 2012.

Enacted Law Summary

Resolve 2011, chapter 114 requires the Department of Administrative and Financial Services, Bureau of Revenue Services to undertake a pilot project to develop and evaluate a tax simulation model for state dynamic fiscal analysis. It allows the bureau to enter into a memorandum of understanding with the University of Maine for the development and evaluation of the pilot project model and it provides an exemption from certain confidentiality requirements related to taxpayer information in order to complete this work. It requires the bureau and the Office of Fiscal and Program Review to submit a joint report with findings and recommendations to the Joint Standing Committee on Taxation by November 15, 2012.

LD 1610 **An Act To Amend the Law Regarding the Sale of Wood Pellets and Wood** **PUBLIC 670 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE THOMAS	OTP-AM MAJ OTP-AM MIN	H-937

Currently, in order to qualify for the sales tax exemption on the purchase of wood pellets for residential use, customers purchasing more than 200 pounds of wood pellets for residential cooking or heating must sign an affidavit

or a log. This bill increases the amount of wood pellets presumed to meet the requirement of residential use, and thus to qualify for the sales tax exemption, from 200 pounds to 2,000 pounds.

Committee Amendment "A" (H-727)

This amendment is the majority report of the committee and replaces the bill. This amendment changes the amount of wood pellets presumed to meet the requirement of residential use, and thus to qualify for the sales tax exemption, to 1,000 pounds rather than 2,000 pounds as proposed in the bill. It also provides a presumption of residential use for the purchase of wood. Currently, wood purchased for residential use when bought for cooking and heating is exempt from sales tax. Under this amendment it is presumed that a person who purchases less than a cord of wood is purchasing the wood for residential use for cooking or heating.

Although not adopted, this amendment is incorporated in the Committee of Conference amendment (H-937).

Committee Amendment "B" (H-728)

This amendment is the minority report of the committee and is the same as the majority report except it changes the amount of wood pellets presumed to meet the residential use requirement to 400 pounds rather than 1,000 pounds as proposed by the majority report amendment.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-755)

This amendment removes the limit on the amount of wood pellets presumed to be intended for residential use for purposes of sales tax exemption.

Although not adopted, this amendment is incorporated in the Committee of Conference amendment (H-937).

Senate Amendment "A" To Committee Amendment "A" (S-450)

This amendment requires the Maine State Housing Authority to amend its rules governing the awarding of contracts to suppliers of wood pellets to give preference to a supplier of wood pellets that is incorporated under the laws of, and has its principal place of business within, a state in the United States of America.

Although not adopted, this amendment is incorporated in the Committee of Conference amendment (H-937).

Committee of Conference Amendment "B" (H-937)

This amendment incorporates all of the substance of Committee Amendment "A"(H-727), Senate Amendment "A" to Committee Amendment "A" (S-450) and House Amendment "A" to Committee Amendment "A" (H-755). The amendment also clarifies that the preference to United States suppliers of wood pellets is given by the Maine State Housing Authority when all other factors are substantially equal and sets a date of October 1, 2013 as the date when there will be no limit on the amount of wood pellets that are presumed to be intended for residential use for purposes of sales tax exemption.

Enacted Law Summary

The purchase of coal, oil and wood, when bought for residential cooking or heating, is exempt from sales and use tax. Prior to enactment of Public Law, chapter 670 a person purchasing more than 200 pounds wood pellets or of any 100% compressed wood product was required to sign an affidavit or a log kept by the seller to validate the residential use of the purchase in order for the purchaser to receive the sales tax exemption.

Public Law 2011, chapter 670 increases the amount of wood pellets presumed to meet the requirement of residential use from 200 pounds to 1,000 pounds until September 30, 2013. It provides that a purchase of wood pellets in any amount is presumed to meet the requirement of residential use beginning October 1, 2013. It creates a presumption of residential use for a purchase of less than a cord of wood. It also requires the Maine State Housing Authority to,

when administering the federal low-income Home Energy Assistance Program, give preference to United States suppliers of wood pellets if all other factors are substantially equal.

Public Law 2011, chapter 670 was enacted as an emergency measure effective May 21, 2012.

LD 1641 **An Act To Ensure Equal Tax Treatment for Private-pay and MaineCare-participating Providers of Residential Care to Persons Who Are Elderly or Disabled** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARMON RAYE	ONTP	

This bill excludes from the service provider tax private nonmedical institutions that provide services reimbursed under MaineCare for persons who are elderly or disabled without specializing in a particular diagnosis.

LD 1653 **An Act To Make Fisheries and Wildlife and Marine Resources Projects Eligible for Tax Increment Financing** **PUBLIC 675**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM	S-453

This bill authorizes the use of tax increment financing for fisheries and wildlife projects approved by the Department of Inland Fisheries and Wildlife. Projects must be undertaken for the purpose of improving public access to fisheries and wildlife resources of the State for fishing, hunting, research or observation or for conservation or improvement of the fisheries and wildlife resources of the State.

Committee Amendment "A" (S-453)

This amendment replaces the bill and changes the title. It authorizes the use of tax increment financing for marine resources projects approved by the Department of Marine Resources in addition to projects approved by the Department of Inland Fisheries and Wildlife, as authorized in the bill. It adds marine resources projects to the types of tax increment projects that may be undertaken for the purpose of improving public access to fisheries and to the wildlife resources of the State for fishing, hunting, research or observation or for conservation or improvement of the fisheries and wildlife resources of the State. It requires the Department of Marine Resources to adopt rules for establishing the standards for the approval of marine resources projects eligible for tax increment financing. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 675 authorizes the use of tax increment financing for fisheries and wildlife or marine resources projects approved by the Department of Inland Fisheries and Wildlife or the Department of Marine Resources. Projects must be undertaken for the purpose of improving public access to freshwater or saltwater fisheries and wildlife resources of the State for fishing, hunting, research or observation or for conservation or improvement of the freshwater or saltwater fisheries and wildlife resources of the State.

LD 1655 **An Act To Create a Sales Tax Exemption for the Sale and Delivery of Off-peak Electricity for Electric Thermal Storage Devices** **PUBLIC 673 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	OTP-AM	S-383

Current law exempts the sale of certain forms of energy, including heating oil, for residential heating, but taxes electricity used to charge electric thermal storage space and water heaters. This bill provides a sales tax exemption for off-peak residential electricity used for water and space heating similar to exemptions provided for other forms of energy.

Committee Amendment "A" (S-383)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 673 provides a sales tax exemption for off-peak residential electricity used to charge electric thermal storage devices similar to exemptions provided for other forms of energy.

Public Law 2011, chapter 673 was enacted as an emergency measure effective May 21, 2012.

LD 1680 **An Act To Amend the Circuitbreaker Program To Include Claimants Occupying Property Pursuant to a Trust and To Require Proof of Payment of Rent** **PUBLIC 513**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	OTP-AM MAJ ONTP MIN	S-407

This bill increases the eligibility in the Circuitbreaker Program by allowing a person to qualify for benefits if that person is occupying a homestead under a trust that allows the person to transfer the property but continue to reside in it as a homestead until some specified future event. It requires a renter applying for benefits under Circuitbreaker Program to provide with the application either a notarized statement signed by the claimant or a letter signed by the claimant's landlord stating that the rent for the year that the Circuitbreaker Program benefit is claimed has been paid in full.

Committee Amendment "A" (S-407)

This amendment clarifies that a person occupying a homestead under a legally binding agreement may transfer the property but continue to reside in it as a home until some specified future event and be eligible to apply for benefits under the Circuitbreaker Program. It requires the State Tax Assessor to adopt routine technical rules to require, for applications filed on or after August 1, 2012, proof of rent paid when the application for benefits under the Circuitbreaker Program is based on rent paid of $9,000 or more for the year.

Enacted Law Summary

Public Law 2012, chapter 513 clarifies that a person occupying a homestead under a legally binding agreement may transfer the property but continue to reside in it as a home until some specified future event and be eligible to apply

for benefits under the Circuitbreaker Program. It requires the State Tax Assessor to adopt routine technical rules to require, for applications filed on or after August 1, 2012, proof of rent paid when the application for benefits under the Circuitbreaker Program is based on rent paid of $9,000 or more for the year.

LD 1693 **An Act To Amend the Law Governing Abatements of Property Taxes for Infirmity or Poverty and the Administration of the Circuitbreaker Program** **PUBLIC 552**

Sponsor(s)	Committee Report	Amendments Adopted
KESCHL KATZ	OTP-AM	H-754

This bill provides that benefits issued to a property owner under the Circuitbreaker Program are deemed available to contribute to the public charges for the purposes of calculating eligibility at the municipal level for a property tax abatement for reasons of infirmity or poverty. This bill changes the Circuitbreaker Program to specify that the reimbursement benefit is calculated based on the property taxes actually paid by the owner on that owner's homestead, rather than taxes accrued, and requires the claimant to provide proof of payment. It provides that any property taxes abated by a municipality for infirmity or poverty may not be claimed for purposes of calculating a refund under the Circuitbreaker Program.

Committee Amendment "A" (H-754)

This amendment changes the title and replaces the bill. It provides that, for purposes of calculating eligibility at the municipal level for property tax abatement for reasons of poverty or infirmity, municipal officers may set off or otherwise treat as available benefits provided under the Circuitbreaker Program when determining a person's ability to contribute to the public charges. It prohibits a claimant under the Circuitbreaker Program from seeking a refund on property taxes that were abated by a municipality based upon poverty or infirmity by excluding from the definition of "property taxes accrued" any taxes abated in the year for which the claimant is seeking relief.

Enacted Law Summary

Public Law 2011, chapter 552 provides that, for purposes of calculating eligibility at the municipal level for property tax abatement for reasons of poverty or infirmity, municipal officers may set off or otherwise treat as available benefits provided under the Circuitbreaker Program when determining a person's ability to contribute to the public charges. It prohibits a claimant under the Circuitbreaker Program from seeking a refund on property taxes that were abated by a municipality based upon poverty or infirmity by excluding from the definition of "property taxes accrued" any taxes abated in the year for which the claimant is seeking relief.

LD 1699 **An Act To Create Excise Tax Equity and Consistency for Buses** **PUBLIC 646**

Sponsor(s)	Committee Report	Amendments Adopted
KNAPP	OTP-AM MAJ ONTP MIN	H-724

This bill provides that the motor vehicle excise tax on a bus manufactured in 2006 or after must be based on the purchase price of the bus rather than the maker's list price in the same manner as commercial trucks, truck tractors and special mobile equipment. The bill also provides for reimbursement to municipalities from the Municipal Excise Tax Reimbursement Fund.

Committee Amendment "A" (H-724)

The amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2011, chapter 646 provides that the motor vehicle excise tax on a bus manufactured in 2006 or after must be based on the purchase price of the bus rather than the maker's list price in the same manner as commercial trucks, truck tractors and special mobile equipment. It also provides for reimbursement to municipalities from the Municipal Excise Tax Reimbursement Fund.

LD 1730 **An Act To Require the Review of Proposed Tax Expenditures** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill is the report of the Joint Standing Committee on Taxation pursuant to Title 36, section 199-D.

It creates a review process to be performed by the joint standing committee of the Legislature having jurisdiction over taxation matters prior to the enactment of legislation or approval of a legislative initiative that would result in a new tax expenditure or a change that prolongs or expands an existing tax expenditure. The bill requires that committee to consider the groups and numbers of taxpayers affected, the public policy objectives that provide justification for the proposed tax expenditure, fiscal impact projections related to the proposed tax expenditure, effects the proposed tax expenditure may have on the economy, unintended benefits or negative consequences of the proposed tax expenditure, similar tax expenditures in other states, standards of accountability or reporting requirements related to the proposed tax expenditure, methods for evaluating the proposed tax expenditure and mechanisms for recapturing the proposed tax expenditure if objectives are not fulfilled. The bill requires proposals for a new tax expenditure or a change that prolongs or expands an existing tax expenditure to include a repeal date and a review process for the tax expenditure. The bill requires the joint standing committee of the Legislature having jurisdiction over a proposal for a new tax expenditure or a change that prolongs or expands an existing tax expenditure to seek an advisory opinion from the joint standing committee of the Legislature having jurisdiction over taxation matters prior to enacting legislation or recommending a legislative initiative that would result in a new tax expenditure or a change that prolongs or expands an existing tax expenditure.

LD 1735 **An Act To Promote Jobs in the Motor Coach Industry by Providing a Sales Tax Exemption for Certain Buses** **PUBLIC 501**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP	

This bill modifies Maine's sales and use tax exemption for certain instrumentalities of interstate or foreign commerce to include a bus with a capacity of at least 47 passengers engaged in transporting within the State a bona fide payload of travelers on an interstate or foreign cruise that originates outside the State and terminates outside the State, as long as the transportation is provided pursuant to a contract between the interstate or foreign cruise provider and the person providing the transportation.

Enacted Law Summary

Public Law 2011, chapter 501 modifies Maine's sales and use tax exemption for certain instrumentalities of interstate or foreign commerce to include a bus with a capacity of at least 47 passengers engaged in transporting within the State a bona fide payload of travelers on an interstate or foreign cruise that originates outside the State and terminates outside the State, as long as the transportation is provided pursuant to a contract between the interstate or foreign cruise provider and the person providing the transportation.

LD 1748 **An Act To Conform the Maine Tax Laws for 2011 to the United States Internal Revenue Code** **PUBLIC 530 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT	OTP	

This bill updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 so that they refer to the United States Internal Revenue Code of 1986 as amended through December 31, 2011 for tax years beginning on or after January 1, 2011 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986. The bill primarily affects the State's income tax laws.

Enacted Law Summary

Public Law 530 updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 so that they refer to the United States Internal Revenue Code of 1986 as amended through December 31, 2011 for tax years beginning on or after January 1, 2011, and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986.

Public Law 2011, chapter 530 was enacted as an emergency measure effective March 18, 2012.

LD 1749 **An Act To Amend the Tax Laws** **PUBLIC 644**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT	OTP-AM	H-792

This bill makes the following changes to the laws governing taxation.

1. It extends from 30 days to 60 days the period during which a person who has received a demand to file a delinquent tax return must either file the return or request an extension in order to avoid an enhanced penalty.

2. It provides that the weight limitation for a pickup truck or van included in the definition of "automobile" in the sales and use tax law applies to the gross vehicle weight rating of the vehicle.

3. It removes the requirement that persons who rent or lease temporary retail space must file monthly returns reporting those rentals and replaces it with a tax registration certificate and record-keeping requirement. Additionally, the characteristics of the registration certificates are clarified.

4. It provides that an amount claimed as an income modification for military survivor benefits may not include an amount representing employee retirement benefits for which an income modification is claimed.

5. It provides that any income recognized on a taxpayer's federal tax return from the new markets capital investment credit is subtracted from federal adjusted gross income for state income tax purposes.

6. It provides that certain refundable tax credits are included for purposes of calculating the taxpayer's alternative minimum tax credit.

7. It provides that certain refundable tax credits may be applied to reduce the taxpayer's alternative minimum tax liability.

Committee Amendment "A" (H-792)

This amendment makes additional changes to the laws governing taxation as follows.

1. It clarifies the State Tax Assessor's responsibilities with regard to special fuel tax obligations reported or assessed under the International Fuel Tax Agreement and provides the statutory authority for the further delegation of those responsibilities to the Secretary of State, including the audit of International Fuel Tax Agreement tax returns and the administrative appeal of International Fuel Tax Agreement assessments. It also clarifies that the International Fuel Tax Agreement governing documents referenced in the Maine special fuel tax law include amendments to those documents that have been adopted as of December 31, 2011.

2. It repeals the requirement for the Bureau of Revenue Services to submit to the Legislature a biennial report on the value of working waterfront land and sales of the land.

3. It repeals the requirement for the Department of Agriculture, Food and Rural Resources and the Bureau of Revenue Services to jointly submit an annual report to the Legislature on federal estate tax changes affecting Maine farmland.

4. It makes changes to the Maine fishery infrastucture investment tax credit. Under current law, a taxpayer may not claim a Maine fishery infrastructure investment tax credit if the taxpayer claims a deduction for the investment under another provision of the Maine income tax law. This amendment replaces this prohibition with an income tax addition modification for individuals and corporations to increase Maine taxable income by the amount of any deduction claimed for expenses that are used to calculate the Maine fishery infrastructure investment tax credit. The change applies retroactively to the effective date of the enactment of the Maine fishery infrastructure investment tax credit. The amendment authorizes the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information to the Department of Inland Fisheries and Wildlife necessary to administer the Maine fishery infrastructure investment tax credit.

5. It repeals a requirement that the Bureau of Revenue Services submit a report to the Legislature regarding electronic filing mandates.

Enacted Law Summary

Public Law 2011, chapter 644 makes the following changes to the laws governing taxation.

1. It extends from 30 days to 60 days the period during which a person who has received a demand to file a delinquent tax return must either file the return or request an extension in order to avoid an enhanced penalty.

2. It provides that the weight limitation for a pickup truck or van included in the definition of "automobile" in the sales and use tax law applies to the gross vehicle weight rating of the vehicle.

3. It removes the requirement that persons who rent or lease temporary retail space must file monthly returns

reporting those rentals and replaces it with a tax registration certificate and record-keeping requirement. Additionally, the characteristics of the registration certificates are clarified.

4. It provides that an amount claimed as an income modification for military survivor benefits may not include an amount representing employee retirement benefits for which an income modification is claimed.

5. It provides that any income recognized on a taxpayer's federal tax return from the new markets capital investment credit is subtracted from federal adjusted gross income for state income tax purposes.

6. It provides that certain refundable tax credits are included for purposes of calculating the taxpayer's alternative minimum tax credit.

7. It provides that certain refundable tax credits may be applied to reduce the taxpayer's alternative minimum tax liability.

8. It clarifies the State Tax Assessor's responsibilities with regard to special fuel tax obligations under the International Fuel Tax Agreement and further delegates responsibilities to the Secretary of State. It also clarifies that the International Fuel Tax Agreement governing documents referenced in the Maine special fuel tax law include amendments to those documents that have been adopted as of December 31, 2011.

9. It repeals the requirement for the Bureau of Revenue Services to submit to the Legislature a biennial report on the value of working waterfront land and sales of the land.

10. It repeals the requirement for the Department of Agriculture, Food and Rural Resources and the Bureau of Revenue Services to jointly submit an annual report to the Legislature on federal estate tax changes affecting Maine farmland.

11. It makes changes to the Maine fishery infrastucture investment tax credit. Under current law, a taxpayer may not claim a Maine fishery infrastructure investment tax credit if the taxpayer claims a deduction for the investment under another provision of the Maine income tax law. Public Law 2011, chapter 644 replaces this prohibition with a retroactive income tax addition modification for individuals and corporations to increase Maine taxable income by the amount of any deduction claimed for expenses that are used to calculate the Maine fishery infrastructure investment tax credit, and authorizes the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information to the Department of Inland Fisheries and Wildlife necessary to administer the Maine fishery infrastructure investment tax credit.

12. It repeals a requirement that the Bureau of Revenue Services submit a report to the Legislature regarding electronic filing mandates.

LD 1750 **An Act To Create the Maine Board of Tax Appeals** **PUBLIC 694**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT	OTP-AM MAJ OTP-AM MIN	H-860 S-603 ROSEN R

This bill makes the following changes to the laws governing appeals of decisions of the State Tax Assessor.

1. It provides the means for a taxpayer to consider that a petition for reconsideration has been denied if a

decision has not been issued by the Department of Administrative and Financial Services, Bureau of Revenue Services within 90 days of the receipt of the petition.

2. It provides for a reconsidered decision on a small claim request at the bureau level, which may be appealed directly to the Superior Court, and defines a small claim request. It provides that all other reconsidered decisions may be appealed de novo to either the Superior Court or the Maine Board of Tax Appeals.

3. It eliminates the Independent Appeals Office, as created in Public Law 2011, chapter 439, and instead creates the Maine Board of Tax Appeals, an independent, 3-member board appointed by the Governor. The members of the board serve 3-year terms. It provides for per diem compensation to the board members and outlines the powers and duties of the board, including adopting rules necessary to oversee formal appeals of decisions of the State Tax Assessor. It creates a special revenue account for appeals fees to be used for operating expenses of the board.

4. It amends the provision in current law allowing for a redacted copy of certain documents to be made public to comply with federal confidentiality statutes and to clarify that the dissemination of those documents is on a prospective basis only.

5. It eliminates the restriction on the disclosure of information by the State Tax Assessor to the taxpayer advocate, since this bill also maintains the taxpayer advocate as an employee of the Bureau of Revenue Services.

6. It allows the State Tax Assessor to disclose information to the Maine Board of Tax Appeals and allows the board to disclose that information, but limits the disclosure to information that is pertinent to an appeal or other action or proceeding before the board.

7. It provides for the transfer of funds from the Bureau of Revenue Services to the Maine Board of Tax Appeals, the elimination of positions within the bureau, the creation of new positions in the appeals office of the Maine Board of Tax Appeals and the transition of cases from the bureau to the board.

Committee Amendment "A" (H-860)

This amendment, which is the majority report, does the following.

1. It makes the review by the Superior Court of a final determination by the State Tax Assessor or the Department of Administrative and Financial Services, Maine Board of Tax Appeals a de novo review.

2. It provides that the Chief Appeals Officer serves at the pleasure of the Commissioner of Administrative and Financial Services and is a confidential employee at salary range 33.

3. It clarifies that the board may not have any ex parte communication with or on behalf of any party, but may have such communication related to administrative matters.

4. It provides that either the taxpayer or the assessor may appeal a decision to the Superior Court.

5. It provides that a person who wishes to appeal the board's decision to the Superior Court must file a petition for review within 60 days after receipt of the board's decision or the decision becomes final and no further review is available.

6. It provides that the board begins to receive appeals on November 1, 2012, and begins to consider appeals on January 1, 2013.

7. It eliminates provisions related to the transfer of cases between the eliminated appellate division within the Department of Administrative and Financial Services, Bureau of Revenue Services and the Maine Board of Tax Appeals, the continuation of rules, regulations, procedures and contracts and the use of related forms, licenses, letterheads and similar items.

8. It provides for the transfer of positions from the eliminated appellate division to the Maine Board of Tax Appeals and includes an appropriations and allocations section.

Committee Amendment "B" (H-861)

This amendment, which is the minority report, restores the tax appeals process that was in place prior to enactment of Public Law 2011, chapter 439. It retains the provisions of Public Law 2011, chapter 439 pertaining to the taxpayer advocate. This amendment adds an appropriations and allocations section.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-603)

This amendment removes the date changes regarding when appeals for reconsidered decisions of the State Tax Assessor to the Maine Board of Tax Appeals begin and when appeals to the board must be conducted in accordance with the provisions of the bill.

Enacted Law Summary

Public Law 2011, chapter 694 makes the following changes to the laws governing appeals of decisions of the State Tax Assessor.

1. It eliminates the Independent Appeals Office, as created in Public Law 2011, chapter 439, and instead creates the Maine Board of Tax Appeals, an independent, 3-member board appointed by the Governor. The members of the board serve 3-year terms. It provides for per diem compensation to the board members and outlines the powers and duties of the board, including adopting rules necessary to oversee formal appeals of decisions of the State Tax Assessor. It creates a special revenue account for appeals fees to be used for operating expenses of the board.

2. It provides the means for a taxpayer to consider that a petition for reconsideration has been denied if a decision has not been issued by the Department of Administrative and Financial Services, Bureau of Revenue Services within 90 days of the receipt of the petition.

3. It provides for a reconsidered decision on a small claim request at the bureau level, which may be appealed directly to the Superior Court, and defines a small claim request. It provides that all other reconsidered decisions may be appealed de novo to either the Superior Court or the Maine Board of Tax Appeals.

4. It makes the review by the Superior Court of a final determination by the State Tax Assessor or the Department of Administrative and Financial Services, Maine Board of Tax Appeals a de novo review.

5. It provides that the Commissioner of Administrative and Financial Services shall appoint a Chief Appeals Officer to assist the board and outlines the duties of the position.

6. It amends the provision in current law allowing for a redacted copy of certain documents to be made public to comply with federal confidentiality statutes and to clarify that the dissemination of those documents is on a prospective basis only.

7. It eliminates the restriction on the disclosure of information by the State Tax Assessor to the taxpayer advocate, since this bill also maintains the taxpayer advocate as an employee of the Bureau of Revenue Services. It allows the State Tax Assessor to disclose information to the Maine Board of Tax Appeals and allows the board to disclose that information, but limits the disclosure to information that is pertinent to an appeal or other action or proceeding

before the board. It clarifies that the board may not have any ex parte communication with or on behalf of any party, but may have such communication related to administrative matters.

8. It provides an appeals procedures and requires that the board set a rate of no more than $150 as a processing fee for each petition that proceeds to an appeals conference. It provides that that either the taxpayer or the assessor may appeal a decision to the Superior Court and that a person who wishes to appeal the board's decision to the Superior Court must file a petition for review within 60 days after receipt of the board's decision or the decision becomes final and no further review is available.

9. It provides for the transfer of funds from the Bureau of Revenue Services to the Maine Board of Tax Appeals, the elimination of positions within the bureau and the creation of new positions in the appeals office of the Maine Board of Tax Appeals and provides for the transfer of property and equipment from the bureau to the board.

Public Law 2011, chapter 694 was enacted as an emergency measure effective July 1, 2012.

LD 1751 **Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory** **RESOLVE 129**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT	OTP-AM	H-748

This resolve authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory.

Committee Amendment "A" (H-748)

This amendment reauthorizes the State Tax Assessor to convey certain real estate in the Unorganized Territory. Authorization to convey these parcels was originally granted in Resolve 2011, chapter 54 but that authorization expires April 1, 2012, and conveyances cannot be completed by April 1, 2012, due to administrative delays. This amendment extends the deadline until April 1, 2013 and updates tax liability amounts.

Enacted Law Summary

Resolve 2011, chapter 129 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory. It also reauthorizes the State Tax Assessor to convey certain real estate in the Unorganized Territory that was originally granted in Resolve 2011, chapter 54. That authorization expired April 1, 2012, and conveyances could not be completed by April 1, 2012, due to administrative delays. Resolve 2011, chapter 129 extends the deadline until April 1, 2013, and updates tax liability amounts.

LD 1752 **An Act Concerning Technical Changes to the Tax Laws** **PUBLIC 548**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT	OTP-AM	H-767

This bill makes the following changes to the laws governing taxation.

1. It makes technical changes to correct cross-references, correct clerical errors, resolve statutory numbering

conflicts, improve syntax and repeal unnecessary language.

2. It corrects references to the Department of Administrative and Financial Services, Bureau of Revenue Services.

3. It clarifies the computation of a benchmark loan payment for purposes of the educational opportunity tax credit, consistent with the way the credit is currently administered.

4. It clarifies that an insurance company that does not do business in Maine and is not subject to the Maine insurance premiums tax is eligible for the new markets capital investment credit.

5. It clarifies the computation of the Maine fishery infrastructure investment tax credit.

6. It adds administration of reports and payments by initiators of deposit under the beverage container laws to the list of duties assigned to the State Tax Assessor.

7. It clarifies that only the applicant may appeal to the State Board of Property Tax Review the decision of the assessors or municipal officers with respect to a request for abatement of property taxes on nonresidential property with a valuation of $1,000,000 or greater.

8. It corrects the computation of the subtraction modification relating to bonus depreciation for property not used as the basis for the Maine capital investment credit.

9. It clarifies that the minimum taxability thresholds for nonresidents apply to the taxable year of the taxpayer rather than the calendar year.

10. It amends the definition of "fiduciary adjustment" to reflect the repeal of the requirement to reduce itemized deductions by the amount of any federal deduction for mortgage insurance premiums.

11. It clarifies the recapture provisions of the Maine capital investment credit.

Committee Amendment "A" (H-767)

This amendment clarifies the application of the motor vehicle oil premium reimbursement to include exports by a distributor purchasing motor vehicle oil from another distributor who remitted the premium to the State. The amendment makes the section of the Act clarifying the application of the motor vehicle oil premium reimbursement retroactive to apply to taxes on premiums received on or after July 1, 2011, to coincide with the first reimbursement requests filed by distributors.

Enacted Law Summary

Public Law 2011, chapter 548 makes the following changes to the laws governing taxation.

1. It makes technical changes to correct cross-references, correct clerical errors, resolve statutory numbering conflicts, improve syntax and repeal unnecessary language.

2. It corrects references to the Department of Administrative and Financial Services, Bureau of Revenue Services.

3. It clarifies the computation of a benchmark loan payment for purposes of the educational opportunity tax credit, consistent with the way the credit is currently administered.

4. It clarifies that an insurance company that does not do business in Maine and is not subject to the Maine insurance premiums tax is eligible for the new markets capital investment credit.

5. It clarifies the computation of the Maine fishery infrastructure investment tax credit.

6. It adds administration of reports and payments by initiators of deposit under the beverage container laws to the list of duties assigned to the State Tax Assessor.

7. It clarifies that only the applicant may appeal to the State Board of Property Tax Review the decision of the assessors or municipal officers with respect to a request for abatement of property taxes on nonresidential property with a valuation of $1,000,000 or greater.

8. It corrects the computation of the subtraction modification relating to bonus depreciation for property not used as the basis for the Maine capital investment credit.

9. It clarifies that the minimum taxability thresholds for nonresidents apply to the taxable year of the taxpayer rather than the calendar year.

10. It amends the definition of "fiduciary adjustment" to reflect the repeal of the requirement to reduce itemized deductions by the amount of any federal deduction for mortgage insurance premiums.

11. It clarifies the recapture provisions of the Maine capital investment credit.

12. It clarifies the application of the motor vehicle oil premium reimbursement to include exports by a distributor purchasing motor vehicle oil from another distributor who remitted the premium to the State to apply retroactively to taxes on premiums received on or after July 1, 2011, coinciding with the first reimbursement requests filed by distributors.

LD 1764 **An Act To Reduce High-technology Tax Evasion and Theft** **PUBLIC 526**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY WOODBURY	OTP-AM MAJ ONTP MIN	H-743

This bill prohibits the possession of automated sales suppression devices, which alter the amounts of sales made by a business for the express purpose of illegally withholding or skimming sales taxes paid by customers. For those persons who correct and fully report any previously underreported sales records before September 1, 2012, certain penalties are reduced but other existing financial liabilities are not reduced. The bill also authorizes the Department of Administrative and Financial Services, Bureau of Revenue Services to adopt routine technical rules to implement this interim compliance period. The bill also requires the bureau to report to the joint standing committee in January 2013 and December 2014 on efforts to detect and prevent crimes involving automated sales suppression devices.

Committee Amendment "A" (H-743)

This amendment changes the title of the bill, removes the emergency preamble and emergency clause from the bill and, like the bill, prohibits the possession of automated sales suppression devices, which alter the amounts of sales made by a business for the purpose of illegally withholding sales taxes paid by customers. It provides that a person who knowingly possesses, purchases or owns any automated sales suppression device or phantom-ware commits a Class D crime. It provides that a person who knowingly manufactures, sells, installs or transfers any automated sales suppression device or phantom-ware or possesses, purchases or owns with the intent to sell, install or transfer any automated sales suppression device or phantom-ware commits a Class C crime. The amendment removes the sections of the bill related to an interim compliance period and reporting by the Department of Administrative and Financial Services, Bureau of Revenue Services to the joint standing committee of the Legislature having jurisdiction over taxation matters on efforts to detect and prevent crimes involving automated sales suppression

devices.

Enacted Law Summary

Public Law 2011, chapter 526 prohibits the possession of automated sales suppression devices, which alter the amounts of sales made by a business for the purpose of illegally withholding sales taxes paid by customers. It provides that a person who knowingly possesses, purchases or owns any automated sales suppression device or phantom-ware commits a Class D crime. It provides that a person who knowingly manufactures, sells, installs or transfers any automated sales suppression device or phantom-ware or possesses, purchases or owns with the intent to sell, install or transfer any automated sales suppression device or phantom-ware commits a Class C crime.

LD 1809 **An Act To Apply the Sales Tax on Camper Trailers and Motor Homes Purchased for Rental in the Same Manner as on Automobiles Purchased for Rental** **PUBLIC 684**

Sponsor(s)	Committee Report	Amendments Adopted
VOLK	OTP-AM MAJ ONTP MIN	H-795

This bill provides that camper trailers and motor homes are not subject to sales tax when purchased by a person engaged in the renting or leasing of those items and subjects the rental of those items to sales tax at the rate of 5%.

Committee Amendment "A" (H-795)

This amendment changes the reference to "camper trailer" to the definition used in the sales and use tax laws instead of the definition used in the property tax laws and adds an effective date.

Enacted Law Summary

Public Law 2011, chapter 684 provides that the purchase of camper trailers and motor homes are not subject to sales tax when purchased by a person engaged in the renting or leasing of those items and instead subjects the rental of those items to sales tax at the rate of 5%.

Public Law 2011, chapter 684 is effective October 1, 2012.

LD 1826 **An Act To Revise the Income Tax Return Checkoffs** **PUBLIC 685**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ OTP-AM MIN	H-880

This bill is the majority report of the Joint Standing Committee on Taxation pursuant to Joint Order H.P. 1324.

It eliminates the voluntary contributions checkoffs from the Maine income tax return due in 2014 for tax years beginning on or after January 1, 2013. The bill eliminates voluntary contributions checkoffs for political parties, the Maine Endangered and Nongame Wildlife Fund, the Companion Animal Sterilization Fund, the Maine Children's Trust Incorporated, the Bone Marrow Screening Fund, the Maine Military Family Relief Fund, the Maine Veterans' Memorial Cemetery Maintenance Fund and the Maine Asthma and Lung Disease Research Fund, which are currently included in Part A of Schedule CP of the Maine income tax return. It requires the Department of

Administrative and Financial Services, Bureau of Revenue Services to notify the entities to which payments are made as a result of the voluntary contributions checkoffs that, beginning in 2014, the schedule for these checkoffs will be eliminated from the Maine income tax return for tax years beginning on or after January 1, 2013. It requires the Bureau of Revenue Services to consult with these entities to identify statutory changes necessary as a result of this bill and, no later than December 15, 2012, to submit a bill to the First Regular Session of the 126th Legislature with those changes.

Committee Amendment "A" (H-880)

This amendment is the minority report of the Joint Standing Committee on Taxation.

This amendment replaces the bill and changes the title. It eliminates the checkoffs for contributions to political parties from the Maine income tax return for tax years beginning on or after January 1, 2012. It establishes the Maine Public Library Fund and an income tax checkoff to support free public libraries in the State. It prohibits the State Tax Assessor from including on the individual income tax return form a designation for a taxpayer to make a contribution through a checkoff if, in the previous year, the total contributions to the organization or fund to which the contributions are credited were not at least $10,000 in calendar year 2012. The required minimum amount of contributions through the checkoff increases by $3,000 each year until the minimum level of contributions reaches $25,000 in calendar year 2017 and subsequent years. The amendment repeals provisions permitting a taxpayer to make a contribution through a checkoff in an amount less than $5. It requires the State Tax Assessor to determine annually the total amount contributed to each fund or organization through a checkoff and to deduct the cost of administering the checkoff for the organization or fund before reporting the remainder to the Treasurer of State, who is required to forward that amount to the designated organization or fund. The amendment removes statutory limits on the amounts that may be deducted for administrative costs. It requires the joint standing committee of the Legislature having jurisdiction over taxation matters to, by April 1, 2017, review data regarding contributions made through checkoffs and the costs to the Department of Administrative and Financial Services, Bureau of Revenue Services for administration of the checkoffs and authorizes the committee to submit a bill to the 128th Legislature to implement any recommendations resulting from the review. This amendment also adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2011, chapter 685 makes the following changes related to voluntary contributions checkoffs on the Maine income tax return.

1. It eliminates the checkoffs for contributions to political parties from the Maine income tax return for tax years beginning on or after January 1, 2012.

2. It establishes the Maine Public Library Fund and an income tax checkoff to support free public libraries in the State.

3. It prohibits the State Tax Assessor from including on the individual income tax return form a designation for a taxpayer to make a contribution through a checkoff if, in the previous year, the total contributions to the organization or fund to which the contributions are credited were not at least $10,000 in calendar year 2012. The required minimum amount of contributions through the checkoff increases by $3,000 each year until the minimum level of contributions reaches $25,000 in calendar year 2017 and subsequent years.

4. It repeals provisions permitting a taxpayer to make a contribution through a checkoff in an amount less than $5.

5. It requires the State Tax Assessor to determine annually the total amount contributed to each fund or organization through a checkoff and to deduct the cost of administering the checkoff for the organization or fund before reporting the remainder to the Treasurer of State, who is required to forward that amount to the designated organization or fund. It repeals statutory limits on the amounts that may be deducted for administrative costs.

6. It requires the joint standing committee of the Legislature having jurisdiction over taxation matters, by April 1, 2017, to review data regarding contributions made through checkoffs and the costs to the Department of Administrative and Financial Services, Bureau of Revenue Services for administration of the checkoffs and authorizes the committee to submit a bill to the 128th Legislature to implement any recommendations resulting from the review.

LD 1835 **An Act To Restore Equity in Revenue Sharing** **PUBLIC 656**

Sponsor(s)	Committee Report	Amendments Adopted
ALFOND	OTP-AM MAJ ONTP MIN	S-501

This bill changes the distribution of revenue-sharing funds from the Disproportionate Tax Burden Fund, commonly referred to as "revenue sharing 2," from municipalities with an equalized property tax rate exceeding 10 mills to municipalities with an equalized property tax rate exceeding the statewide average property tax rate.

Committee Amendment "A" (S-501)

This amendment implements over several years a change in the distribution of revenue-sharing funds from the Disproportionate Tax Burden Fund, commonly referred to as "revenue sharing 2," from municipalities with an equalized property tax rate exceeding 10 mills to municipalities with an equalized property tax rate exceeding the statewide average property tax rate. The phased-in change may occur only if the total revenue-sharing distribution as established in statute is being provided without reduction or transfer. In addition, the adjustment of the reduction factor in the revenue sharing 2 distribution formula from 10 mills to the statewide average property tax rate is accomplished through an adjustment of no more than 1/2 of one mill per year until the statewide average property tax rate is reached.

Enacted Law Summary

Public Law 2011, chapter 656 implements over several years a change in the distribution of revenue-sharing funds from the Disproportionate Tax Burden Fund, commonly referred to as "revenue sharing 2," from municipalities with an equalized property tax rate exceeding 10 mills to municipalities with an equalized property tax rate exceeding the statewide average property tax rate. The phased-in change may occur only if the total revenue-sharing distribution as established in statute is being provided without reduction or transfer. In addition, the adjustment of the reduction factor in the revenue sharing 2 distribution formula from 10 mills to the statewide average property tax rate is accomplished through an adjustment of no more than 1/2 of one mill per year until the statewide average property tax rate is reached.

LD 1847 **An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2012-13** **PUBLIC 591 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-804

This bill is submitted pursuant to Title 36, section 1604.

It establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The determination of the municipal cost components is necessary for the

establishment of a mill rate and the levy of the Unorganized Territory Educational and Service Tax.

Committee Amendment "A" (H-804)

This amendment makes mathematical corrections to include the reimbursement to the Passamaquoddy Tribe for governmental services to benefit nonreservation Indian Township property owners that was inadvertently left out of the bill.

Enacted Law Summary

Public Law 2011, chapter 591 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The determination of the municipal cost components is necessary for the establishment of a mill rate and the levy of the Unorganized Territory Educational and Service Tax.

Public Law 2011, chapter 591 was enacted as an emergency measure effective April 4, 2012.

LD 1878 **An Act To Allow Abatement of Property Taxes Due to Hardship** **PUBLIC 624**

Sponsor(s)	Committee Report	Amendments Adopted
GRAHAM DIAMOND	OTP-AM MAJ ONTP MIN	H-855

This bill provides a mechanism for a person whose house is rendered uninhabitable by fire to obtain reimbursement or abatement of property taxes paid or owed on that house for the balance of the tax year following the fire as long as certain conditions are met:

1. The house must be the primary residence of the person; and

2. The person must obtain a report from the municipal fire inspector for the municipality in which the house is located or from the Department of Public Safety, Office of the State Fire Marshal stating that the house is uninhabitable due to fire. Alternatively, the person may use an order to vacate the premises issued by the State Fire Marshal or a public safety inspector as proof of uninhabitability.

If a person meets these conditions, the municipal officers, or the State Tax Assessor for the unorganized territory, may reimburse or abate any amount up to the amount of property taxes paid or owed on the house only, prorated to reflect the number of days left in the property tax year.

Current law requires municipal fire inspectors or the State Fire Marshal to investigate every instance when property is damaged or destroyed by fire. This bill requires the investigating official, when the fire occurs at a residence, to indicate on the investigation report whether the residence is habitable following the fire and to issue a copy of the report to the owner of the residence, if requested.

Committee Amendment "A" (H-855)

This amendment changes the title and replaces the bill. Current law provides for a property tax abatement for a person who, due to poverty or infirmity, is unable to contribute to the public charges. This amendment changes the law to provide for a property tax abatement for a person who, due to "hardship" rather than "infirmity", is unable to contribute to the public charges.

Enacted Law Summary

Public Law 2011, chapter 624 provides for a property tax abatement for a person who, due to hardship, is unable to contribute to the public charges.

LD 1910 **An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown** **P & S 28 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN J JACKSON	OTP-AM	H-929

This bill allows the Town of Fort Kent to create a downtown tax increment financing district using the current assessed value of the downtown as of April 1, 2012.

Committee Amendment "A" (H-929)

This amendment provides that the Town of Fort Kent may, for a tax increment financing district it designates between April 1, 2012 and March 31, 2013, instead of between April 1, 2013 and March 31, 2014, as in the bill, use the assessed value as of April 1, 2012, as the original assessed value for the district but must meet all other requirements of the Maine Revised Statutes, Title 30-A, chapter 206.

Enacted Law Summary

Private and Special Law 2011, chapter 28 provides that the Town of Fort Kent may, for a tax increment financing district it designates between April 1, 2012 and March 31, 2013, use the assessed value as of April 1, 2012, as the original assessed value for the district but must meet all other requirements of the Maine Revised Statutes, Title 30-A, chapter 206.

Private and Special Law 2011, chapter 28 was enacted as an emergency measure effective April 17, 2012.

SUBJECT INDEX

Administration of Tax Laws

Enacted

LD 590	An Act To Codify the Review Practice of Certain Changes in the Application of the Sales and Use Tax Law	PUBLIC 503
LD 1535	Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Develop a Pilot Project for a Tax Simulation Model for State Dynamic Fiscal Analysis	RESOLVE 114
LD 1748	An Act To Conform the Maine Tax Laws for 2011 to the United States Internal Revenue Code	PUBLIC 530 EMERGENCY
LD 1749	An Act To Amend the Tax Laws	PUBLIC 644
LD 1750	An Act To Create the Maine Board of Tax Appeals	PUBLIC 694 EMERGENCY
LD 1752	An Act Concerning Technical Changes to the Tax Laws	PUBLIC 548

Not Enacted

LD 1730	An Act To Require the Review of Proposed Tax Expenditures	ONTP

Excise Tax

Enacted

LD 1699	An Act To Create Excise Tax Equity and Consistency for Buses	PUBLIC 646

Hospital and Health Care Provider Taxes

Not Enacted

LD 1641	An Act To Ensure Equal Tax Treatment for Private-pay and MaineCare-participating Providers of Residential Care to Persons Who Are Elderly or Disabled	ONTP

Income Tax - General

Enacted

LD 1826	An Act To Revise the Income Tax Return Checkoffs	PUBLIC 685

Not Enacted

LD 1225	An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention	DIED BETWEEN HOUSES

Income Tax Credits, Exemptions, Deductions and Incentives

Enacted

LD 835	An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit	PUBLIC 665

Not Enacted

LD 338	An Act To Provide an Income Tax Credit for Persons Engaged in Commercial Forestry	VETO SUSTAINED
LD 1164	An Act To Support Maine Farms and Alleviate Hunger	DIED ON ADJOURNMENT

Miscellaneous Taxes

Not Enacted

LD 876	An Act To Convert Vacant Commercial Property to Occupied Commercial Property	ONTP

Municipal Revenue Sharing

Enacted

LD 1835	An Act To Restore Equity in Revenue Sharing	PUBLIC 656

Property Tax - Current Use

Enacted

LD 1138	An Act To Amend the Maine Tree Growth Tax Law and the Open Space Tax Law	PUBLIC 618
LD 1470	An Act To Evaluate the Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law	PUBLIC 619

Property Tax - Valuation

Not Enacted

LD 305	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Land and Buildings To Be Assessed Differently	ONTP

Property Tax Relief Programs

Enacted

LD 1680	An Act To Amend the Circuitbreaker Program To Include Claimants Occupying Property Pursuant to a Trust and To Require Proof of Payment of Rent	PUBLIC 513
LD 1693	An Act To Amend the Law Governing Abatements of Property Taxes for Infirmity or Poverty and the Administration of the Circuitbreaker Program	PUBLIC 552
LD 1878	An Act To Allow Abatement of Property Taxes Due to Hardship	PUBLIC 624

Sales Tax

Enacted

LD 1764	An Act To Reduce High-technology Tax Evasion and Theft	PUBLIC 526
LD 1809	An Act To Apply the Sales Tax on Camper Trailers and Motor Homes Purchased for Rental in the Same Manner as on Automobiles Purchased for Rental	PUBLIC 684

Not Enacted

LD 52	An Act To Dedicate a Percentage of the Sales and Use Tax on Automobiles and Motorcycles to the Highway Fund	DIED ON ADJOURNMENT

Sales Tax Exemptions, Exclusions or Refunds

Enacted

LD 1610	An Act To Amend the Law Regarding the Sale of Wood Pellets and Wood	PUBLIC 670 EMERGENCY
LD 1655	An Act To Create a Sales Tax Exemption for the Sale and Delivery of Off-peak Electricity for Electric Thermal Storage Devices	PUBLIC 673 EMERGENCY
LD 1735	An Act To Promote Jobs in the Motor Coach Industry by Providing a Sales Tax Exemption for Certain Buses	PUBLIC 501

Not Enacted

LD 205	An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations	VETO SUSTAINED
LD 234	An Act To Provide a Sales Tax Exemption to Commercial Horticulturists	DIED ON ADJOURNMENT

Tax Increment Financing

Enacted

LD 1653	An Act To Make Fisheries and Wildlife and Marine Resources Projects Eligible for Tax Increment Financing	PUBLIC 675

LD 1910	**An Act To Allow the Town of Fort Kent To Create a Downtown Tax Increment Financing District Using the Current Assessed Value of the Downtown**	**P & S 28 EMERGENCY**

Tax Reform - Tax and Spending Limits

Enacted

LD 849	**An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes**	**PUBLIC 692**

Unorganized Territory

Enacted

LD 1751	**Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory**	**RESOLVE 129**
LD 1847	**An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2012-13**	**PUBLIC 591 EMERGENCY**

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STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON TRANSPORTATION

June 2012

STAFF:

KAREN NADEAU-DRILLEN, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
&
SUZANNE ROY, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635

MEMBERS:

SEN. RONALD F. COLLINS, CHAIR
SEN. DOUGLAS A. THOMAS
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REP. ANN E. PEOPLES
REP. CHARLES KENNETH THERIAULT

LD 198 **An Act To Update Motor Vehicle Safety Inspection Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA THOMAS	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, makes changes to the motor vehicle safety inspection laws to improve safety, provide administrative efficiency and reduce costs.

LD 697 **An Act To Provide Funding for the Maine Gateway Bridges** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BEAVERS HILL	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill includes an ongoing allocation of $5,500,000 to the Department of Transportation, Highway and Bridge Capital program in fiscal years 2011-12 and 2012-13 to provide funding for the replacement, repair and maintenance of the 3 bridges between Kittery, Maine and Portsmouth, New Hampshire: Memorial Bridge, U.S. Route 1; Sarah Mildred Long Bridge, U.S. Route 1 Alternate; and Piscataqua River Bridge, Interstate 95. Beginning with the 2014-2015 biennium, and each subsequent biennium, the bill provides that this amount must be included within the baseline Highway Fund allocations. It also requires that the State comply with the funding recommendations of the Bi-State Bridge Funding Task Force.

LD 1064 **Resolve, To Expand the Scope of the Study of Existing Highway Infrastructure and Future Capacity Needs West of Route 1 in York and Cumberland Counties Being Conducted by the Department of Transportation and the Maine Turnpike Authority** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE COLLINS	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill expands the scope of the study of existing highway infrastructure and future capacity needs west of Route 1 in York and Cumberland counties, including the greater Gorham and Sanford areas, which is being conducted by the Department of Transportation and the Maine Turnpike Authority, to include the area west of Sanford along the United States Route 202 corridor to the New Hampshire border. The bill also requires the Department of Transportation and the Maine Turnpike Authority to report the results of their study to the Joint Standing Committee

on Transportation and allows the committee to submit a bill to the Legislature upon receipt and review of the report.

LD 1124 **An Act To Authorize the Use of Traffic Surveillance Cameras To Prove and Enforce Violations of Overtaking and Passing School Buses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA COLLINS	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill allows a municipality, law enforcement agency or school administrative unit to enforce violations of overtaking and passing a school bus through the use of traffic surveillance cameras and automated license plate recognition systems that are attached to a school bus, and requires a fine imposed for a violation of overtaking and passing a school bus to accrue to the municipality in which the violation occurred.

The bill also makes technical corrections by removing references to the term "forfeitures" to reflect the current usage in the statutes of the term "fine."

LD 1367 **An Act To Restore Maine's Secondary Roads** **PUBLIC 652**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP-AM	S-452 S-561 COLLINS

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill establishes the Secondary Roads Fund as a dedicated, nonlapsing account within the Department of Transportation for the purpose of financing capital improvements to state aid minor collector highways.

The bill provides that revenues generated from the use of land and assets, including, but not limited to, rights-of-way and other property owned by the department must be deposited into the Secondary Roads Fund. The bill also requires that any funds received by the department for damage to state property under the jurisdiction of the department must be deposited into the Secondary Roads Fund.

The bill increases the annual fee for a vanity registration plate by $10, from $25 to $35, which is to be deposited into the Secondary Roads Fund.

The bill also requires that, except as otherwise provided, all fines for traffic infractions and other violations of the motor vehicle statutes accrue to the Secondary Roads Fund. The bill requires that any balance remaining in the Law Enforcement Agency Reimbursement Fund at the end of the fiscal year must be transferred to the Secondary Roads Fund.

Current law directs that state funding for the Bureau of State Police within the Department of Public Safety be allocated as follows: 49% from the Highway Fund and 51% from the General Fund. The bill provides that, beginning in fiscal year 2012-13, the proportional split between Highway Fund allocations and General Fund

appropriations to the State Police budgetary appropriation program must be as follows: 25% must be allocated from the Highway Fund and 75% must be appropriated from the General Fund. The bill also provides that an amount equal to 24% of state funding for the Bureau of State Police be allocated from the Highway Fund to the Secondary Roads Fund.

The bill directs the Department of Transportation to set aside 10% of any available federal funds to be deposited into the Secondary Roads Fund for federally eligible projects. The bill also provides that federal funds may be used in lieu of local funds, except that the local share may not be less than 10% of the total project cost.

The bill authorizes the Commissioner of Transportation to authorize, for a fee, the placement of off-premises signs within the right-of-way of an interstate highway, a state highway or a state aid highway. The bill also provides that fees collected by the department for the placement of such off-premises signs must be deposited into the Secondary Roads Fund.

Committee Amendment "A" (S-452)

This amendment strikes from the bill the following:

1. The requirement that any balance remaining in the Law Enforcement Agency Reimbursement Fund at the end of the fiscal year must be transferred to the Secondary Roads Fund;

2. The requirement that any damages paid to the Department of Transportation must be transferred to the Secondary Roads Fund;

3. The requirement that any proceeds from leasing, letting or renting Department of Transportation property must be transferred to the Secondary Roads Fund;

4. The Commissioner of Transportation's authorization to allow, for a fee, the placement of off-premises signs within the right-of-way of an interstate highway, a state highway or state aid highway and the requirement that the fees collected by the Department of Transportation for the placement of such off-premises signs must be deposited into the Secondary Roads Fund;

5. The change to the proportional split between Highway Fund allocations and General Fund appropriations to the Department of Public Safety, Bureau of State Police budgetary appropriation program to 25% allocated from the Highway Fund and 75% appropriated from the General Fund and the requirement that an amount equal to 24% of state funding for the Bureau of State Police be allocated from the Highway Fund to the Secondary Roads Fund;

6. The increase of the annual fee for a vanity registration plate by $10, from $25 to $35, to be deposited into the Secondary Roads Fund; and

7. The requirement that, except as otherwise provided, all fines for traffic infractions and other violations of the motor vehicle statutes accrue to the Secondary Roads Fund.

The bill establishes the Secondary Roads Fund as a dedicated account within the Department of Transportation for the purpose of financing capital improvements to state aid minor collector highways. The amendment changes the purpose of the Secondary Roads Fund to include financing capital improvements to state aid major collector highways as well as state aid minor collector highways and changes its name to the Secondary Road Program Fund.

The amendment also renames the Urban-Rural Initiative Program as the Local Road Assistance Program.

The bill provides that any revenue derived from the use of department land and assets for energy infrastructure development will no longer be deposited into the energy infrastructure benefits fund and will instead be deposited into the Secondary Roads Fund. The amendment clarifies that revenues generated from the use of designated

statutory corridors, Interstate 295 and Interstate 95, not including that portion of Interstate 95 designated as the Maine Turnpike, must be deposited into the Secondary Road Program Fund. Current law directs the Maine Turnpike Authority to negotiate with the Department of Transportation to govern the conditions under which the authority will grant an occupancy agreement for use of Maine Turnpike Authority property as part of the Interstate 95 statutory corridor.

This amendment changes the effective date of the bill from July 1, 2012 to July 1, 2013.

Senate Amendment "A" To Committee Amendment "A" (S-561)

This amendment changes the percentage of revenue generated from the use of statutory corridors owned by the Department of Transportation and deposited into the Secondary Road Program Fund from 100% to 90%, with the remaining 10% deposited into the energy infrastructure benefits fund.

Enacted Law Summary

Public Law 2011, chapter 652 establishes the Secondary Road Program Fund as a dedicated account within the Department of Transportation for the purpose of financing capital improvements to state aid minor collector highways and state aid major collector highways.

The law also renames the Urban-Rural Initiative Program as the Local Road Assistance Program.

The law provides that 90% of the revenue derived from the use of statutory corridors owned by the Department of Transportation within energy infrastructure corridors must be deposited into the Secondary Road Program Fund and the remaining 10% must be deposited into the energy infrastructure benefits fund.

The effective date of Public Law 2011, chapter 652 is July 1, 2013.

LD 1593 **Resolve, To Name Route 1-A between Brewer and Ellsworth the Korean War Veterans Memorial Highway** **RESOLVE 117**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN K ROSEN R	OTP-AM	H-693

This resolve names the portion of United States Route 1-A between the City of Brewer and the City of Ellsworth the Korean War Veterans Highway, to honor all United States Armed Forces veterans of the Korean War.

Committee Amendment "A" (H-693)

This amendment changes the name from Korean War Veterans Highway, as proposed in the bill, to the Korean War Veterans Memorial Highway.

Enacted Law Summary

Resolve 2011, chapter 117 names the portion of United States Route 1-A between the City of Brewer and the City of Ellsworth the Korean War Veterans Memorial Highway, to honor all United States Armed Forces veterans of the Korean War.

LD 1604 **Resolve, Directing the Department of Public Safety, Bureau of State Police To Review Motor Vehicle Inspection Rules** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN J THOMAS	ONTP	

This resolve directs the Department of Public Safety, Bureau of State Police to review its rules governing motor vehicle inspection requirements regarding tire size, to solicit input from interested parties and to develop recommendations designed to eliminate unnecessary restrictions while maintaining necessary safety requirements. The resolve requires the bureau to report its findings and recommendations to the Joint Standing Committee on Transportation.

LD 1611 **Resolve, To Create a License Plate To Recognize the 2014 World Acadian Congress** **RESOLVE 156**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN J JACKSON	OTP-AM	H-742 S-437 COLLINS

This resolve creates a special commemorative, simulated motor vehicle registration plate in celebration of the 2014 World Acadian Congress. The Secretary of State is directed to design and issue the plate, which may be displayed through the end of 2015 in place of the front registration plate. Revenue generated by the sale of the plate in excess of the cost of production and issuance will be given to the Maine Acadian Heritage Council to help with the costs for hosting the 2014 World Acadian Congress.

Committee Amendment "A" (H-742)

This amendment directs the Secretary of State to issue the World Acadian Congress commemorative plate established in the resolve at no cost to the Secretary of State. The amendment also provides that the commemorative plate must bear the date of its expiration, which is December 31, 2015. The amendment specifies that the plate may be displayed in place of the front registration plate by covering, but not removing, the front registration plate. The amendment also directs the Secretary of State to develop a plan for the sale and distribution of the World Acadian Congress commemorative plates. The amendment adds an appropriations and allocations section to the resolve.

Senate Amendment "A" To Committee Amendment "A" (S-437)

This amendment corrects the name of the organization, from the "Maine Acadian Heritage Council" as proposed in the bill to "Comite organisateur du Congres mondial acadien 2014," with which the Secretary of State must consult in the design of the special commemorative plate.

Enacted Law Summary

Resolve 2011, chapter 156 creates a special commemorative, simulated motor vehicle registration plate in celebration of the 2014 World Acadian Congress.

The law directs the Secretary of State to:

1. Design the commemorative plate in consultation with the Comite organisateur du Congres mondial acadien 2014;

2. Issue the plate, which may be displayed through the end of 2015 in place of the front registration plate by covering, but not removing, the front registration plate; and

3. Develop a plan for the sale and distribution of the World Acadian Congress commemorative plates.

LD 1615 **Resolve, To Name Two Bridges in the Town of Harmony** **RESOLVE 115 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP-AM	S-374

This resolve names the bridge on State Route 150 that crosses Higgins Stream in the Town of Harmony the Amy, Monica and Coty Lake Bridge and names the bridge on State Route 154 that crosses the Sebasticook River at Mainstream in the Town of Harmony the Remember Me Bridge.

Committee Amendment "A" (S-374)

This amendment:

1. Adds an emergency preamble and emergency clause to the resolve;

2. Clarifies that the bridge on State Route 150 that crosses Higgins Stream in the Town of Harmony is to be designated as the Amy, Coty and Monica Bridge; and

3. Includes the Department of Transportation number designations of the bridges to be renamed.

Enacted Law Summary

Resolve 2011, chapter 115 names the bridge on State Route 150 that crosses Higgins Stream in the Town of Harmony the Amy, Coty and Monica Bridge and names the bridge on State Route 154 that crosses the Sebasticook River at Mainstream in the Town of Harmony the Remember Me Bridge.

Resolve 2011, chapter 115 was finally passed as an emergency measure effective February 21, 2012.

LD 1617 **An Act To Authorize the Commissioner of Transportation To Allow Certain Vehicles To Operate on the Interstate System** **PUBLIC 482 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	OTP-AM	S-376

This bill allows the Commissioner of Transportation to adopt rules to ensure that the federal exemption allowing trucks with a maximum gross vehicle weight of 100,000 pounds on Maine's interstate system is implemented correctly.

Committee Amendment "A" (S-376)

Under current law, for as long as the federal law affording an exemption from the federal vehicle weight limitations for vehicles operating on all portions of the interstate system is in effect, a 6-axle combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer having a maximum gross vehicle weight of 100,000 pounds may be operated on any portion of the interstate system.

This amendment allows the Commissioner of Transportation, for as long as the federal exemption is in place, to adopt routine technical rules to allow a vehicle to operate on the interstate system if the vehicle complies with state law relating to weight, axle and configuration limits applicable to the operation of vehicles on public ways other than the interstate system.

Enacted Law Summary

Public Law 2011, chapter 482 allows the Commissioner of Transportation, for as long as the federal law affording an exemption from the federal vehicle weight limitations for vehicles operating on all portions of the interstate system is in effect, to adopt routine technical rules to allow a vehicle to operate on the interstate system if the vehicle complies with state law relating to weight, axle and configuration limits applicable to the operation of vehicles on public ways other than the interstate system.

Public Law 2011, chapter 482 was enacted as an emergency measure effective March 5, 2012.

LD 1621 **An Act To Remove a Barrier to Response by Emergency Medical Personnel** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP MAJ OTP-AM MIN	

This bill provides an exception from the seat belt requirement for emergency medical personnel who are providing treatment to patients being transported to a medical facility.

Committee Amendment "A" (S-386)

This amendment, which is the minority report, strikes and replaces the bill. The amendment requires an emergency medical services person in the back of an ambulance to wear a seat belt or safety harness unless being secured by a seat belt or safety harness inhibits the person from administering medical aid.

LD 1623 **An Act To Simplify Toll Discounts and Amend Certain Powers and Procedures of the Maine Turnpike Authority** **PUBLIC 476 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
COLLINS	OTP-AM	S-373

This bill amends the Maine Turnpike Authority enabling law by distinguishing between assets that the authority is required to maintain as part of its core mission and those that it is merely permitted to maintain as necessary or convenient to that mission.

The bill eliminates a requirement that the authority provide a commuter discount and eliminates a prohibition on imposing variable pricing based on the time of day. Instead, the authority is allowed to provide a reduction in the

rates of fees, fares and tolls to any class of vehicle based upon volume of use.

The bill removes a requirement that the authority use certified mail in lieu of regular mail to send notices of toll liability, which will provide an estimated cost savings of more than $5 per notice. A written statement from the authority will constitute evidence of the mailing.

The bill removes a prohibition against assessing an administrative fee for a violation by a tractor-trailer combination. This restriction was imposed at a time when the authority lacked capacity to take video images of the front license plate to determine the owner of the truck. Because the authority now takes video images of the front and rear of all vehicles, it is able to identify the registered owners of both the truck and trailer and charge an administrative fee to the appropriate party.

Committee Amendment "A" (S-373)

This amendment retains most of the provisions of the bill and:

1. Clarifies that the requirement that the Maine Turnpike Authority allocate 5% of its annual operating revenues for Department of Transportation projects is subordinate to the authority's obligation to pay its operating expenses and bond debt;

2. Clarifies that the definition of "operating revenues" includes amounts pledged to debt service and amounts required for operating expenditures; and

3. Amends the provision in the bill relating to a prohibition on imposing variable pricing based on time of day. The amendment retains language allowing such a prohibition.

Enacted Law Summary

Public Law 2011, chapter 476 amends the Maine Turnpike Authority enabling law by distinguishing between assets that the authority is required to maintain as part of its core mission and those that it is merely permitted to maintain as necessary or convenient to that mission. It clarifies that the requirement that the Maine Turnpike Authority allocate 5% of its annual operating revenues for Department of Transportation projects is subordinate to the authority's obligation to pay its operating expenses and bond debt. It also clarifies that the definition of "operating revenues" includes amounts pledged to debt service and amounts required for operating expenditures.

The law eliminates a requirement that the authority provide a commuter discount. Instead, the authority is allowed to provide a reduction in the rates of fees, fares and tolls to any class of vehicle based upon volume of use.

The law removes a requirement that the authority use certified mail in lieu of regular mail to send notices of toll liability, which will provide an estimated cost savings of more than $5 per notice. A written statement from the authority will constitute evidence of the mailing.

The law also removes a prohibition against assessing an administrative fee for a violation by a tractor-trailer combination. This restriction was imposed at a time when the authority lacked capacity to take video images of the front license plate to determine the owner of the truck. Because the authority now takes video images of the front and rear of all vehicles, it is able to identify the registered owners of both the truck and trailer and charge an administrative fee to the appropriate party.

Public Law 2011, chapter 476 was enacted as an emergency measure effective February 22, 2012.

LD 1642 **Resolve, To Direct the Department of Transportation To Restrict Spending on the Ricker Hill Bridge in the Town of Turner** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TIMBERLAKE MASON	ONTP	

This resolve prohibits the Department of Transportation from exceeding the amount of $350,000 to build a bridge on the Ricker Hill Road over Martin Stream in the Town of Turner.

LD 1656 **An Act To Clarify the Registration Exemption of Tractors under the Motor Vehicle Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WHITTEMORE	ONTP	

This bill amends the registration exemption for tractors under the motor vehicle laws to clarify that tractors used solely on residential premises are exempt from registration requirements.

LD 1661 **Resolve, To Allow Signs along Interstate 95 for the Town of Kittery and Its Businesses and Other Establishments** **LEAVE TO WITHDRAW**

Sponsor(s)	Committee Report	Amendments Adopted
HILL	LTW	

This resolve directs the Department of Transportation to erect and maintain signs in Kittery on Interstate 95 that direct travelers to locations of businesses and other establishments in the town, since Memorial Bridge between Kittery, Maine and Portsmouth, New Hampshire has closed.

LD 1671 **Resolve, To Require the Department of Transportation To Facilitate and Oversee a Study of the Feasibility of an East-west Highway** **RESOLVE 147**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP-AM MAJ ONTP MIN	H-805 CEBRA S-398

This bill includes a one-time General Fund appropriation of $300,000 in fiscal year 2011-12 to the Department of Transportation to cover the costs associated with an independent feasibility study of an east-west highway.

Committee Amendment "A" (S-398)

This amendment, which is the majority report, strikes and replaces the bill with a resolve and removes the emergency preamble, emergency clause and one-time General Fund appropriation of $300,000 in fiscal year 2011-12 to the Department of Transportation to cover the costs associated with an independent feasibility study of an east-west highway.

The amendment directs the Department of Transportation to facilitate and oversee an independent feasibility study of an east-west highway and to report the study findings to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2013.

House Amendment "B" To Committee Amendment "A" (H-805)

This amendment provides that, upon obtaining final authorization to construct an east-west highway, the developer must reimburse the Department of Transportation for the cost of the independent traffic and revenue analysis.

Enacted Law Summary

Resolve 2011, chapter 147 directs the Department of Transportation to facilitate and oversee an independent feasibility study of an east-west highway and to report the study findings to the Joint Standing Committee on Transportation by January 15, 2013.

The law also provides that, upon obtaining final authorization to construct an east-west highway, the developer must reimburse the Department of Transportation for the cost of the independent traffic and revenue analysis.

LD 1672 **An Act To Allow Disabled Veterans To Receive 2 Sets of Special Designating License Plates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KATZ	ONTP	

This bill allows a disabled veteran to receive 2 sets of special designating license plates if the veteran is the registered owner of 2 motor vehicles.

LD 1677 **An Act To Modernize Maine's Motor Vehicle Inspection Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MASON	ONTP	

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to modernize the motor vehicle inspection program by adopting an electronic inspection program.

LD 1710 **An Act To Amend the Motor Vehicle Laws** **PUBLIC 556**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA COLLINS	OTP-AM	H-763

This bill:

1. Changes the repeal date for autocycle registrations to coincide with changes made in Public Law 2011, chapter 356;

2. Allows agents appointed by the Secretary of State to renew nondriver identification cards in addition to noncommercial driver's licenses and to issue duplicates of those documents;

3. Removes obsolete language referencing "driver education teachers;"

4. Requires the Secretary of State, in consultation with the Commissioner of Transportation, to establish by rule the fees for vehicles covered by long-term overlimit permits; and

5. Limits to the first 6 years of registration the basing of the excise tax on the purchase price, rather than the list price, of a truck or a truck tractor weighing more than 26,000 pounds or Class A special mobile equipment.

Committee Amendment "A" (H-763)

This amendment:

1. Clarifies that agents authorized by the Secretary of State to issue noncommercial driver's license renewals and nondriver identification card renewals may issue duplicates of noncommercial driver's license renewals but not duplicates of nondriver identification card renewals as stated in the bill;

2. Authorizes the Secretary of State to issue an agriculture education plate in another sequence in addition to a 3-number and 3-letter sequence at the discretion of the Secretary of State;

3. Authorizes the Secretary of State to issue unassigned temporary registration permits to a licensed auction business when the licensed auction business sells a vehicle to a dealer;

4. Allows a vehicle to be sold at a licensed dealer auction to a licensed dealer prior to the dealer's possessing the title and clarifies that the licensed dealer may take possession of the vehicle;

5. Removes the provision that to qualify for a dealer license an applicant must maintain a repair department for the repair of 2 vehicles simultaneously;

6. Allows a motor vehicle rental company to be issued transporter plates and a license to transport a vehicle owned by or in the custody of that business or its owner;

7. Clarifies that a person under 18 years of age who has been issued a driver's license may not use a handheld electronic device while operating a motor vehicle, whether or not that person has an intermediate license;

8. Clarifies that the Technical Review Panel, which assists the Secretary of State in developing driver education

curriculum and instructor training and certification, includes 2 instructors;

9. Clarifies that the Secretary of State, in consultation with the Commissioner of Transportation, is directed and authorized to establish a fee schedule, by routine technical rulemaking, for vehicles covered by long-term overlimit movement permits;

10. Provides that the weight tolerance allowed under current law for a vehicle loaded with building materials that absorb moisture is not dependent upon whether the vehicle's delivery originates and terminates within the State; and

11. Strikes the provision in the bill limiting the basing of the excise tax on a truck or truck tractor weighing more than 26,000 pounds or Class A special mobile equipment on the purchase price for the first 6 years of registration.

Enacted Law Summary

Public Law 2011, chapter 556 makes changes to the motor vehicle laws.

1. It changes the repeal date for autocycle registrations to coincide with changes made in Public Law 2011, chapter 356.

2. It allows agents appointed by the Secretary of State to issue noncommercial driver's license renewals to also issue nondriver identification card renewals. The law provides that agents may issue duplicates of noncommercial driver's license renewals but not duplicates of nondriver identification card renewals.

3. It removes obsolete language referencing "driver education teachers."

4. It directs and authorizes the Secretary of State, in consultation with the Commissioner of Transportation, to establish a fee schedule, by routine technical rulemaking, for vehicles covered by long-term overlimit movement permits.

5. It authorizes the Secretary of State to issue an agriculture education plate in another sequence in addition to a 3-number and 3-letter sequence at the discretion of the Secretary of State.

6. It authorizes the Secretary of State to issue unassigned temporary registration permits to a licensed auction business when the licensed auction business sells a vehicle to a dealer.

7. It allows a vehicle to be sold at a licensed dealer auction to a licensed dealer prior to the dealer's possessing the title and clarifies that the licensed dealer may take possession of the vehicle.

8. It removes the requirement that to qualify for a dealer license an applicant must maintain a repair department for the repair of 2 vehicles simultaneously.

9. It allows a motor vehicle rental company to be issued transporter plates and a license to transport a vehicle owned by or in the custody of that business or its owner.

10. It clarifies that a person under 18 years of age who has been issued a driver's license may not use a handheld electronic device while operating a motor vehicle, whether or not that person has an intermediate license.

8. It clarifies that the Technical Review Panel, which assists the Secretary of State in developing driver education curriculum and instructor training and certification, includes 2 instructors.

10. It provides that the weight tolerance allowed under current law for a vehicle loaded with building materials that absorb moisture is not dependent upon whether the vehicle's delivery originates and terminates within the State.

LD 1736 **An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2013** **P & S 21**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

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, 2013, in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Enacted Law Summary

Private and Special Law 2011, chapter 21 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, 2013, in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 1753 **An Act To Improve Transportation in the State** **PUBLIC 610**

Sponsor(s)	Committee Report	Amendments Adopted
COLLINS	OTP-AM MAJ OTP-AM MIN	S-480

Part A eliminates the requirement that commercial airports, utility airports, private airports with commercial activity, heliports and temporary landing areas be registered with the Department of Transportation. It also eliminates the requirement that all aircraft, in addition to registering with the Federal Aviation Administration, be registered with the State. It removes the requirement that individuals obtain a permit from the department prior to launching a rocket or missile. Finally, it removes the requirement that the department train and certify airport managers.

Part B refines the capital goals of the Department of Transportation.

Part C removes, at the request of the New Brunswick provincial government, the requirement that there be a sign on Interstate 95 directing travelers to the "Maritime Provinces" and "Northern Maritime Provinces" since those are incorrect names.

Part D requires the Department of Transportation to develop proposed legislation that reestablishes the Maine-New Hampshire Interstate Bridge Authority in accordance with the recommendations of the Bi-State Bridge Funding Task Force.

Committee Amendment "A" (S-480)

This amendment:

1. Makes a technical correction to the provisions relating to the Department of Transportation's capital transportation program goals and Priority 1, 2 and 3 corridors;

2. Revises the directive to the Department of Transportation regarding the development of legislation to reestablish

the Maine-New Hampshire Interstate Bridge Authority; and

3. Names Bridge 3009 over the West Branch of the Penobscot River in the Town of Medway the Nicatou Bridge.

Enacted Law Summary

Public Law 2011, chapter 610 eliminates the requirement that commercial airports, utility airports, private airports with commercial activity, heliports and temporary landing areas be registered with the Department of Transportation. It also eliminates the requirement that all aircraft, in addition to registering with the Federal Aviation Administration, be registered with the State. It removes the requirement that individuals obtain a permit from the department prior to launching a rocket or missile. Finally, it removes the requirement that the department train and certify airport managers.

The law also refines the capital goals of the Department of Transportation.

The law removes, at the request of the New Brunswick provincial government, the requirement that there be a sign on Interstate 95 directing travelers to the "Maritime Provinces" and "Northern Maritime Provinces" since those are incorrect names.

The law provides a directive to the Department of Transportation regarding the development of legislation to reestablish the Maine-New Hampshire Interstate Bridge Authority.

The law names Bridge 3009 over the West Branch of the Penobscot River in the Town of Medway the Nicatou Bridge.

LD 1795 **An Act Regarding the Oversight and Safety of Certain Commercial Vessels Operating in Maine Waters** **PUBLIC 498**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	OTP	

Current law allows foreign flag ferry vessels to enter Maine waters without a state pilot on board. All other foreign flag commercial vessels are required to take a pilot if their draft is 9 feet or more. This bill removes current exemptions from state pilotage requirements for foreign flag ferry vessels.

Enacted Law Summary

Public Law 2011, chapter 498 removes certain exemptions from the state pilotage requirements for foreign flag vessels so that all foreign flag commercial vessels are required to take a pilot if their draft is 9 feet or more. The previous exemptions applied to a vessel on regularly scheduled ferry operations between Bar Harbor, Maine and Yarmouth, Nova Scotia and a vessel in the Port of Portland.

LD 1807 **Resolve, Directing the Maine Turnpike Authority To Place Signs on Interstate 95 Directing Motorists to the Southern Maine Veterans Memorial Cemetery in Springvale** **RESOLVE 127**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	OTP MAJ ONTP MIN	

This resolve directs the Maine Turnpike Authority to place signs directing motorists to the Southern Maine Veterans Memorial Cemetery in Springvale on the portion of Interstate 95 designated as the Maine Turnpike on the northbound and southbound lanes of the highway.

Enacted Law Summary

Resolve 2011, chapter 127 directs the Maine Turnpike Authority to place signs directing motorists to the Southern Maine Veterans Memorial Cemetery in Springvale on the portion of Interstate 95 designated as the Maine Turnpike on the northbound and southbound lanes of the highway.

LD 1808 **An Act To Exempt from the Prohibition against Text Messaging While Driving Emergency Personnel Who Are Acting in the Course of Their Duties** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING COLLINS	ONTP	

This bill provides an exemption to the prohibition against text messaging while operating a motor vehicle for emergency medical services' persons, firefighters and law enforcement officers acting in the course of their duties.

LD 1896 **An Act To Provide a Temporary Registration Permit to Certain Members of the Armed Forces** **PUBLIC 605**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM	S-498

This bill authorizes the Secretary of State to provide a temporary registration plate to a member of the United States Armed Forces to operate a motor vehicle or trailer for 30 days if that service member has recently returned to the State from a deployment outside the continental United States.

Committee Amendment "A" (S-498)

This amendment authorizes the Secretary of State to provide a temporary registration permit, instead of a temporary registration plate, to a member of the United States Armed Forces to operate a motor vehicle or trailer for 30 days if that service member has returned to the State from a deployment outside the continental United States. The amendment gives the Secretary of State discretion on whether to adopt rules to establish the application criteria. The

amendment also removes the fee requirement.

Enacted Law Summary

Public Law 2011, chapter 605 authorizes the Secretary of State to provide a temporary registration permit to a member of the United States Armed Forces to operate a motor vehicle or trailer for 30 days if that service member has returned to the State from a deployment outside the continental United States. The law gives the Secretary of State discretion whether to adopt rules to establish the application criteria.

LD 1907 **An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013**

PUBLIC 649
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	OTP-AM MAJ	H-931
COLLINS	OTP-AM MIN	

Part A makes appropriations and allocations.

Part B makes allocations of funds for approved reclassifications.

Part C increases the attrition rate for fiscal year 2012-13 from 5% to 6% for executive branch departments and agencies and the judicial branch. It also requires the State Budget Officer to calculate the savings in Part A that result from attrition and to transfer the savings by financial order upon approval of the Governor.

Part D requires the State Budget Officer to calculate the savings from a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services and to transfer those savings by financial order upon the approval of the Governor.

Part E does the following:

1. It renames the State Transit, Aviation and Rail Transportation Fund, or STAR, program the Multimodal Transportation program and changes the program from an enterprise fund program to an Other Special Revenue Funds program.

2. It repeals a provision that required the annual transfer of $100,000 in gasoline tax revenue from the Highway Fund to the STAR program.

3. It renames several programs within the Department of Transportation as follows: the Administration - Aeronautics program is renamed the Multimodal - Aviation program; the Railroad Assistance Program is renamed the Multimodal - Freight program; the Marine Highway Transportation program is renamed the Multimodal - Island Ferry Service program; the Ports and Marine Transportation program is renamed the Multimodal - Ports and Marine program; and the Public Transportation program is renamed the Multimodal - Transit program.

4. It creates a new program, the Multimodal - Passenger Rail program.

Committee Amendment "A" (H-931)

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

Part A makes appropriations and allocations.

Part B makes allocations of funds for approved reclassifications.

Part C increases the attrition rate for fiscal year 2012-13 from 5% to 6% for executive branch departments and agencies and the judicial branch. It also requires the State Budget Officer to calculate the savings in Part A that result from attrition and to transfer the savings by financial order upon approval of the Governor. It also adds an appropriations and allocations section.

Part D requires the State Budget Officer to calculate the savings from a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services and to transfer those savings by financial order upon the approval of the Governor. It also adds an appropriations and allocations section.

Part E does the following:

1. It renames the State Transit, Aviation and Rail Transportation Fund, or STAR, program the Multimodal Transportation program and changes the program from an enterprise fund program to an Other Special Revenue Funds program.

2. It repeals a provision that required the annual transfer of $100,000 in gasoline tax revenue from the Highway Fund to the STAR program.

3. It renames several programs within the Department of Transportation as follows: the Administration - Aeronautics program is renamed the Multimodal - Aviation program; the Railroad Assistance Program is renamed the Multimodal - Freight program; the Marine Highway Transportation program is renamed the Multimodal - Island Ferry Service program; the Ports and Marine Transportation program is renamed the Multimodal - Ports and Marine program; and the Public Transportation program is renamed the Multimodal - Transit program.

4. It creates a new program, the Multimodal - Passenger Rail program.

Part F carries $170,263 in Personal Services unencumbered balance forward to the Highway Fund.

Part G carries forward from fiscal year 2011-12 any unexpended balance up to $600,000 in the All Other line category in the Administration - Motor Vehicles program, Bureau of Motor Vehicles in the Department of the Secretary of State for the acquisition and installation of an international fuel tax agreement system to replace the IFTA Regional Processing Center in New York State.

Committee Amendment "B" (H-932)

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

Part A makes appropriations and allocations.

Part B makes allocations of funds for approved reclassifications.

Part C increases the attrition rate for fiscal year 2012-13 from 5% to 6% for executive branch departments and agencies and the judicial branch. It also requires the State Budget Officer to calculate the savings in Part A that result from attrition and to transfer the savings by financial order upon approval of the Governor. It also adds an appropriations and allocations section.

Part D requires the State Budget Officer to calculate the savings from a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services and to

transfer those savings by financial order upon the approval of the Governor. It also adds an appropriations and allocations section.

Part E does the following:

1. It renames the State Transit, Aviation and Rail Transportation Fund, or STAR, program the Multimodal Transportation program and changes the program from an enterprise fund program to an Other Special Revenue Funds program.

2. It repeals a provision that required the annual transfer of $100,000 in gasoline tax revenue from the Highway Fund to the STAR program.

3. It renames several programs within the Department of Transportation as follows: the Administration - Aeronautics program is renamed the Multimodal - Aviation program; the Railroad Assistance Program is renamed the Multimodal - Freight program; the Marine Highway Transportation program is renamed the Multimodal - Island Ferry Service program; the Ports and Marine Transportation program is renamed the Multimodal - Ports and Marine program; and the Public Transportation program is renamed the Multimodal - Transit program.

4. It creates a new program, the Multimodal - Passenger Rail program.

Part F carries $170,263 in Personal Services unencumbered balance forward to the Highway Fund.

Part G carries forward from fiscal year 2011-12 any unexpended balance up to $600,000 in the All Other line category in the Administration - Motor Vehicles program, Bureau of Motor Vehicles in the Department of the Secretary of State for the acquisition and installation of an international fuel tax agreement system to replace the IFTA Regional Processing Center in New York State.

Enacted Law Summary

Public Law 2011, chapter 649 makes appropriations and allocations for the fiscal years ending June 30, 2012, and June 30, 2013.

It makes allocations of funds for approved reclassifications.

It increases the attrition rate for fiscal year 2012-13 from 5% to 6% for executive branch departments and agencies and the judicial branch. It also requires the State Budget Officer to calculate the savings in Part A that result from attrition and to transfer the savings by financial order upon approval of the Governor. It also adds an appropriations and allocations section.

It requires the State Budget Officer to calculate the savings from a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services and to transfer those savings by financial order upon the approval of the Governor. It also adds an appropriations and allocations section.

It renames the State Transit, Aviation and Rail Transportation Fund, or STAR, program the Multimodal Transportation program and changes the program from an enterprise fund program to an Other Special Revenue Funds program.

It repeals a provision that required the annual transfer of $100,000 in gasoline tax revenue from the Highway Fund to the STAR program.

It renames several programs within the Department of Transportation as follows: the Administration - Aeronautics program is renamed the Multimodal - Aviation program; the Railroad Assistance Program is renamed the

Multimodal - Freight program; the Marine Highway Transportation program is renamed the Multimodal - Island Ferry Service program; the Ports and Marine Transportation program is renamed the Multimodal - Ports and Marine program; and the Public Transportation program is renamed the Multimodal - Transit program.

It creates a new program, the Multimodal - Passenger Rail program.

It carries $170,263 in Personal Services unencumbered balance forward to the Highway Fund.

It carries forward from fiscal year 2011-12 any unexpended balance up to $600,000 in the All Other line category in the Administration - Motor Vehicles program, Bureau of Motor Vehicles in the Department of the Secretary of State for the acquisition and installation of an international fuel tax agreement system to replace the IFTA Regional Processing Center in New York State.

Public Law 2011, chapter 649 was enacted as an emergency measure effective April 18, 2012.

LD 1912 **An Act To Encourage Responsible Teen Driving** **PUBLIC 654**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM A OTP-AM B ONTP C	H-953 CEBRA S-551

This bill does the following.

1. It provides that a person who has reached 15 years of age and who has successfully completed a driver education course may be issued a special restricted license based on educational or employment need. The bill removes the right to a hearing for a person with special restricted license whose license has been suspended.

2. It provides that a person who is 15 years of age or older may apply for an instruction permit, except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for an instruction permit. The bill increases the period the instruction permit is valid from 18 months to 2 years.

3. It provides that a person who has not attained 18 years of age who has been issued a driver's license may not: carry passengers other than intermediate family members unless accompanied by a licensed operator who meets certain requirements in law; operate a motor vehicle between the hours of 12 a.m. and 5 a.m.; or operate a motor vehicle using a mobile telephone. The bill increases the period of restrictions for an intermediate license holder from 180 days to either 270 days from license issuance or until the person attains 18 years of age, whichever occurs later.

4. It provides that if an intermediate license holder violates any of the restrictions of an intermediate license, the period of restrictions will be extended. The bill increases the additional period of restrictions from 180 days to 270 days.

5. The bill also increases the fines for an intermediate license holder who violates the restrictions of an intermediate license from the general penalty for a traffic infraction, which is not less than $25 and not more than $500, to not less than $350.

6. The bill provides that the Secretary of State shall suspend without right to a hearing the license of an intermediate

license holder adjudicated for violating the restrictions of an intermediate license as follows: 60 days on the 1st offense, 180 days on the 2nd offense, and one year on the 3rd or subsequent offense.

7. If an intermediate license is suspended, the bill states that the holder of the intermediate license must pay a reinstatement fee of $100 in addition to the regular license fee before the suspension is terminated.

8. The bill requires that a person 18 years of age or older must complete a 6-hour driver education program before a license is issued to that person.

9. The bill increases the fine for a violation of the prohibition against engaging in text messaging while driving from not less than $100 to not less than $350.

10. The bill provides that a license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of 2 years following the date of issue or until the holder attains 21 years of age, whichever occurs last (the provisional license may extend beyond a person's 21st birthday). The bill increases the suspension terms for a juvenile provisional license holder who is convicted or adjudicated of a moving motor vehicle violation that occurred within 2 years from the date of issue of a juvenile provisional license as follows: from 30 to 60 days for the first offense, from 60 to 180 days for the 2nd offense, and from 90 days to one year for the 3rd or subsequent offense.

11. The bill requires a holder of a juvenile provisional license whose license is suspended for a moving violation to complete a defensive driving course before the suspension is terminated.

12. The bill requires the holder of a juvenile provisional license whose license is suspended for a major offense to complete a physical exam by actual demonstration of ability to operate a motor vehicle and a written exam before the suspension is terminated.

13. The bill also requires the holder of a juvenile provisional license whose license is suspended for a major offense to pay a reinstatement fee of $350 in addition to the regular license fee before the suspension is terminated.

Committee Amendment "A" (S-551)

This amendment is the majority report of the committee.

The bill proposed to increase the period of restrictions for an intermediate license holder from 180 days to either 270 days from license issuance or until the person attains 18 years of age, whichever occurs later. The amendment limits the period of restrictions to 270 days but allows that period to extend beyond the person's 18th birthday.

The amendment changes the fine imposed on an intermediate license holder for a violation of the restrictions for intermediate license holders from a minimum of $350 as proposed in the bill to not less than $250 and not more than $500.

The bill proposed that, before a suspension issued to the holder of an intermediate license is terminated and a license reinstated, a reinstatement fee of $100, in addition to the regular license fee, must be paid to the Secretary of State. The amendment removes these provisions. The reinstatement fee for suspensions other than for OUI or failure to submit to a test under current law is $50 and applies to intermediate license holders.

The amendment strikes the provision in the bill requiring driver education for persons 18 years of age or older.

The amendment changes the fine for a violation of the prohibition against engaging in text messaging while driving from a minimum of $350 as proposed in the bill to not less than $250 and not more than $500.

The amendment provides that the Department of Public Safety, Bureau of State Police may provide a vehicle

registration plate number from an accident report to a person only if that person provides the department an affidavit stating that the person will not use a vehicle registration plate number to identify or contact a person or disseminate a vehicle registration plate number to another person. A person who knowingly uses a vehicle registration plate number provided by the bureau to identify or contact a person or disseminates the number commits a Class E crime.

The bill proposed that a defensive driving course must be completed by a juvenile provisional license holder whose license is suspended for a moving violation. The amendment instead requires a juvenile provisional license holder whose license is suspended for a moving violation to complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State. The effective date of this provision is January 1, 2013.

The amendment clarifies that before a suspension that resulted from a juvenile provisional license holder's conviction for an offense listed in the habitual offender law may be terminated the juvenile provisional license holder must successfully complete a road test and written exam.

The bill proposed that, before a suspension that resulted from a juvenile provisional license holder's conviction for an offense listed in the habitual offender law is terminated and a license reinstated, a reinstatement fee of $350, in addition to the regular license fee, must be paid to the Secretary of State. The amendment removes the requirement that the regular license fee be paid to the Secretary of State.

Committee Amendment "B" (S-552)

This amendment is a minority report of the committee.

The bill proposed to increase the period of restrictions for an intermediate license holder from 180 days to either 270 days from license issuance or until the person attains 18 years of age, whichever occurs later. The amendment changes the period of restrictions for an intermediate license holder from 270 days as proposed in the bill to 200 days and limits the period of restrictions to that 200-day period but allows that period to extend beyond the person's 18th birthday.

The amendment changes the additional period of restrictions for an intermediate license holder who is adjudicated for a violation of intermediate license restrictions from 270 days as proposed in the bill to 200 days.

The amendment changes the fine imposed on an intermediate license holder for a violation of the restrictions for intermediate license holders from a minimum of $350 as proposed in the bill to not less than $250 and not more than $500.

The bill proposed that, before a suspension issued to the holder of an intermediate license is terminated and a license reinstated, a reinstatement fee of $100, in addition to the regular license fee, must be paid to the Secretary of State. The amendment removes these provisions. The reinstatement fee for suspensions other than for OUI or failure to submit to a test under current law is $50 and applies to intermediate license holders.

The amendment strikes the provision in the bill requiring driver education for persons 18 years of age or older.

The amendment changes the fine for a violation of the prohibition against engaging in text messaging while driving from a minimum of $350 as proposed in the bill to not less than $250 and not more than $500.

The amendment provides that the Department of Public Safety, Bureau of State Police may provide a vehicle registration plate number from an accident report to a person only if that person provides the department an affidavit stating that the person will not use a vehicle registration plate number to identify or contact a person or disseminate a vehicle registration plate number to another person. A person who knowingly uses a vehicle registration plate number provided by the bureau to identify or contact a person or disseminates the number commits a Class E crime.

The bill proposed to require that a defensive driving course must be completed by a juvenile provisional license

holder whose license is suspended for a moving violation. The amendment instead requires a juvenile provisional license holder whose license is suspended for a moving violation to complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State. The effective date of this provision is January 1, 2013.

The amendment clarifies that before a suspension that resulted from a juvenile provisional license holder's conviction for an offense listed in the habitual offender law may be terminated the juvenile provisional license holder must successfully complete a road test and written exam.

The bill proposed that, before a suspension that resulted from a juvenile provisional license holder's conviction for an offense listed in the habitual offender law is terminated and a license reinstated, a reinstatement fee of $350, in addition to the regular license fee, must be paid to the Secretary of State. The amendment removes the requirement that the regular license fee be paid to the Secretary of State and changes the reinstatement fee from $350 as proposed in the bill to $250.

The bill proposed to increase the suspension terms for moving violations for a juvenile provisional license holder from 30 to 60 days on the first offense; 60 to 180 days on the 2nd offense; and 90 days to one year on the 3rd or subsequent offense. The amendment increases the suspension terms for moving violations for a juvenile provisional license holder from 60 to 120 days on the 2nd offense and from 90 to 270 days on the 3rd or subsequent offense.

Senate Amendment "A" To Committee Amendment "A" (S-557)

This amendment does the following:

1. It retains the current suspension term for a juvenile provisional license holder who is convicted or adjudicated of a moving violation at 30 days on the first offense, instead of 60 days as proposed in the bill;

2. It allows a person whose juvenile provisional license is suspended for a moving violation to request a hearing if that person is 18 years of age or older;

3. It decreases the reinstatement fee for a juvenile provisional license holder whose license is suspended for a major offense from $350 as proposed in the bill to $200 and requires the person to complete any community service imposed by a court, up to 60 hours; and

4. It adds an emergency preamble and clause to the bill.

House Amendment "A" To Committee Amendment "A" (H-953)

This amendment incorporates the substance of Senate Amendment "A" to Committee Amendment "A" but without the emergency preamble and the emergency clause.

Enacted Law Summary

Public Law 2011, chapter 654 does the following.

1. It provides that a person who has reached 15 years of age and who has successfully completed a driver education course may be issued a special restricted license based on educational or employment need. The law removes the right to a hearing for a person with special restricted license whose license has been suspended.

2. It provides that a person who is 15 years of age or older may apply for an instruction permit, except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for an instruction permit. The law increases the period the instruction permit is valid from 18 months to 2 years.

3. It provides that a person who has not attained 18 years of age who has been issued a driver's license may not: carry passengers other than intermediate family members unless accompanied by a licensed operator who meets

certain requirements in law; operate a motor vehicle between the hours of 12 a.m. and 5 a.m.; or operate a motor vehicle using a mobile telephone. The law increases the period of restrictions for an intermediate license holder from 180 days to 270 days from license issuance, but allows that period to extend beyond the person's 18th birthday.

4. It states that if an intermediate license holder violates any of the restrictions of an intermediate license, the period of restrictions will be extended. The law increases the additional period of restrictions from 180 days to 270 days.

5. The law also increases the fines for an intermediate license holder who violates the restrictions of an intermediate license from the general penalty for a traffic infraction, which is not less than $25 and not more than $500, to not less than $250 and not more than $500.

6. The law provides that the Secretary of State shall suspend without right to a hearing the license of an intermediate license holder adjudicated for violating the restrictions of an intermediate license as follows: 60 days on the first offense, 180 days on the 2nd offense, and one year on the 3rd or subsequent offense.

7. The law increases the fine for a violation of the prohibition against engaging in text messaging while driving from not less than $100 to not less than $250 and not more than $500.

8. The law provides that a license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of 2 years following the date of issue or until the holder attains 21 years of age, whichever occurs last (the provisional license may extend beyond a person's 21st birthday). The law increases the suspension terms for a juvenile provisional license holder who is convicted or adjudicated of a moving motor vehicle violation that occurred within 2 years from the date of issue of a juvenile provisional license as follows: from 60 to 180 days for the 2nd offense and from 90 days to one year for the 3rd or subsequent offense. It also allows a person whose juvenile provisional license is suspended for a moving violation to request a hearing if that person is 18 years of age or older.

11. The law requires a juvenile provisional license holder whose license is suspended for a moving violation to complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State. The effective date of this provision is January 1, 2013.

12. The law requires the holder of a juvenile provisional license whose license is suspended for a major offense to complete a physical exam by actual demonstration of ability to operate a motor vehicle and a written exam before the suspension is terminated.

13. The law also requires the holder of a juvenile provisional license whose license is suspended for a major offense to pay a reinstatement fee of $200 to the Secretary of State and to complete any community service imposed by a court, up to 60 hours, before the suspension is terminated.

14. The law provides that the Department of Public Safety, Bureau of State Police may provide a vehicle registration plate number from an accident report to a person only if that person provides the department an affidavit stating that the person will not use a vehicle registration plate number to identify or contact a person or disseminate a vehicle registration plate number to another person. A person who knowingly uses a vehicle registration plate number provided by the bureau to identify or contact a person or disseminates the number commits a Class E crime.

LD 1916 **An Act Making Supplemental Appropriations and Allocations from the Highway Fund for the Expenditures of State Government To Address Revenue Shortfalls Projected for the Fiscal Years Ending June 30, 2012 and June 30, 2013**

PUBLIC 658
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA		

This bill addresses Highway Fund revenue shortfalls projected for the fiscal years ending June 30, 2012 and June 30, 2013 by the Revenue Forecasting Committee on April 30, 2012.

Enacted Law Summary

Public Law 2011, chapter 658 addresses Highway Fund revenue shortfalls projected for the fiscal years ending June 30, 2012 and June 30, 2013 by the Revenue Forecasting Committee on April 30, 2012.

Public Law 2011, chapter 658 was enacted as an emergency measure effective May 16, 2012.

SUBJECT INDEX

Bridges

Enacted

LD 1615	Resolve, To Name Two Bridges in the Town of Harmony	RESOLVE 115 EMERGENCY

Not Enacted

LD 697	An Act To Provide Funding for the Maine Gateway Bridges	ONTP
LD 1642	Resolve, To Direct the Department of Transportation To Restrict Spending on the Ricker Hill Bridge in the Town of Turner	ONTP

General Highway Fund

Enacted

LD 1907	An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013	PUBLIC 649 EMERGENCY
LD 1916	An Act Making Supplemental Appropriations and Allocations from the Highway Fund for the Expenditures of State Government To Address Revenue Shortfalls Projected for the Fiscal Years Ending June 30, 2012 and June 30, 2013	PUBLIC 658 EMERGENCY

Inspection

Not Enacted

LD 198	An Act To Update Motor Vehicle Safety Inspection Laws	ONTP
LD 1604	Resolve, Directing the Department of Public Safety, Bureau of State Police To Review Motor Vehicle Inspection Rules	ONTP
LD 1677	An Act To Modernize Maine's Motor Vehicle Inspection Program	ONTP

Marine Transportation

Enacted

LD 1795	An Act Regarding the Oversight and Safety of Certain Commercial Vessels Operating in Maine Waters	PUBLIC 498

Motor Carriers

Enacted

LD 1617	**An Act To Authorize the Commissioner of Transportation To Allow Certain Vehicles To Operate on the Interstate System**	**PUBLIC 482 EMERGENCY**

Motor Vehicles

Enacted

LD 1710	**An Act To Amend the Motor Vehicle Laws**	**PUBLIC 556**

Not Enacted

LD 1656	**An Act To Clarify the Registration Exemption of Tractors under the Motor Vehicle Laws**	**ONTP**

Operator's License

Enacted

LD 1912	**An Act To Encourage Responsible Teen Driving**	**PUBLIC 654**

Registration Plates

Enacted

LD 1611	**Resolve, To Create a License Plate To Recognize the 2014 World Acadian Congress**	**RESOLVE 156**
LD 1896	**An Act To Provide a Temporary Registration Permit to Certain Members of the Armed Forces**	**PUBLIC 605**

Not Enacted

LD 1672	**An Act To Allow Disabled Veterans To Receive 2 Sets of Special Designating License Plates**	**ONTP**

Roads

Enacted

LD 1367	**An Act To Restore Maine's Secondary Roads**	**PUBLIC 652**
LD 1593	**Resolve, To Name Route 1-A between Brewer and Ellsworth the Korean War Veterans Memorial Highway**	**RESOLVE 117**

Signs

Enacted

LD 1807	**Resolve, Directing the Maine Turnpike Authority To Place Signs on Interstate 95 Directing Motorists to the Southern Maine Veterans Memorial Cemetery in Springvale**	**RESOLVE 127**

Not Enacted

LD 1661	**Resolve, To Allow Signs along Interstate 95 for the Town of Kittery and Its Businesses and Other Establishments**	**LEAVE TO WITHDRAW**

Traffic Regulations

Not Enacted

LD 1124	**An Act To Authorize the Use of Traffic Surveillance Cameras To Prove and Enforce Violations of Overtaking and Passing School Buses**	**ONTP**
LD 1621	**An Act To Remove a Barrier to Response by Emergency Medical Personnel**	**MAJORITY (ONTP) REPORT**
LD 1808	**An Act To Exempt from the Prohibition against Text Messaging While Driving Emergency Personnel Who Are Acting in the Course of Their Duties**	**ONTP**

Transportation Department

Enacted

LD 1671	**Resolve, To Require the Department of Transportation To Facilitate and Oversee a Study of the Feasibility of an East-west Highway**	**RESOLVE 147**
LD 1753	**An Act To Improve Transportation in the State**	**PUBLIC 610**

Not Enacted

LD 1064	**Resolve, To Expand the Scope of the Study of Existing Highway Infrastructure and Future Capacity Needs West of Route 1 in York and Cumberland Counties Being Conducted by the Department of Transportation and the Maine Turnpike Authority**	**ONTP**

Turnpike Authority

Enacted

LD 1623	**An Act To Simplify Toll Discounts and Amend Certain Powers and Procedures of the Maine Turnpike Authority**	**PUBLIC 476 EMERGENCY**
LD 1736	**An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2013**	**P & S 21**

VLA

STATE OF MAINE

125TH LEGISLATURE

SECOND REGULAR SESSION

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

JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

June 2012

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SEN. DEBRA D. PLOWMAN
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OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 120 **An Act To End Taxpayer-funded Campaigns for Gubernatorial Candidates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK T	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature and eliminates Maine Clean Election Act funding for gubernatorial candidates.

LD 199 **Resolve, Directing the Secretary of State To Study Voter Participation and Registration and the Conduct of Elections in the State** **RESOLVE 133**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA SNOWE-MELLO	OTP-AM MAJ ONTP MIN	H-733

This bill was carried over from the First Regular Session of the 125th Legislature and requires that a voter provide proof of identity with photograph identification approved by the Secretary of State by rule for the purpose of voting.

Committee Amendment "B" (H-733)

This amendment replaces the bill with a resolve that directs the Secretary of State to conduct a study of voter participation, the system governing voter registration and the conduct of elections and report to the joint standing committee of the Legislature having jurisdiction over elections matters by February 1, 2013.

Enacted Law Summary

Resolve 2011, chapter 133, directs the Secretary of State to conduct a study of voter participation, the system governing voter registration and the conduct of elections and to report to the joint standing committee of the Legislature having jurisdiction over elections matters by February 1, 2013.

LD 227 **An Act Relating to the Establishment of Casinos** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	ONTP	

This bill was carried over from the First Regular Session of the 125th Legislature and authorizes the establishment of three casinos in the State subject to a competitive bidding process. A successful bidder would win the right to enter into a contract with the State to operate a casino for up to 20 years. A successful bidder is subject to a privilege fee of $5,000,000 to operate a casino. An existing slot machine operator would also be authorized to enter into a contract with the State to operate a casino at the existing slot machine facility without being subject to the competitive bidding process. The privilege fee for a casino that was an existing slot machine facility is $3,000,000. As determined by a contract with the State, the state share of net gaming revenue from the casinos would be divided

equally among three funds that reimburse municipalities for education, veterans property tax exemptions and homestead property tax exemptions.

LD 643 **An Act To Protect Public Safety in the Operation of Casinos** **PUBLIC 469 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CAREY	OTP-AM	H-547
		S-368 ROSEN R

This bill is a concept draft pursuant to Joint Rule 208. It was carried over from the First Regular Session of the 125th Legislature. It proposes to amend the laws governing the oversight of the casino eligible to be licensed in Oxford County that are determined to be incomplete or inconsistent with existing laws and rules in other states that authorize the operation of casino gambling.

Committee Amendment "A" (H-547)

This amendment replaces the bill, which was a concept draft. The amendment includes an emergency preamble and clause. The amendment requires the Department of Public Safety, Gambling Control Board to adopt emergency major substantive rules governing the oversight of the operation of table games at a casino. The rules must ensure that bets on table games are not made with cash and that the exchange of cash for chips, tokens or other items of value is done in a manner that can provide a thorough audit. The amendment requires the board to report on the process for developing rules that govern the rules of play for table games. The amendment changes current law to provide that license and application fees collected by the board go to a dedicated account for the administration of the board rather than to the General Fund.

Senate Amendment "A" To Committee Amendment "A" (S-368)

Committee Amendment "A" requires fees collected from slot machine operators and casinos to be deposited in the Administrative Expenses Other Special Revenue Funds account within the Department of Public Safety, Gambling Control Board instead of in the General Fund. This amendment exempts the fees associated with a casino located in Oxford County and a slot machine facility licensed as such as of January 1, 2011, from that requirement for fiscal years 2011-12 and 2012-13 only and requires those fees from that casino and that slot machine facility to be deposited in the General Fund.

Enacted Law Summary

Public Law 2011, Chapter 469 requires the Department of Public Safety, Gambling Control Board to adopt emergency major substantive rules governing the oversight of the operation of table games at a casino. The rules must ensure that bets on table games are not made with cash and that the exchange of cash for chips, tokens or other items of value is done in a manner that can provide for a thorough audit. This law requires the board to report on the process for developing rules that govern the rules of play for table games. It also changes current law to provide that future license and application fees collected by the board go to a dedicated account for the administration of the board rather than to the General Fund, except for fiscal years 2011-12 and 2012-13, when those fees will be deposited into the General Fund.

LD 643 was enacted in the First Regular Session of the 125th Legislature but was held by the Governor. It became law in the Second Regular Session as an emergency measure effective January 9, 2012.

LD 896 **An Act To Adopt the Uniform Military and Overseas Voters Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FARNHAM KATZ	ONTP	

This bill is a concept draft pursuant to Joint Rule 208 and was carried over from the First Regular Session of the 125th Legislature. This bill proposes the adoption in this State of the Uniform Military and Overseas Voters Act approved and recommended by the National Conference of Commissioners on Uniform State Laws and the incorporation of the provisions of the uniform act into the State's election laws.

LD 905 **An Act Regarding the Distribution and Sale of Spirits** **PUBLIC 693**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	OTP-AM	H-915 S-597 ROSEN R

This bill is a concept draft pursuant to Joint Rule 208 and was carried over from the First Regular Session of the 125th Legislature. This bill proposes to adopt certain of the recommendations contained in the report entitled "State of Maine Liquor Business Analysis and Valuation - Final Report," prepared by DeLoitte & Touche for the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and dated March 11, 2009.

Committee Amendment "A" (H-915)

This amendment replaces the bill, which was a concept draft. The amendment authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to adopt rules to create a program of sales incentives for agency liquor stores and rules to help facilitate the sale of slow-moving spirits products at agency liquor stores. The amendment also allows the Department of Public Safety's division of liquor licensing and enforcement to seek suspension or revocation of an on-premises license if the licensee violates the law that requires that all spirits be purchased from an agency liquor store or if the licensee reuses or refills liquor bottles in violation of state rules or federal regulations.

This amendment also requires the Department of Public Safety to contract for an auditor for the purpose of enforcing the law requiring on-premises licensees to purchase spirits from licensed reselling agents in the State. The amendment adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-597)

This amendment strikes and replaces the appropriations and allocations section and a related unallocated section with a new appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 693 authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to adopt rules to create a program of sales incentives for agency liquor

stores and rules to help facilitate the sale of slow-moving spirits products at agency liquor stores. The law also allows the Department of Public Safety's division of liquor licensing and enforcement to seek suspension or revocation of an on-premises license if the licensee violates the law that requires that all spirits be purchased from an agency liquor store or if the licensee reuses or refills liquor bottles in violation of state rules or federal regulations. Chapter 693 also requires the Department of Public Safety to contract for an auditor for the purpose of enforcing the law requiring on-premises licensees to purchase spirits from licensed reselling agents in the State.

LD 1150 **An Act To Improve the Administration of the Legislative Ethics Laws** **PUBLIC 471**

Sponsor(s)	Committee Report	Amendments Adopted
FARNHAM	OTP	

This bill was carried over from the First Regular Session of the 125th Legislature. It allows the Commission on Governmental Ethics and Election Practices to investigate a possible violation of legislative ethics upon its own motion. The bill requires the commission to allow a Legislator the opportunity to answer a complaint in writing and in person before the commission decides to conduct an investigation. The bill allows the commission to commence an investigation on information it receives other than through a complaint filed against a Legislator. The bill fixes cross-references.

Enacted Law Summary

Public Law 2011, chapter 471 allows the Commission on Governmental Ethics and Election Practices to investigate a possible violation of legislative ethics upon its own motion. The law requires the commission to allow a Legislator the opportunity to answer a complaint in writing and in person before the commission decides to conduct an investigation. Chapter 471 allows the commission to commence an investigation on information it receives other than through a complaint filed against a Legislator.

LD 1262 **An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws** **MAJORITY (ONTP) REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature. It sets the basic penalties for filing a late report by a party committee and a political action committee to 5% of the committee's total contributions or expenditures for the relevant filing period multiplied by the number of calendar days late for a first violation, 10% for a second violation and 15% for a third and subsequent violation. The bill also changes the law setting out the maximum penalties to provide for a $100,000 penalty for late reports required under the Maine Revised Statutes, Title 21-A, section 1019-B, subsection 3 and Title 21-A, sections 1056-B and 1059; a $100,000 penalty for late state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E; a $5,000 penalty for reports required under Title 21-A, section 1017, subsection 2, paragraph A; and a $1,000 penalty for late reports by municipal, district and county committees required under Title 21-A, section 1017-A, subsection 4-B. The bill eliminates the cap on the penalty for reports required under Title 21-A, section 1017, subsection 3-A, paragraph A. The bill also allows the Commission on Governmental Ethics and Election Practices to assess a fine up to $100,000 for a violation of the reporting requirements of Title 21-A, sections 1017 and 1019-B if it determines that the failure

to file a timely and accurate report resulted in the late payment of matching funds. The bill also corrects a cross-reference.

LD 1469 **An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	OTP-AM MAJ OTP-AM MIN	H-887

This bill was carried over from the First Regular Session of the 125th Legislature. It allows operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under the United States Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the federal tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections may apply for an initial license while they seek the required federal tax status. The organization applying for the license must own or lease the premises on which the terminals will be placed and must use the premises for its charitable or nonprofit purpose. Video gaming terminal manufacturers, wholesalers and operators must be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval is required for a license to operate video gaming terminals. The license specifies the number of terminals allowed on the premises; the maximum number of terminals allowed is five per premises of a licensee. Terminals must be licensed by the Chief of the State Police and must be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a five-year phase-in period, this computer system must provide continuous online monitoring of video gaming terminal activity. Persons under 21 years of age are not allowed to use the machines. Only members of the organization and their guests are allowed to play. The maximum dollar amount for each play is $5 and the maximum payout is $1,250. Each game on each machine must return at least 80% of wagers to players, calculated on an annual basis. Net terminal income, which is income after payback to players, is divided as follows: 8% to the State for payment into the Video Gaming Fund, which is established in the bill, for administrative expenses, gambling rehabilitation, municipal revenue sharing and public education; 2% to the Compulsive Gambler Rehabilitation Fund, which is established in the bill; 15% to the General Fund; 10% to the host municipality; and 65% to the licensee. Licenses are issued for one year. Applicants for an initial license must pay the actual costs of processing the application and performing the background investigation.

Committee Amendment "A" (H-887)

This amendment replaces the bill and is the majority report of the committee. This amendment permits the Gambling Control Board, after October 1, 2013, to issue a license to a charitable nonprofit organization that is a fraternal organization or a veterans' organization that is tax-exempt under the federal Internal Revenue Code to operate up to 5 slot machines at a facility that is owned or leased by the organization and serves as its primary headquarters for fulfilling its charitable mission. The organization must be able to demonstrate that it has a cash reserve of $2,000 for each machine the organization intends to operate. An organization that wishes to apply prior to October 1, 2013, may file a declaration of intent to apply with the Gambling Control Board. An application must include a refundable $5,000 deposit. The initial application fee for a slot machine operator license under this amendment is $1,000, and the annual renewal fee is $350. A slot machine operated by a charitable nonprofit organization is subject to the same central site monitoring that applies to casinos and slot machine facilities at harness racing tracks. The total number of slot machines available to be operated by nonprofit organizations statewide is 250, with only 100 available for licensure the first year. Ten percent of the net slot machine income is required to be deposited directly with the Gambling Control Board for administrative expenses and 8% goes directly

to the General Fund. Another 10% goes to the host municipality and 2% is dedicated to gambling addiction prevention and treatment. The board may require a charitable nonprofit organization that is licensed to operate slot machines to establish a separate account, from which the board may withdraw funds, to distribute the net revenue percentages. The remaining revenue generated from the slot machines must be used to support the charitable purposes of the fraternal organization or veterans' service organization.

LD 1523 **An Act To Improve the Maine Clean Election Act** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 125th Legislature. It amends the Maine Clean Election Act by replacing the seed money provisions with provisions for allowable contributions, which are contributions of no more than $100 from an individual. The bill allows participating and certified candidates to raise allowable contributions, sets limits and other requirements on allowable contributions and provides for matching funds for allowable contributions in the amount of $3 for every $1 of allowable contributions.

LD 1539 **An Act To Improve Laws on Gaming** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208 and was carried over from the First Regular Session of the 125th Legislature. This bill proposes to enact measures designed to improve the laws governing gaming.

LD 1612 **An Act Relating to the Liquor Laws Governing Off-premises Catering at Planned Public Events or Gatherings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARMON THIBODEAU	ONTP	

This bill permits a licensee holding an off-premises catering license to conduct taste testing of beer and wine at a public event or gathering sponsored by a charitable, nonprofit organization or civic group. Volunteers for the sponsoring organization are permitted to pour samples for taste testing and event tickets are permitted to be sold in advance and at the door.

LD 1618 **An Act To Amend the Campaign Finance Laws Regarding Reporting Refunds of Campaign Expenditures** **PUBLIC 522**

Sponsor(s)	Committee Report	Amendments Adopted
FARNHAM	OTP-AM	S-405

Under current law, all Maine Clean Election Act candidates are required to deposit seed money and Maine Clean Election Act funds in a campaign account with a bank or other financial institution. The candidates are not allowed to commingle these campaign funds with any personal funds. This bill, beginning January 1, 2013, requires a candidate seeking Maine Clean Election Act funds to file with the Commission on Governmental Ethics and Election Practices a written authorization allowing the financial institution to release to the commission account statements and other financial records held by the financial institution. If a candidate does not provide the records of the campaign account within 30 days after receiving the request from the commission during an audit or an investigation of potential noncompliance by the candidate, the commission's executive director or auditor may obtain the records directly from the financial institution.

This bill also requires candidates to disclose in their campaign finance reports any refund of campaign funds received from vendors and requires Maine Clean Election Act candidates to return all refunds received after the filing of the candidate's final report to the commission within 14 days of receiving the refund.

Finally, this bill requires a vendor that is paid more than $500 in Maine Clean Election Act funds, and that uses those funds to make purchases on behalf of the candidate relating to campaign advertising, to provide the candidate with an accounting of all purchases. The vendor is also required to keep and to provide to the candidate records of the payments made on behalf of the candidate.

Committee Amendment "A" (S-405)

This amendment changes the title of the bill and clarifies language regarding reporting refunds of campaign expenditures. The amendment also strikes the section of the bill that requires vendors who are paid using Maine Clean Election Act funds to provide the candidate with an accounting of all payments to subvendors related to campaign advertising.

Enacted Law Summary

Under current law, all Maine Clean Election Act candidates are required to deposit seed money and Maine Clean Election Act funds in a campaign account with a bank or other financial institution. The candidates are not allowed to commingle these campaign funds with any personal funds. Beginning January 1, 2013, Public Law 2011, chapter 522 requires a candidate seeking Maine Clean Election Act funds to file with the Commission on Governmental Ethics and Election Practices, a written authorization allowing the financial institution to release to the commission account statements and other financial records held by the financial institution. If a candidate does not provide the records of the campaign account within 30 days after receiving the request from the commission during an audit or an investigation of potential noncompliance by the candidate, the commissioner's executive director or auditor may obtain the records directly from the financial institution. Chapter 522 also requires candidates to disclose, in their campaign finance reports, any refund of campaign funds received from vendors and requires Maine Clean Election Act candidates to return all refunds received after the filing of the candidate's final report to the commission within 14 days of receiving the refund.

LD 1630 **Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves** **RESOLVE 126**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM	S-403

This resolve directs the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to establish a stakeholder group for the development of a plan for the inventory and proper care of veterans' graves in the State and to report to the joint standing committee of the Legislature having jurisdiction over veterans matters.

Committee Amendment "A" (S-403)

This amendment requires the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to invite participation from genealogy groups and the Maine Cemetery Association in the stakeholder group to develop a plan for the inventory and proper care of veterans' graves. The amendment specifies that the stakeholder group is not required to consider private cemeteries in its plan unless the cemeteries are considered ancient burying grounds. Finally, the amendment requires the Bureau of Maine Veterans' Services to report the stakeholder group's findings and recommendations and any suggested legislation to the Joint Standing Committee of the Legislature having jurisdiction over state and local government matters in addition to the Joint Standing Committee of the Legislature having jurisdiction over veterans matters as specified in the Resolve.

Enacted Law Summary

Resolve 2011, chapter 126 directs the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to establish a stakeholder group for the development of a plan for the inventory and proper care of veterans' graves in the State and to report to the joint standing committee of the Legislature having jurisdiction over veterans matters and the joint standing committee of the Legislature having jurisdiction over state and local government matters.

LD 1643 **An Act To Enhance a Community's Ability To Establish or Update Its Veterans Honor Roll** **PUBLIC 481**

Sponsor(s)	Committee Report	Amendments Adopted
JOHNSON P	OTP-AM	H-697

This bill allows the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to release information about veterans to municipalities for the purpose of establishing or updating a veterans honor roll.

Committee Amendment "A" (H-697)

This amendment specifies that information released by the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to municipal officials for the purposes of updating a veterans honor roll must be requested in a manner determined by the bureau.

Enacted Law Summary

Public Law 2011, chapter 481 allows the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to release information about veterans to municipalities for the purpose of establishing or updating a veterans honor roll. The bureau determines the form by which municipal officials may request that information.

LD 1663 **An Act To Correct Errors in Recently Enacted Laws Governing Agency Liquor Stores** **PUBLIC 497 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	OTP-AM	S-395

The purpose of this bill is to make technical amendments to the law to correctly reflect the intent of the Legislature when it enacted Public Law 2011, chapter 460. This bill adjusts the license fee and eliminates language in order to conform the law to the legislative documents that were adopted by the Legislature.

Committee Amendment "A" (S-395)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2011, chapter 497 makes technical amendments to the law to correctly reflect the intent of the Legislature when it enacted Public Law 2011, chapter 460. It adjusts the license fee and eliminates language in order to conform the law to the legislative documents that were adopted by the Legislature.

LD 1663 was enacted as an emergency measure effective March 14, 2012.

LD 1664 **An Act To Amend the Election Laws** **PUBLIC 534**

Sponsor(s)	Committee Report	Amendments Adopted
FARNHAM	OTP-AM	S-402

This bill clarifies the retention period for ballots and election materials, moves the retention of absentee ballot materials into its own provision of law and increases the retention period for incoming voting lists from 2 years to 5 years following an election. The bill creates a separate section of law in which the deadline for registration is provided. The bill changes the date by which a municipality must publish the schedule before an election. The bill provides that when a township voter registers to vote less than 60 days before an election in a municipality that has different electoral districts from the township and the municipality has not received the voter's proper ballot, the township voter is not entitled to vote for offices or questions that are within those different districts and the election clerk must mark the ballot accordingly. The bill also adds year of birth to the voter registration data that may be obtained for authorized use by a governmental or quasi-governmental agency. The bill corrects an error in the law regarding the nomination of nonparty candidates from a reference to the primary election to a reference to the general election. The bill also requires the Secretary of State to provide written instructions to municipalities to be used to direct absentee voters to the publicly accessible website where the Treasurer's Statement for a statewide bond issue may be viewed. The bill removes from the allowable reasons for challenging a person's right to vote that the person is not a registered voter. The bill adds to the circumstances under which the Secretary of State may authorize a municipal clerk to open the state tamper-proof ballot containers after the election. The bill clarifies the

restrictions on issuing an absentee ballot. The bill adds to the circumstances in which a duplicate absentee ballot may be issued to a voter the situation in which there is a defect on the voter's affidavit on the absentee ballot envelope that would cause the ballot to be rejected. The bill also clarifies the types of facilities where the municipal clerk is required to go to conduct absentee voting during the 30 days prior to an election. The bill also provides that the deadlines for voter registration and requesting an absentee ballot do not apply to uniformed service voters and overseas voters.

Committee Amendment "A" (S-402)

This amendment strikes the provision of the bill that applies to a township voter who uses the special provision in election law that permits the voter to vote in a nearby municipality when a voting place has not been established in the voter's township. The bill provides that if the township voter fails to register prior to 60 days before an election and the town does not have sufficient ballots for that township voter, the voter must vote a ballot from the municipality that has been amended to include only those questions and offices for which the township voter is eligible to vote. This amendment allows for more flexibility to provide correct ballots to a township voter who registers after 60 days prior to an election and provides that the voter will only have to vote using an amended ballot when there is not enough time to furnish the election clerk with sufficient township ballots.

Enacted Law Summary

Public Law 2011, chapter 534 moves the retention of absentee ballot materials into its own provision of law and increases the retention period for incoming voting lists from 2 years to 5 years following an election. It creates a separate section of law in which the deadline for registration is provided. The law changes the date by which a municipality must publish the schedule before an election. This law allows for more flexibility to provide correct ballots to a township voter who registers after 60 days prior to an election and provides that the voter will only have to vote using an amended ballot when there is not enough time to furnish the election clerk with sufficient township ballots. Chapter 534 also adds year of birth to the voter registration data that may be obtained for authorized use by a governmental or quasi-governmental agency. It corrects an error in the law regarding the nomination of nonparty candidates from a reference to the primary election to a reference to the general election. This law also requires the Secretary of State to provide written instructions to municipalities to be used to direct absentee voters to the publicly accessible website where the Treasurer's Statement for a statewide bond issue may be viewed. Chapter 534 removes from the allowable reasons for challenging a person's right to vote that the person is not a registered voter. It adds to the circumstances under which the Secretary of State may authorize a municipal clerk to open the state tamper-proof ballot containers after the election. This law clarifies the restrictions on issuing an absentee ballot and adds to the circumstances in which a duplicate absentee ballot may be issued to a voter, the situation when there is a defect on the voter's affidavit on the absentee ballot envelope that would cause the ballot to be rejected. It also clarifies the types of facilities where the municipal clerk is required to go to conduct absentee voting during the 30 days prior to an election. Finally, chapter 534 provides that the deadlines for voter registration and requesting an absentee ballot do not apply to uniformed service voters and overseas voters.

LD 1719 **An Act To Update the Powers and Duties of the Bureau of Maine Veterans' Services** **PUBLIC 539**

Sponsor(s)	Committee Report	Amendments Adopted
FARNHAM	OTP-AM	S-430

This bill allows the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to enter into an agreement with a health care provider to exchange information about a patient of the health care provider and provide assistance in obtaining benefits accruing to that patient as a result of federal or state military service. This bill also specifies that interment of a veteran or a dependent of a veteran in the Maine Veterans' Memorial Cemetery System is permanent but gives the director the discretion to allow disinterment

as long as there is no cost to the State.

Committee Amendment "A" (S-430)

This amendment strikes a provision in the bill that authorizes the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to enter into an agreement with a health care provider to assist the director in obtaining benefits for veterans. The amendment directs the Bureau of Maine Veterans' Services and the Office for Family Independence within the Department of Health and Human Services to submit a report to the Joint Standing Committee of the Legislature having jurisdiction over veterans matters and the Joint Standing Committee of the Legislature having jurisdiction over health and human services matters on their ongoing efforts to identify veterans who have received or are receiving Medicaid benefits in order to determine if a veteran is eligible for federally funded benefits from the United States Department of Veterans Affairs. The Joint Standing Committee of the Legislature having jurisdiction over veterans matters may report out a bill to the First Regular Session of the 126th Legislature.

Enacted Law Summary

Public Law 2011, chapter 539 specifies that interment of a veteran or a dependent of a veteran in the Maine Veterans' Memorial Cemetery System is permanent but gives the director the discretion to allow disinterment as long as there is no cost to the State. The law also directs the Bureau of Maine Veterans' Services and the Office for Family Independence within the Department of Health and Human Services to submit a report to the Joint Standing Committee of the Legislature having jurisdiction over veterans matters and the Joint Standing Committee of the Legislature having jurisdiction over health and human services matters on their ongoing efforts to identify veterans who have received or are receiving Medicaid benefits in order to determine if a veteran is eligible for federally funded benefits from the United States Department of Veterans Affairs. Under this law, the joint standing committee of the Legislature having jurisdiction over veterans matters is authorized to report out a bill to the First Regular Session of the 126th Legislature.

LD 1771 **An Act To Amend Maine's Gambling Laws** **PUBLIC 585**

Sponsor(s)	Committee Report	Amendments Adopted
FARNHAM	OTP-AM	S-491

This bill makes the following changes to the laws governing gambling.

1. It permits licensed slot machine distributors to also distribute table games.

2. It creates the Class C criminal offense of theft at or from a casino or slot machine facility.

3. It clarifies that accredited postsecondary institutions may possess and operate slot machines and table games for training and educational purposes.

Committee Amendment "A" (S-491)

This amendment specifies that a training program for the operation of slot machines and table games at an accredited postsecondary institution is subject to criteria established by the Department of Public Safety, Gambling Control Board and that wagers used as part of the training program are for demonstration purposes only. The amendment clarifies a provision in the bill that permits a licensed slot machine distributor to also be licensed as a table game distributor by addressing a conflict in current law and by adding that a licensed table game distributor may also be licensed as a slot machine distributor. To hold both a slot machine distributor license and a table game distributor license, a person is required to apply for and pay the license fee for each license as is required by current law. The

amendment provides that table games and slot machines used for training programs are not subject to registration fees. The amendment strikes the provision of the bill that adds theft at or from a casino or slot machine facility to the list of violations of the laws governing the operation of slot machines and table games that are Class C crimes. The amendment establishes a new category of theft in the Maine Criminal Code, theft at a casino or slot machine facility. This provision in the amendment coincides with existing rules that allow for a slot machine facility operator or casino operator to exclude a person from the facility who commits theft at a casino or slot machine facility.

Enacted Law Summary

Public Law 2011, chapter 585 allows for the use of slot machines and table games at accredited postsecondary institutions when part of a training program approved by the Gambling Control Board. Machines used for this purpose are registered with the board but not subject to the $100 registration fee required of slot machines and table games operated at a casino. It provides that a slot machine distributor may also be licensed as a table game distributor subject to the existing fees and licensing requirements in current law. Current Gambling Control Board rules allow for certain people to be excluded from a casino or slot machine facility if they have committed certain violations or crimes. Chapter 585 creates a specific category for theft by unauthorized taking or transfer when it occurs at a casino or slot machine facility. This category of theft is included among the crimes for which the Gambling Control Board can exclude persons from a casino or slot machine facility in accordance with its rules.

LD 1774 **An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act** **PUBLIC 558**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ OTP-AM MIN	H-780 BEAULIEU

This bill is the majority report of the Joint Standing Committee on Veterans and Legal Affairs pursuant to Resolve 2011, chapter 103, section 2. It strikes provisions governing and references to matching funds within the Maine Clean Election Act in response to the 2011 ruling of the United States Supreme Court in *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011). The bill also repeals candidate and independent expenditure reporting requirements directly related to the matching funds provisions. The bill includes an appropriations and allocations section.

House Amendment "C" (H-780)

This amendment strikes and replaces the appropriations and allocations section in the bill and also removes the emergency preamble and the emergency clause from the bill.

Enacted Law Summary

Public Law 2011, chapter 558 strikes provisions of the Maine Clean Election Act that established or referred to the part of the program that provide matching funds for candidates participating in the campaign financing program.

LD 1806 **An Act To Promote Transparency in Government** **PUBLIC 634**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM MAJ OTP-AM MIN	H-935 CROCKETT S-523

This bill makes the following changes to the laws governing financial disclosure by Legislators and certain executive employees.

1. It changes the definition of "associated organization" in the laws governing financial disclosure by Legislators to provide that an organization with which a member of a Legislator's immediate family, rather than only the Legislator's spouse as in current law, holds a certain position is an associated organization and to add managerial employees to the list of the positions in an organization covered in the definition.

2. It requires a Legislator who has completed service to file a statement within 45 days of the last day of service to disclose the Legislator's sources of income in the Legislator's final year of service.

3. It requires a Legislator who is an employee of another to identify the title of the position held by the Legislator.

4. It requires that, if a member of a Legislator's immediate family received income of $1,000 or more in compensation in a calendar year, the Legislator must identify the source of the compensation, the type of the economic activity and the title of the position held by the immediate family member.

5. It requires a Legislator to identify each executive branch agency to which an associated organization has sold goods or services with a value in excess of $1,000.

6. It adds domestic partners to the definition of "immediate family" in the laws governing financial disclosure by certain executive employees.

7. It requires that, if a member of an executive employee's immediate family received income of $1,000 or more in compensation in a calendar year, the executive employee must identify the source of the compensation, the type of the economic activity and the title of the position held by the immediate family member.

8. It requires an executive employee to identify each executive branch agency to which an associated organization has sold goods or services with a value in excess of $1,000.

9. It requires an executive employee whose employment has terminated to file a statement of finances and a statement of positions within 45 days after the termination of employment relating to the final calendar year of the employment.

Committee Amendment "A" (S-523)

This amendment is the majority report of the committee and amends the laws governing disclosure reports required of Legislators and certain executive branch employees. It amends the bill by clarifying the definition of "income" as it applies to reporting and disclosures by Legislators and executive employees. The amendment changes the definition of "managerial employee," which is used in the bill's definition of "associated organization." The amendment reorganizes the provisions in current law that require disclosure reports by Legislators and executive employees so that the provisions are consistent. New disclosure requirements include the organizations or businesses controlled by a Legislator or executive employee that receive revenue of $2,000 or more but don't provide income directly to the Legislator or executive employee and a disclosure if the Legislator or employee holds certain positions with a political action committee or ballot question committee. Current law requires a Legislator or executive employee to disclose when that Legislator or executive employee or the Legislator's or executive employee's immediate family sold goods or services to an executive branch agency valued at $1,000 or more. The amendment clarifies that this disclosure applies to any state agency, board or commission and requires disclosure if a Legislator or an executive employee, a member of a Legislator's or executive employee's immediate family or an associated organization sold, rented or leased goods or services valued at $10,000 or more. This amendment also provides further information on what is meant by a substantial change as it applies to the requirement that a Legislator or executive employee file a report within 30 days if there is a substantial change in income, position or

reportable liabilities since the last disclosure form. The amendment states that the 30-day change report applies to Legislators, executive employees and their immediate families, excluding dependent children.

House Amendment "A" To Committee Amendment "A" (H-935)

This amendment requires the Commission on Governmental Ethics and Election Practices to adopt rules to exclude an estranged spouse or domestic partner from the income reporting requirements for immediate family members of Legislators and executive employees.

Enacted Law Summary

Public Law 2011, chapter 634 makes several changes to the laws that require legislators and certain executive employees to disclose sources of income, interests and liabilities. The law increases the threshold amount that triggers disclosure of income from $1,000 to $2,000. It clarifies the definition of income to mean gross income and to exclude certain things like alimony and child support payments. It specifies that when reporting the source of the income for a legislator, employee or immediate family member, the disclosure must state the position held by the person and the type of economic activity that resulted in the income. It adds a requirement that disclosure reports must be filed within 45 days of leaving legislative service or employment with the executive branch. It clarifies the requirement to disclose when a legislator, an executive employee or members of their immediate family are paid for goods and services provided to a state agency and increases that reporting threshold from $1,000 to $10,000. Chapter 634 also requires that a legislator or executive employee disclose when they are a key decision maker with a political action committee or ballot question committee. It adds a requirement to disclose income of $2,000 or more by a limited liability company, partnership or other business in which a legislator, executive employee or their family members have at least 50% interest in, even if no income was received by that person during the reporting period. Chapter 634 also makes non-substantive changes to laws governing disclosures by legislators and executive employees to provide consistency between the disclosure provisions and to clarify existing law.

LD 1828 **An Act To Protect Public Safety in the Operation of Casinos** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
FARNHAM	OTP-AM	S-431

This bill appropriates funds to establish 10 new positions in the Department of Public Safety and provides funding for licensing and monitoring software for the Gambling Control Board to regulate gambling in the State. The provisions of this bill were incorporated into the supplemental budget bill, LD 1746 which was enacted to become Public Law 2011, chapter 657.

Committee Amendment "A" (S-431)

This amendment incorporates a fiscal note.

LD 1871 **Resolve, Creating an Honorable Service Plaque To Honor Maine Veterans** **RESOLVE 163**

Sponsor(s)	Committee Report	Amendments Adopted
COTTA SAVIELLO	OTP-AM	H-853

The resolve directs the Director of the Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management to create a plaque for display in the Hall of Flags in the State House honoring veterans not otherwise honored by existing plaques. It authorizes the bureau to accept private funds for the creation and installation of the plaque.

Committee Amendment "A" (H-853)

This amendment strikes the provision that allocates $500 of Other Special Revenue Funds to the State House and Capitol Park Commission and replaces it with a provision that transfers $13,000 from the Veterans Services program, General Fund account within the Department of Defense, Veterans and Emergency Management to contract for the design and construction of a plaque to honor veterans of the State.

Enacted Law Summary

Resolve 2011, chapter 163 directs the Director of the Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management to create a plaque for display in the Hall of Flags in the State House honoring veterans not otherwise honored by existing plaques. It authorizes the bureau to accept private funds for the creation and installation of the plaque. Chapter 163 transfers $13,000 from the Veterans Services program, General Fund account within the Department of Defense, Veterans and Emergency Management to the State House and Capitol Park Commission to contract for the design and construction of a plaque to honor veterans of the State.

LD 1879 **An Act To Treat Party Formation Committees the Same as Ballot Question Committees for Purposes of the Campaign Finance Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FOSSEL KATZ	ONTP	

This bill requires a group that receives or spends more than $2,500 to form a new political party to be treated in the same manner as a ballot question committee for purposes of the campaign finance laws.

LD 1880 **An Act To Ensure the State's Authority over the Operation of Gambling Activities** **PUBLIC 630**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	OTP-AM	S-507

This bill allows the State to engage in sales of lottery tickets over the Internet, beginning no sooner than September 1, 2013. Prior to that date, the Director of Alcoholic Beverages and Lottery Operations is required to develop a proposal for a system that will allow the sale of lottery tickets from a publicly accessible website administered by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.

Committee Amendment "A" (S-507)

This amendment replaces the bill. The amendment establishes a definition of "agent" as it pertains to those businesses licensed to sell lottery tickets on behalf of the State. The amendment provides that a gambling activity not expressly authorized by Maine law does not cease to be unlawful solely because it is authorized under federal law or the laws of another state or jurisdiction.

Enacted Law Summary

Public Law 2011, chapter 630 establishes a definition of "agent" as it pertains to those businesses licensed to sell lottery tickets on behalf of the State. It also provides that a gambling activity not expressly authorized by Maine law does not cease to be unlawful solely because it is authorized under federal law or the laws of another state or jurisdiction.

Public Law 2011, chapter 630 was enacted as an emergency measure effective April 12, 2012.

LD 1882 **Resolve, Directing the Committee on Veterans and Legal Affairs To Develop Legislation Establishing a Presidential Primary** **RESOLVE 164**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM MAJ ONTP MIN	S-517

This bill amends the presidential nomination process in the State. 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-517)

This amendment replaces the bill with a resolve that directs the Joint Standing Committee on Veterans and Legal Affairs to meet and develop legislation to be considered by the First Regular Session of the 126th Legislature that establishes a presidential primary.

Enacted Law Summary

Resolve 2011, chapter 164 directs the Joint Standing Committee on Veterans and Legal Affairs to meet and develop legislation to be considered by the First Regular Session of the 126th Legislature that establishes a presidential primary.

LD 1889 **An Act To Amend the Liquor Laws of the State** **PUBLIC 629**

Sponsor(s)	Committee Report	Amendments Adopted
FARNHAM	OTP-AM	S-532

This bill provides for administrative streamlining in the processing of liquor licenses. The bill amends provisions related to manufacturer licenses to provide for greater consistency with regard to taste testing and the provision of samples and other regulatory requirements. The bill changes from 6% to 8% the maximum volume of alcohol for a product to be considered a low-alcohol spirits product. It clarifies the definition of "incorporated civic organization" and expands donation allowances to permit donations to incorporated civic organizations issued a license for an on-premises event open to the public. The bill also repeals obsolete provisions.

Committee Amendment "A" (S-532)

This amendment amends the definition of "outdoor stadium" in the liquor laws to clarify that the number of seats in the stadium are fixed seats. It strikes the section of the bill that requires that master files be established for all applicants. It clarifies that donations of liquor to public broadcasting stations or incorporated civic organizations with liquor licenses are permitted by small manufacturers of wine, beer and spirits. The amendment strikes the increases proposed in the bill of the amount of wine and spirits samples that may be given to a retail licensee by a small manufacturer, wholesaler or sales representative. The amendment also makes several nonsubstantive changes to language in the bill to correct errors in the bill and for the purpose of clarity.

Enacted Law Summary

Public Law 2011, chapter 629 makes several changes to the laws governing alcoholic beverages. It consolidates the laws governing manufacturing licenses issued in the state and provides that equal privileges are granted to small manufacturers regardless of the type of alcohol produced, when feasible, such as extending the ability to sell at farmers' markets, malt beverages produced by small breweries. Under existing law, the privilege to sell at a farmers' markets was only extended to small wineries. The law makes similar changes to provide that larger manufacturers have similar privileges among each other regardless of the type of alcohol produced. Chapter 629 makes changes to definitions within the alcohol beverage laws, including the definition of low alcohol spirits product, by increasing the percentage of alcohol by volume from 6% to 8%. The law clarifies how alcoholic beverages may be donated to public broadcasting stations for auction and to charitable organizations for auction or for service at an event held by a charitable organization with a liquor license. Public Law 2011, chapter 629 also makes clarifying changes to the laws governing tastings for retailers who will purchase beer, wine or spirits for sale at their licensed retail establishments.

LD 1897 **An Act Regarding the Issuance of Licenses by the Gambling Control Board and To Establish a Competitive Bidding Process for Future Operation of Slot Machines and Table Games in the State** **PUBLIC 699**

Sponsor(s)	Committee Report	Amendments Adopted
BEAULIEU	OTP-AM MAJ	H-919
FARNHAM	ONTP MIN	H-942 WILLETTE M
		S-562 FARNHAM

This bill provides that, after September 1, 2012, the Department of Public Safety, Gambling Control Board may not accept an application for an initial license to operate a slot machine facility, casino or any other gambling facility for which the board has licensing authority where slot machines or table games may be operated unless the applicant has been selected by a process of competitive bidding. Upon notification from the board of the enactment of legislation authorizing the board to issue a license for the operation of a slot machine facility, casino or gambling facility, the Commissioner of Administrative and Financial Services is authorized to award the right to submit an application to the board using a competitive bid process that includes a number of requirements specified in the bill. By March 15, 2013, the commissioner is required to submit to the joint standing committee of the Legislature having jurisdiction over casino matters a draft of a request for proposals that would be issued based on the parameters established by the bill if a license for a slot machine facility, casino or other gambling facility under the licensing authority of the board became available.

Committee Amendment "A" (H-919)

This amendment replaces the bill. It prohibits the Department of Public Safety, Gambling Control Board from accepting applications or issuing licenses to operate a slot machine facility or a casino beginning September 1, 2012. It establishes the Commission To Develop a Competitive Bidding Process for the Operation of Additional Casinos or

Slot Machine Facilities, which is made up of Legislators and stakeholders, to consider the economic impacts of existing casinos and the development of new casinos and directs the commission to develop recommendations for a competitive bidding process for slot machine facilities and casinos that may be authorized in the future. It establishes a nonrefundable application privilege fee of $250,000 for any future slot machine facility or casino operator license and sets a minimum license fee, or cash bid if a competitive bidding process is established, of $5,000,000.

House Amendment "B" To Committee Amendment "A" (H-942)

This amendment adds a representative of agricultural fairs and a representative of the hospitality industry to the Commission To Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machine Facilities.

This amendment allows the commission to recommend a minimum cash bid or license fee in an amount other than $5,000,000 when a deviation from the $5,000,000 amount is warranted based on the geography or demographics of the location of a proposed slot machine facility or casino or the size of the proposed slot machine facility or casino. This amendment allows the joint standing committee of the Legislature having jurisdiction over casino matters to report out legislation, rather than a bill as proposed in Committee Amendment "A," to the Second Regular Session of the 126th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-562)

The committee amendment prohibits the Gambling Control Board from accepting applications to operate a slot machine facility beginning September 1, 2012. This amendment provides that this prohibition does not apply to an application from a federally recognized Indian tribe that is expressly authorized by law to operate slot machines in Washington County.

Enacted Law Summary

Public Law 2011, chapter 699 prohibits the Department of Public Safety, Gambling Control Board from accepting applications or issuing licenses to operate a slot machine facility or a casino beginning September 1, 2012, unless that application is by a federally recognized Indian Tribe who operates high-stakes beano at a facility in Washington County which has been expressly authorized by law to operate slot machines at that gaming facility. It establishes a nonrefundable application privilege fee of $250,000 for any future slot machine facility or casino operator license and sets a minimum license fee, or cash bid if a competitive bidding process is established, of $5,000,000. The cash bid could be subject to a reduction if the geography, demographics and size of a proposed facility warrant such a reduction. Chapter 699 establishes the Commission To Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machine Facilities, which is made up of Legislators and stakeholders, to consider the economic impacts of existing casinos and the development of new casinos and directs the commission to develop recommendations for a competitive bidding process for slot machine facilities and casinos that may be authorized in the future. The commission is required to submit a report to the Joint Standing Committee of the Legislature having jurisdiction over casino gambling by February 2014. The committee may submit legislation to the 126th Legislature based on the commission's report.

LD 1906 **Resolve, Regarding 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**

RESOLVE 158
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

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.

Enacted Law Summary

Resolve 2011, chapter 158 approved rules subject to legislative review for the Commission on Governmental Ethics and Election Practices regarding portions of Chapter 3: Maine Clean Election Act and Related Provisions.

Resolve 2011, chapter 158 was finally passed as an emergency measure effective April 18, 2012.

SUBJECT INDEX

Alcoholic Beverages

Enacted

LD 905	An Act Regarding the Distribution and Sale of Spirits	PUBLIC 693
LD 1663	An Act To Correct Errors in Recently Enacted Laws Governing Agency Liquor Stores	PUBLIC 497 EMERGENCY
LD 1889	An Act To Amend the Liquor Laws of the State	PUBLIC 629

Not Enacted

LD 1612	An Act Relating to the Liquor Laws Governing Off-premises Catering at Planned Public Events or Gatherings	ONTP

Campaign Finance and Maine Clean Election Act

Enacted

LD 1618	An Act To Amend the Campaign Finance Laws Regarding Reporting Refunds of Campaign Expenditures	PUBLIC 522
LD 1774	An Act Regarding the Matching Funds Provisions of the Maine Clean Election Act	PUBLIC 558
LD 1906	Resolve, Regarding 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	RESOLVE 158 EMERGENCY

Not Enacted

LD 120	An Act To End Taxpayer-funded Campaigns for Gubernatorial Candidates	ONTP
LD 1262	An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws	MAJORITY (ONTP) REPORT
LD 1523	An Act To Improve the Maine Clean Election Act	ACCEPTED ONTP REPORT
LD 1879	An Act To Treat Party Formation Committees the Same as Ballot Question Committees for Purposes of the Campaign Finance Laws	ONTP

Defense, Veterans and Emergency Management

Enacted

LD 1719	An Act To Update the Powers and Duties of the Bureau of Maine Veterans' Services	PUBLIC 539

Elections

Enacted

LD 1664	An Act To Amend the Election Laws	PUBLIC 534
LD 1882	Resolve, Directing the Committee on Veterans and Legal Affairs To Develop Legislation Establishing a Presidential Primary	RESOLVE 164

Governmental Ethics and Election Practices

Enacted

LD 1150	An Act To Improve the Administration of the Legislative Ethics Laws	PUBLIC 471
LD 1806	An Act To Promote Transparency in Government	PUBLIC 634

Lottery

Enacted

LD 1880	An Act To Ensure the State's Authority over the Operation of Gambling Activities	PUBLIC 630 EMERGENCY

Slot Machines and Gambling

Enacted

LD 643	An Act To Protect Public Safety in the Operation of Casinos	PUBLIC 469 EMERGENCY
LD 1771	An Act To Amend Maine's Gambling Laws	PUBLIC 585
LD 1897	An Act Regarding the Issuance of Licenses by the Gambling Control Board and To Establish a Competitive Bidding Process for Future Operation of Slot Machines and Table Games in the State	PUBLIC 699

Not Enacted

LD 227	An Act Relating to the Establishment of Casinos	ONTP
LD 1469	An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations	VETO SUSTAINED
LD 1539	An Act To Improve Laws on Gaming	ONTP

LD 1828	An Act To Protect Public Safety in the Operation of Casinos	DIED ON ADJOURNMENT

Veterans

Enacted

LD 1630	Resolve, To Establish a Stakeholder Group for the Development of a Plan for the Inventory and Proper Care of Veterans' Graves	RESOLVE 126
LD 1643	An Act To Enhance a Community's Ability To Establish or Update Its Veterans Honor Roll	PUBLIC 481
LD 1871	Resolve, Creating an Honorable Service Plaque To Honor Maine Veterans	RESOLVE 163

Voting

Enacted

LD 199	Resolve, Directing the Secretary of State To Study Voter Participation and Registration and the Conduct of Elections in the State	RESOLVE 133

Not Enacted

LD 896	An Act To Adopt the Uniform Military and Overseas Voters Act	ONTP

APPENDIX A

APPENDIX A

SESSION STATISTICS

OVERALL AND
BY INDIVIDUAL COMMITTEE

125th LEGISLATURE
SECOND REGULAR SESSION

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of All Bills/Papers
A. Bills referred to Committee		
Bills referred	310	67.2%
Bills Carried Over from previous session	130	28.2%
Total Bills referred	**440**	95.4%
B. Bills reported out by law or joint order and not referred back to committee	**16**	3.5%
C. Bills introduced without reference	**5**	1.1%
Total bills considered by Legislature	**461**	100.0%
E. Orders and Resolutions Referred to Committee		
Orders and Resolutions Carried Over from previous session	4	0.9%
Orders and Resolutions Referred	1	
Total Orders and Resolutions Referred	**5**	1.1%

II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	Number	% of All Committee Reports
A. Unanimous committee reports		
Ought to Pass	53	11.7%
Ought to Pass as Amended	176	38.9%
Leave to Withdraw	1	0.2%
Ought Not to Pass	101	22.3%
Total unanimous reports	**331**	**73.1%**
B. Divided committee reports		
Two-way reports	116	25.6%
Three-way reports	6	1.3%
Four-way reports	0	0.0%
Total divided reports	**122**	**26.9%**
Total Committee reports	**453** [1]	**98.3%**
III. CONFIRMATION HEARINGS	**42**	**N/A**

IV. FINAL DISPOSITION	Number	% of All Bills/Rules
A. Bills and Papers enacted or finally passed		
Joint Study Orders	0	0.0%
Public laws	236	51.2%
Private and Special Laws	10	2.2%
Resolves	54	11.7%
Constitutional Resolutions	0	0.0%
Total Enacted or Finally Passed	**300**	**65.1%**
B. Resolves to authorize major substantive rules		
Rules authorized without legislative changes	10	43.5%
Rules authorized with legislative changes	10	43.5%
Rules not authorized by the Legislature	3	13.0%
Total number of rules reviewed	**23**	**100.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**4**	**100.0%**
D. Bills vetoed or held by Governor		
Vetoes over-ridden	2	0.4%
Vetoes sustained	10	2.2%
Held by the Governor	0	0.0%
Total	**12**	**2.6%**

[1] Total committee reports do not include LD 309 referred to the LCRED Committee and LD 1335 referred to the Rules Committee that were carried over from the First Regular Session, but were not reported out of committee and LD 1652 referred to the IFW Committee, but not reported out.

JOINT STANDING COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	13	68.4%	2.8%
Bills Carried Over from previous session	3	15.8%	0.7%
Total Bills referred	**16**	**84.2%**	**3.5%**
B. Bills reported out by law or joint order and not referred back to committee	**3**	**15.8%**	**0.7%**
Total Bills considered by Committee	**19**	**100.0%**	**4.1%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	4	21.1%	0.9%
Ought to Pass as Amended	10	52.6%	2.2%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	2	10.5%	0.4%
Total unanimous reports	**16**	**84.2%**	**3.5%**
B. Divided committee reports			
Two-way reports	2	10.5%	0.4%
Three-way reports	1	5.3%	0.2%
Four-way reports	0	0.0%	0.0%
Total divided reports	**3**	**15.8%**	**0.7%**
Total committee reports	**19**	**100.0%**	**4.2%**
III. CONFIRMATION HEARINGS	**5**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	11	57.9%	2.4%
Private and Special Laws	0	0.0%	0.0%
Resolves	4	21.1%	0.9%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**15**	**78.9%**	**3.3%**
B. Major substantive rules			
Authorized without legislative changes	1	50.0%	4.3%
Authorized with legislative changes	0	0.0%	0.0%
Not authorized by the Legislature	1	50.0%	4.3%
Total number of rules reviewed	**2**	**100.0%**	**8.7%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	8	20.0%	1.7%
Bills Carried Over from previous session	30	75.0%	6.5%
Total Bills referred	**38**	**95.0%**	**8.2%**
B. Bills reported out by law or joint order and not referred back to committee	**2**	**5.0%**	**0.4%**
Total Bills considered by Committee	**40**	**100.0%**	**8.7%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	0.0%

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	2	5.0%	0.4%
Ought to Pass as Amended	6	15.0%	1.3%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	25	62.5%	5.5%
Total unanimous reports	**33**	**82.5%**	**7.3%**
B. Divided committee reports			
Two-way reports	7	17.5%	1.5%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**7**	**17.5%**	**1.5%**
Total committee reports	**40**	**100.0%**	**8.8%**

III. CONFIRMATION HEARINGS	1	N/A	N/A

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	10	25.0%	2.2%
Private and Special Laws	0	0.0%	0.0%
Resolves	0	0.0%	0.0%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**10**	**25.0%**	**2.2%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	2	5.0%	0.4%
Held by the Governor	0	0.0%	0.0%
Total	**2**	**5.0%**	**0.4%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	35	87.5%	7.6%
Bills Carried Over from previous session	5	12.5%	1.1%
Total Bills referred	**40**	**100.0%**	**8.7%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**40**	**100.0%**	**8.7%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	5	12.5%	1.1%
Ought to Pass as Amended	16	40.0%	3.5%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	8	20.0%	1.8%
Total unanimous reports	**29**	**72.5%**	**6.4%**
B. Divided committee reports			
Two-way reports	11	27.5%	2.4%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**11**	**27.5%**	**2.4%**
Total committee reports	**40**	**100.0%**	**8.8%**
III. CONFIRMATION HEARINGS	**1**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	25	62.5%	5.4%
Private and Special Laws	0	0.0%	0.0%
Resolves	0	0.0%	0.0%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**25**	**62.5%**	**5.4%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	1	2.5%	0.2%
Held by the Governor	0	0.0%	0.0%
Total	**1**	**2.5%**	**0.2%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	27	67.5%	5.9%
Bills Carried Over from previous session	10	25.0%	2.2%
Total Bills referred	**37**	**92.5%**	**8.0%**
B. Bills reported out by law or joint order and not referred back to committee	**3**	**7.5%**	**0.7%**
Total Bills considered by Committee	**40**	**100.0%**	**8.7%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	7	17.5%	1.5%
Ought to Pass as Amended	19	47.5%	4.2%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	5	12.5%	1.1%
Total unanimous reports	**31**	**77.5%**	**6.8%**
B. Divided committee reports			
Two-way reports	9	22.5%	2.0%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**9**	**22.5%**	**2.0%**
Total committee reports	**40**	**100.0%**	**8.8%**
III. CONFIRMATION HEARINGS	**7**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	23	57.5%	5.0%
Private and Special Laws	0	0.0%	0.0%
Resolves	11	27.5%	2.4%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**34**	**85.0%**	**7.4%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	2	25.0%	8.7%
Rules authorized with legislative changes	5	62.5%	21.7%
Rules not authorized by the Legislature	1	12.5%	4.3%
Total number of rules reviewed	**8**	**100.0%**	**34.8%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**1**	**100.0%**	**25.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	2	5.0%	0.4%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**2**	**5.0%**	**0.4%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	13	68.4%	2.8%
Bills Carried Over from previous session	6	31.6%	1.3%
Total Bills referred	**19**	**100.0%**	**4.1%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**19**	**100.0%**	**4.1%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	2	10.5%	0.4%
Ought to Pass as Amended	4	21.1%	0.9%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	4	21.1%	0.9%
Total unanimous reports	**10**	**52.6%**	**2.2%**
B. Divided committee reports			
Two-way reports	8	42.1%	1.8%
Three-way reports	1	5.3%	0.2%
Four-way reports	0	0.0%	0.0%
Total divided reports	**9**	**47.4%**	**2.0%**
Total committee reports	**19**	**100.0%**	**4.2%**

III. CONFIRMATION HEARINGS	3	N/A	N/A

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	7	36.8%	1.5%
Private and Special Laws	0	0.0%	0.0%
Resolves	4	21.1%	0.9%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**11**	**57.9%**	**2.4%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	3	100.0%	13.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**3**	**100.0%**	**13.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	25	92.6%	5.4%
Bills Carried Over from previous session	2	7.4%	0.4%
Total Bills referred	**27**	**100.0%**	**5.9%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**27**	**100.0%**	**5.9%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	2	7.4%	0.4%
Ought to Pass as Amended	16	59.3%	3.5%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	5	18.5%	1.1%
Total unanimous reports	**23**	**85.2%**	**5.1%**
B. Divided committee reports			
Two-way reports	4	14.8%	0.9%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**4**	**14.8%**	**0.9%**
Total committee reports	**27**	**100.0%**	**6.0%**

III. CONFIRMATION HEARINGS	0	N/A	N/A

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	9	33.3%	2.0%
Private and Special Laws	5	18.5%	1.1%
Resolves	4	14.8%	0.9%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**18**	**66.7%**	**3.9%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	25.0%	4.3%
Rules authorized with legislative changes	2	50.0%	8.7%
Rules not authorized by the Legislature	1	25.0%	4.3%
Total number of rules reviewed	**4**	**100.0%**	**17.4%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	2	7.4%	0.4%
Held by the Governor	0	0.0%	0.0%
Total	**2**	**7.4%**	**0.4%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	30	71.4%	6.5%
Bills Carried Over from previous session	8	19.0%	1.7%
Total Bills referred	**38**	**90.5%**	**8.2%**
B. Bills reported out by law or joint order and not referred back to committee	**4**	**9.5%**	**0.9%**
Total Bills considered by Committee	**42**	**100.0%**	**9.1%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	7	16.7%	1.5%
Ought to Pass as Amended	15	35.7%	3.3%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	9	21.4%	2.0%
Total unanimous reports	**31**	**73.8%**	**6.8%**
B. Divided committee reports			
Two-way reports	11	26.2%	2.4%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**11**	**26.2%**	**2.4%**
Total committee reports	**42**	**100.0%**	**9.3%**
III. CONFIRMATION HEARINGS	**4**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	20	47.6%	4.3%
Private and Special Laws	0	0.0%	0.0%
Resolves	9	21.4%	2.0%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**29**	**69.0%**	**6.3%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	2	50.0%	8.7%
Rules authorized with legislative changes	2	50.0%	8.7%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**4**	**100.0%**	**17.4%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**1**	**100.0%**	**25.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	12	70.6%	2.6%
Bills Carried Over from previous session	5	29.4%	1.1%
Total Bills referred	**17**	**100.0%**	**3.7%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**17**	**100.0%**	**3.7%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	0	0.0%	0.0%
Ought to Pass as Amended	5	29.4%	1.1%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	3	17.6%	0.7%
Total unanimous reports	**8**	**47.1%**	**1.8%**
B. Divided committee reports			
Two-way reports	9	52.9%	2.0%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**9**	**52.9%**	**2.0%**
Total committee reports	**17**	**100.0%**	**3.8%**
III. CONFIRMATION HEARINGS	**1**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	9	52.9%	2.0%
Private and Special Laws	0	0.0%	0.0%
Resolves	1	5.9%	0.2%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**10**	**58.8%**	**2.2%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	4.3%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**1**	**100.0%**	**4.3%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	8	53.3%	1.7%
Bills Carried Over previous session	7	46.7%	1.5%
Total Bills referred	**15**	**100.0%**	**3.3%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**15** [1]	**100.0%**	**3.3%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	0	0.0%	0.0%
Ought to Pass as Amended	10	71.4%	2.2%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	3	21.4%	0.7%
Total unanimous reports	**13**	**92.9%**	**2.9%**
B. Divided committee reports			
Two-way reports	1	7.1%	0.2%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**1**	**7.1%**	**0.2%**
Total committee reports	**14** [2]	**93.3%**	**3.1%**

III. CONFIRMATION HEARINGS	0	N/A	N/A

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	10	66.7%	2.2%
Private and Special Laws	0	0.0%	0.0%
Resolves	1	6.7%	0.2%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**11**	**73.3%**	**2.4%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

[1] Total bills considered includes LD 1652 which was removed from committee under Jt. Rule 309 without a committee vote.

[2] Total committee reports do not include LD 1652, which was removed from committee under JT Rule 309 without a committee vote.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

JOINT STANDING COMMITTEE ON JUDICIARY

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	22	71.0%	4.8%
Bills Carried Over from previous session	9	29.0%	2.0%
Total Bills referred	**31**	**100.0%**	**6.7%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**31**	**100.0%**	**6.7%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	2	6.5%	0.4%
Ought to Pass as Amended	11	35.5%	2.4%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	8	25.8%	1.8%
Total unanimous reports	**21**	**67.7%**	**4.6%**
B. Divided committee reports			
Two-way reports	9	29.0%	2.0%
Three-way reports	1	3.2%	0.2%
Four-way reports	0	0.0%	0.0%
Total divided reports	**10**	**32.3%**	**2.2%**
Total committee reports	**31**	**100.0%**	**6.8%**
III. CONFIRMATION HEARINGS	**6**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	16	51.6%	3.5%
Private and Special Laws	0	0.0%	0.0%
Resolves	1	3.2%	0.2%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**17**	**54.8%**	**3.7%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	1	3.2%	0.2%
Held by the Governor	0	0.0%	0.0%
Total	**1**	**3.2%**	**0.2%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON
LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	33	68.8%	7.2%
Bills Carried Over from previous session	12	25.0%	2.6%
Total Bills referred	**45**	**93.8%**	**9.8%**
B. Bills reported out by law or joint order and not referred back to committee	**3**	**6.3%**	**0.7%**
Total Bills considered by Committee	**48**	**100.0%**	**10.4%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	11 [1]	23.4%	2.4%
Ought to Pass as Amended	21	44.7%	4.6%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	3	6.4%	0.7%
Total unanimous reports	**35**	**74.5%**	**7.7%**
B. Divided committee reports			
Two-way reports	12	25.5%	2.6%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**12**	**25.5%**	**2.6%**
Total committee reports	**47** [2]	**97.9%**	**10.4%**
III. CONFIRMATION HEARINGS	**8**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	35	72.9%	7.6%
Private and Special Laws	1	2.1%	0.2%
Resolves	5	10.4%	1.1%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**41**	**85.4%**	**8.9%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

[1] The total number of OTP committee reports includes a committee vote to refer LD 1451 to the Taxation Committee.

[2] The total number of committee reports does not include LD 309 which was removed from committee under JT. Rule 309 without a committee vote.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON MARINE RESOURCES

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	7	87.5%	1.5%
Bills Carried Over from previous session	1	12.5%	0.2%
Total Bills referred	**8**	**100.0%**	**1.7%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**8**	**100.0%**	**1.7%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	1	12.5%	0.2%
Ought to Pass as Amended	5	62.5%	1.1%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	2	25.0%	0.4%
Total unanimous reports	**8**	**100.0%**	**1.8%**
B. Divided committee reports			
Two-way reports	0	0.0%	0.0%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**0**	**0.0%**	**0.0%**
Total committee reports	**8**	**100.0%**	**1.8%**
III. CONFIRMATION HEARINGS	**3**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	6	75.0%	1.3%
Private and Special Laws	0	0.0%	0.0%
Resolves	0	0.0%	0.0%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**6**	**75.0%**	**1.3%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT SELECT COMMITTEE ON RULES COMMITTEE

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	0	0.0%	0.0%
Bills Carried Over from previous session	1	100.0%	0.2%
Total Bills referred	**1**	**100.0%**	**0.2%**
B. Bills reported out by law or joint order	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**1**	**100.0%**	**0.2%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred	1	20.0%	0.0%
Orders and Resolutions Carried Over	4	80.0%	0.0%
Total Orders and Resolutions Referred	**5**	**100.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	0	0.0%	0.0%
Ought to Pass as Amended	0	0.0%	0.0%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	0	0.0%	0.0%
Total unanimous reports	**0**	**0.0%**	**0.0%**
B. Divided committee reports			
Two-way reports	0	0.0%	0.0%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**0**	**0.0%**	**0.0%**
Total committee reports	**0** [1]	**0.0%**	**0.0%**
III. CONFIRMATION HEARINGS	**0**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	0	0.0%	0.0%
Private and Special Laws	0	0.0%	0.0%
Resolves	0	0.0%	0.0%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**0**	**0.0%**	**0.0%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

[1] Total committee reports do not include LD 1335, which was referred to the Rules Committee during the 125th First Regular Session, carried over to the 2nd Regular Session and not reported out by the committee.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, First Regular Session

JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	14	77.8%	3.0%
Bills Carried Over from previous session	4	22.2%	0.9%
Total Bills referred	**18**	**100.0%**	**3.9%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**18**	**100.0%**	**3.9%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	3	16.7%	0.7%
Ought to Pass as Amended	5	27.8%	1.1%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	4	22.2%	0.9%
Total unanimous reports	**12**	**66.7%**	**2.6%**
B. Divided committee reports			
Two-way reports	5	27.8%	1.1%
Three-way reports	1	5.6%	0.2%
Four-way reports	0	0.0%	0.0%
Total divided reports	**6**	**33.3%**	**1.3%**
Total committee reports	**18**	**100.0%**	**4.0%**
III. CONFIRMATION HEARINGS	**2**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	8	44.4%	1.7%
Private and Special Laws	2	11.1%	0.4%
Resolves	2	11.1%	0.4%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**12**	**66.7%**	**2.6%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	1	5.6%	0.2%
Held by the Governor	0	0.0%	0.0%
Total	**1**	**5.6%**	**0.2%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON TAXATION

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	23	65.7%	5.0%
Bills Carried Over from previous session	12	34.3%	2.6%
Total Bills referred	**35**	**100.0%**	**7.6%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**35**	**100.0%**	**7.6%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	2	5.7%	0.4%
Ought to Pass as Amended	12	34.3%	2.6%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	4	11.4%	0.9%
Total unanimous reports	**18**	**51.4%**	**4.0%**
B. Divided committee reports			
Two-way reports	16	45.7%	3.5%
Three-way reports	1	2.9%	0.2%
Four-way reports	0	0.0%	0.0%
Total divided reports	**17**	**48.6%**	**3.8%**
Total committee reports	**35**	**100.0%**	**7.7%**
III. CONFIRMATION HEARINGS	**0**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	22	62.9%	4.8%
Private and Special Laws	1	2.9%	0.2%
Resolves	2	5.7%	0.4%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**25**	**71.4%**	**5.4%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**2**	**100.0%**	**50.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	2	5.7%	0.4%
Held by the Governor	0	0.0%	0.0%
Total	**2**	**5.7%**	**0.4%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON TRANSPORTATION

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	22	81.5%	4.8%
Bills Carried Over from previous session	5	18.5%	1.1%
Total Bills referred	**27**	**100.0%**	**5.9%**
B. Bills reported out by law or joint order and not referred back to committee	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**27**	**100.0%**	**5.9%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	2	7.4%	0.4%
Ought to Pass as Amended	8	29.6%	1.8%
Leave to Withdraw	1	3.7%	0.2%
Ought Not to Pass	10	37.0%	2.2%
Total unanimous reports	**21**	**77.8%**	**4.6%**
B. Divided committee reports			
Two-way reports	5	18.5%	1.1%
Three-way reports	1	3.7%	0.2%
Four-way reports	0	0.0%	0.0%
Total divided reports	**6**	**22.2%**	**1.3%**
Total committee reports	**27**	**100.0%**	**6.0%**

III. CONFIRMATION HEARINGS	0	N/A	N/A

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	9	33.3%	2.0%
Private and Special Laws	1	3.7%	0.2%
Resolves	5	18.5%	1.1%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**15**	**55.6%**	**3.3%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred	18	62.1%	3.9%
Bills Carried Over from previous session	10	34.5%	2.2%
Total Bills referred	**28**	**96.6%**	**6.1%**
B. Bills reported out by law or joint order and not referred back to committee	**1**	**3.4%**	**0.2%**
Total Bills considered by Committee	**29**	**100.0%**	**6.3%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over from previous session	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	3	10.3%	0.7%
Ought to Pass as Amended	13	44.8%	2.9%
Leave to Withdraw	0	0.0%	0.0%
Ought Not to Pass	6	20.7%	1.3%
Total unanimous reports	**22**	**75.9%**	**4.9%**
B. Divided committee reports			
Two-way reports	7	24.1%	1.5%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**7**	**24.1%**	**1.5%**
Total committee reports	**29**	**100.0%**	**6.4%**
III. CONFIRMATION HEARINGS	**1**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	14	48.3%	3.0%
Private and Special Laws	0	0.0%	0.0%
Resolves	5	17.2%	1.1%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**19**	**65.5%**	**4.1%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	4.3%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**1**	**100.0%**	**4.3%**
C. Bills Reviewed by Judiciary Committee for Public Records Exceptions	**0**	**0.0%**	**0.0%**
D. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	1	3.4%	0.2%
Held by the Governor	0	0.0%	0.0%
Total	**1**	**3.4%**	**0.2%**

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
125th Legislature, Second Regular Session

APPENDIX B

APPENDIX B

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APPENDIX C

APPENDIX C

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