

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

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

**VOLUME 1**



*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**

Patrick T. Norton, 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  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill 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 bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

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



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

July 2009

**MEMBERS:**

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SEN. BRUCE S. BRYANT  
SEN. ROGER L. SHERMAN

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REP. JEFFERY ALLEN GIFFORD

**STAFF:**

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

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 9 An Act To Prohibit the Force-feeding of Birds**

**ONTP**

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

This bill makes force-feeding birds in order to produce the food product known as foie gras a civil violation of Maine's cruelty to animals laws.

**LD 46 An Act To Allow Nonmember Directors To Serve on the Board of Cooperative Agricultural Associations**

**PUBLIC 5**

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

This bill authorizes members of a cooperative agricultural association to allow the election of nonmember directors, as long as the number of nonmember directors does not exceed 25% of the total number of member directors.

**Enacted Law Summary**

Public Law 2009, chapter 5 authorizes members of a cooperative agricultural association to elect nonmember directors, as long as the number of nonmember directors does not exceed 25% of the total number of member directors.

**LD 68 An Act Regarding the Composition of the Board of Pesticides Control**

**ONTP**

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

This bill adds a representative of a statewide organization of organic farmers and gardeners to the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control. It also increases from 4 to 5 the number of members that constitutes a quorum.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

LD 74      **Resolve, To Review and Update Sales Tax Exemptions for Products Purchased for Agricultural Use**

**RESOLVE 25  
EMERGENCY**

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

This resolve directs the Department of Agriculture, Food and Rural Resources to review the rules and bulletins of the Department of Administrative and Financial Services, Bureau of Revenue Services related to sales tax exemptions for commercial agricultural crop and animal production and to make recommendations to the bureau for changes to the rules and bulletins. It directs the bureau to review the recommendations and to report its findings and any recommendations to the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry. It gives the Joint Standing Committee on Taxation authority to submit a bill to the Second Regular Session of the 124th Legislature.

**Committee Amendment "A" (H-59)**

This amendment requires the Department of Agriculture, Food and Rural Resources to confer with the Department of Conservation prior to making recommendations to the Department of Administrative and Financial Services, Bureau of Revenue Services regarding sales tax exemptions for products used in commercial agricultural crop production. It also requires the bureau to develop a protocol for responding to requests for interpretations regarding sales tax exemptions and refunds and to include a description of the protocol in the bureau's report. It authorizes both the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation.

**Enacted Law Summary**

Resolve 2009, chapter 25 directs the Department of Agriculture, Food and Rural Resources to review the rules and bulletins of the Department of Administrative and Financial Services, Bureau of Revenue Services relating to sales tax exemptions for products used in commercial agricultural crop and animal production and sales tax refunds for machinery and equipment used in commercial agriculture. The department is directed to determine if appropriate products are included and to recommend changes to the Bureau of Revenue Services by September 15, 2009.

Chapter 25 directs the Bureau of Revenue Services to review the department's recommendations and to draft changes to the rules and bulletins based on those recommendations. The bureau must provide a response to the department's recommended changes that identifies any necessary statutory revisions and estimates the impact of the changes on revenues. The bureau shall submit its response and the draft rules to the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010. Each committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature relating to the report.

Resolve 2009, chapter 25 was enacted as an emergency measure effective May 4, 2009.

LD 75      **Resolve, Directing the Department of Agriculture, Food and Rural Resources To Streamline Agricultural Regulation**

**ONTP**

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

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

This resolve is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry under authority granted in Public Law 2007, chapter 660, An Act to Promote the Agricultural Economy. The resolve directs the Department of Agriculture, Food and Rural Resources to review regulatory processes affecting agricultural businesses and examine the feasibility of developing a one-stop, streamlined regulatory process and publicly accessible website portal. It directs the department to develop a regulatory flow chart and post it on its publicly accessible website by September 15, 2009. The resolve also directs the department to review and draft changes to the rules related to the licensing of certain types of food production and processing and the rules governing meat and poultry inspection and licensing. It requires the department to identify steps for streamlining the State's meat and poultry inspection and licensing process and to enhance coordination with the United States Department of Agriculture's inspection program as well as leverage federal resources, including resources to increase the availability of hazard analysis and critical control points training. The resolve requires the department to present a report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010 that includes findings and recommendations including any draft legislation and proposed rule changes needed to implement the recommendations. The resolve gives the Joint Standing Committee on Agriculture, Conservation and Forestry authority to submit a bill to the Second Regular Session of the 124th Legislature related to the report.

**LD 134      An Act To Amend the Occupancy Limits for Campsites in the  
Unorganized Territories**

**PUBLIC 16  
EMERGENCY**

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

This bill amends the law that limits occupancy in a campsite under the jurisdiction of the Maine Land Use Regulation Commission to change the occupancy limit from 90 consecutive days to 120 days in a calendar year.

**Enacted Law Summary**

Public Law 2009, chapter 16 extends the limit for occupancy of campsites located within the jurisdiction of the Maine Land Use Regulation Commission from 90 consecutive days to 120 days in a calendar year.

Public Law 2009, chapter 16 was enacted as an emergency measure effective March 31, 2009.

**LD 170      An Act To Ensure the Integrity of Harness Horse Racing Track  
Conditions**

**LEAVE TO  
WITHDRAW**

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

This bill authorizes the State Harness Racing Commission to allow a fine against a commercial racetrack licensee of up to \$10,000 per horse for any race that is cancelled because the racetrack conditions are not properly maintained.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 181      An Act To Conform Building Standards in the Unorganized Territories  
with Federal Emergency Management Agency Requirements**

**PUBLIC 111**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-67

This bill establishes permitting requirements affecting normal maintenance and repair and renovations to structures in special flood hazard areas within the State's unorganized and deorganized areas. The proposed revisions would allow communities in the unorganized and deorganized areas to be eligible for insurance under the National Flood Insurance Program within the Federal Emergency Management Agency.

**Committee Amendment "A" (S-67)**

This amendment requires the Director of the Maine Land Use Regulation Commission to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on revisions to the commission's rules for permitting in special flood areas. It also authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation in the Second Regular Session of the 124th Legislature.

**Enacted Law Summary**

Public Law 2009, chapter 111 establishes permitting requirements for normal maintenance, repair and renovations to structures in special flood hazard areas within the jurisdiction of the Maine Land Use Regulation Commission. This change allows communities in the unorganized and deorganized areas to obtain insurance under the National Flood Insurance Program within the Federal Emergency Management Agency. It requires the Director of the Maine Land Use Regulation Commission to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on revisions to the commission's rules for permitting in special flood areas. It also authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation in the Second Regular Session of the 124th Legislature.

**LD 182      An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads  
and Bodies of Water**

**ONTP**

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

This bill establishes buffers where aerial spraying of pesticides is prohibited.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 183      An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds**

**LEAVE TO WITHDRAW**

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

This bill proposes amending the definitions of "genetically engineered" and "technology use agreement." It requires the manufacturer of a genetically engineered plant part, seed or plant sold in the State to report annually to the Commissioner of Agriculture, Food and Rural Resources the total potential amount of acreage of genetically modified crops grown from that plant part, seed or plant in the State. It repeals the section of law pertaining to de minimus possession and provides a process by which a manufacturer of a genetically engineered plant part, seed or plant may investigate a suspected violation of a technology use agreement and the rights of a farmer during an investigation. It creates a right of action as and damages for a private nuisance against a manufacturer of a genetically engineered plant part, seed or plant that cross-contaminates a person's land and limits the liability of knowing and unknowing users and possessors of a genetically engineered plant part, seed or plant.

**LD 223      An Act To Ensure That Money from the Surcharge on Registration of Pet Food for the Sterilization of Animals is Received in a Timely Manner**

**PUBLIC 148 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	S-68

This bill requires the Commissioner of Agriculture, Food and Rural Resources to deposit the surcharge on registration of pet food directly into the Companion Animal Sterilization Fund instead of the Animal Welfare Fund.

**Committee Amendment "A" (S-68)**

This amendment specifies that the first \$100,000 in surcharges received by the Department of Agriculture, Food and Rural Resources for the registration of pet food is deposited in the Companion Animal Sterilization Fund.

**Enacted Law Summary**

Public Law 2009, chapter 148 specifies that the first \$100,000 in surcharges received by the Department of Agriculture, Food and Rural Resources for the registration of pet food is deposited in the Companion Animal Sterilization Fund.

Public Law 2009, chapter 148 was enacted as an emergency measure effective May 18, 2009.

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

**LD 247      Resolve, Directing the Commissioner of Conservation To Report on the Status of the Working Group on the Acquisition of Land for Multiple Uses**

**ONTP**

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

This resolve directs the Commissioner of Conservation to report by March 1, 2009 to the Joint Standing Committee on Agriculture, Conservation and Forestry on the status of the working group convened pursuant to Resolve 2005, chapter 197, section 5. The working group was charged with reviewing options for the public acquisition of land or interest in land in the Katahdin region that is crucial for outdoor recreation and has a significant impact on the region's economy.

**LD 305      An Act To Renovate and Expand the Boat Launch on Long Lake in St. Agatha**

**ACCEPTED ONTP  
REPORT**

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

This bill proposes a one-time Other Special Revenue Funds allocation of \$158,000 to renovate and expand the boat launch on Long Lake in St. Agatha.

**Committee Amendment "A" (H-150)**

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It incorporates a fiscal note.

**LD 316      An Act To Allow Eleven Large Game Shooting Areas in the State**

**PUBLIC 249**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM MAJ ONTP MIN	H-236

This bill allows the Commissioner of Agriculture, Food and Rural Resources to approve one application for a license to operate a commercial large game shooting area from an applicant who did not operate a commercial large game shooting area between October 1, 1999 and March 15, 2000. It directs the commissioner to approve an application for a commercial large game shooting area to be located in Piscataquis County.

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

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It establishes a process for issuing licenses for commercial large game shooting areas that were not operating between October 1, 1999 and March 15, 2000. It limits the total number of licenses for operating a commercial large

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

game shooting area to 11. It allows licensed commercial large game shooting areas to offer genus and species of large game in addition to those offered between October 1, 1999 and March 15, 2000.

### **Enacted Law Summary**

Public Law 2009, chapter 249 establishes a process for issuing licenses for commercial large game shooting areas that were not operating between October 1, 1999 and March 15, 2000. It limits the total number of licenses for operating a commercial large game shooting area to 11. It allows licensed commercial large game shooting areas to offer genus and species of large game in addition to those offered between October 1, 1999 and March 15, 2000.

### **LD 354 An Act To Allow Wider Kayaks in the Allagash Wilderness Waterway**

**ONTP**

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

This bill, a concept draft, proposes to amend the current law and to direct the Department of Inland Fisheries and Wildlife to amend its rules to allow wider kayaks in the Allagash Wilderness Waterway.

### **LD 413 An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships**

**PUBLIC 401**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H SHERMAN	OTP-AM MAJ ONTP MIN	H-383

This bill clarifies the purpose of land use regulation in the unorganized and deorganized townships of the State by confirming that such regulation is for the benefit of property owners and residents of these areas as well as for the public benefit. The bill also provides that the Legislature acknowledges that these areas are important to the continued vitality of the State and to local economies by promoting forest management and agricultural activities.

### **Committee Amendment "A" (H-383)**

This amendment is the majority report of the committee. It removes the proposed language specific to supporting and promoting forest management and agricultural activities. It retains language in the bill that references the benefit of the property owners and residents of land within the jurisdiction of the Maine Land Use Regulation Commission.

### **Enacted Law Summary**

Public Law 2009, chapter 401 revises the purpose of land use regulation in the unorganized and deorganized townships of the State, confirming that such regulation is for the benefit of property owners and residents of these areas as well as for the public benefit.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

LD 438     **An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities**

**ACCEPTED ONTP  
REPORT**

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

This bill removes the restriction on commercial large game shooting area licenses that allows hunting only for large game species that were offered for hunting in those areas between October 1, 1999 and March 15, 2000.

LD 454     **An Act To Expand Representation on the Animal Welfare Advisory Council**

**PUBLIC 333**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	H-501 PIEH S-243

This bill adds a representative from a state-based federation of dog clubs, such as the Federation of Maine Dog Clubs, to the Animal Welfare Advisory Council.

**Committee Amendment "A" (S-243)**

This amendment revises appointees to the Animal Welfare Advisory Council to include a representative of a municipally licensed kennel and provides for a member representing boarding kennels and one representing breeding kennels and a member who owns a pet.

**House Amendment "A" To Committee Amendment "A" (H-501)**

This amendment requires the Governor to consider nominations made by state-based dog clubs in making the appointment of the person holding a municipal kennel license to the Animal Welfare Advisory Council.

**Enacted Law Summary**

PL 2009, chapter 333 revises appointees to the Animal Welfare Advisory Council to include a representative of a municipally licensed kennel and provides for a member representing boarding kennels and one representing breeding kennels and a member who owns a pet. It requires the Governor to consider nominations made by state-based dog clubs in making the appointment of the person holding a municipal kennel license to the Animal Welfare Advisory Council.

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

**LD 456      An Act To Provide Free Admission to State Parks to Veterans and Military Personnel**

**PUBLIC 220  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-69 S-74 BLISS

This bill allows for free admission for any active duty member or veteran of the Armed Forces of the United States to any state-owned park, camping area or beach.

**Committee Amendment "A" (S-69)**

This amendment replaces the bill. It extends the period of time that free day use passes to state parks and historic sites for certain veterans may be issued until June 30, 2015. It also provides for the issuance of free passes to active military personnel whose home of residence is Maine.

**Senate Amendment "A" (S-74)**

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

**Enacted Law Summary**

Public Law 2009, chapter 220 provides free day use admission to state parks and historic sites to active duty military personnel. It also extends until June 30, 2015 the issuing of free day use passes to state parks and historic sites to Maine residents who serve a minimum of three months outside the U.S. during a period of war or national emergency or on an operational mission for which members of the reserve were ordered to active duty. These passes are valid for a period of 12 months.

Public Law 2009, chapter 220 was enacted as an emergency measure effective May 28, 2009.

**LD 458      Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Equine Husbandry Practices in the State**

**RESOLVE 36**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-70

This resolve directs the Department of Agriculture, Food and Rural Resources to develop a proposal to license equine boarding facilities and to submit legislation to the Second Regular Session of the 124th Legislature to implement its recommendations.

**Committee Amendment "A" (S-70)**

This amendment replaces the resolve. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to assist the commissioner in developing recommendations to promote good equine husbandry in the State.

**Enacted Law Summary**

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

Resolve 2009, chapter 36 directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to assist the commissioner in developing recommendations to promote good equine husbandry in the State. The commissioner is required to report findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2010 and the committee is authorized to submit legislation to the Second Session of the 124th Legislature.

**LD 474      An Act To Clarify Land Planning in the Unorganized and Deorganized Townships      ONTP**

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

This bill amends the process by which the Maine Land Use Regulation Commission adopts a comprehensive land use plan for the unorganized and deorganized townships of the State. It requires the commission to submit a tentative plan to the Legislature for approval prior to the commission's final vote on the plan.

**LD 494      Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control      RESOLVE 114 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A OTP B OTP-AM C	H-508

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

**Committee Amendment "A" (H-508)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes final adoption of Chapter 22 of the Board of Pesticides Control's rules, but only if specific revisions are made.

**Enacted Law Summary**

Resolve 2009, chapter 114 authorizes final adoption of the Board of Pesticides Rules Chapter 22 provided the following revisions are made.

1. The provision that a detectable pesticide residue in a sensitive area likely to be occupied is considered prima facie evidence that pesticides were not applied in a manner to minimize pesticide drift is removed and replaced with a provision that pesticides residues in a sensitive area likely to be occupied that are 1% or greater of the intended residue in the target area is prima facie evidence that the applicator did not apply the pesticides in a manner to minimize pesticide drift to the maximum extent practicable.
2. The language regarding prima facie evidence is rewritten to clarify that detection of residue is not prima

## Joint Standing Committee on Agriculture, Conservation and Forestry

facie evidence of a violation but rather evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable. The board must review the site specific application checklist completed by the applicator and other relevant information to determine if a violation has occurred.

3. Specific distances for buffer zones must be removed from the rule, allowing site specific buffer zones to be used.

4. A revision is made in the section of the rule that establishes documentation of human illness as a standard of harm. The rule must be revised to state that for this standard to be met the board must receive verification from 2 physicians that an individual has experienced a negative health effect from exposure to an applied pesticide and that the effect is consistent with epidemiological documentation of human sensitivity to the applied pesticide.

The Board of Pesticides Control is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

Resolve 2009, chapter 114 was finally passed as an emergency measure effective June 9, 2009.

**LD 495      Resolve, Regarding Legislative Review of Portions of Chapter 10:  
Definitions and Terms, a Major Substantive Rule of the Department of  
Agriculture, Food and Rural Resources, Board of Pesticides Control**

**RESOLVE 41  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM   MAJ OTP-AM   MIN	H-151

This resolve provides for legislative review of portions of Chapter 10: Definitions and Terms, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

### **Committee Amendment "A" (H-151)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes final adoption of portions of Chapter 10: Definitions and Terms as long as the definition of "sensitive area likely to be occupied" is amended.

### **Committee Amendment "B" (H-152)**

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It denies authorization for final adoption of the provisionally adopted revisions to portions of Chapter 10: Definitions and Terms, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

### **Enacted Law Summary**

Public Law 2009, chapter 41 authorizes final adoption of portions of Chapter 10: Definitions and Terms as long as the definition of "sensitive area likely to be occupied" is amended to remove explicit expansion of the definition to include areas other than the 4 areas delineated in the provisionally adopted definition, and to clarify that structures other than buildings that are likely to be occupied by humans are also included in the definition.

Resolve 2009, chapter 41 was enacted as emergency legislation effective May 14, 2009.

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**LD 509      An Act To Transfer the Operation of the Fort Knox State Historic Site  
to the Friends of Fort Knox**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CELLI ROSEN R	ONTP MAJ OTP-AM MIN	

This bill directs the Bureau of Parks and Lands within the Department of Conservation to transfer management and operations responsibilities for the Fort Knox State Historic Site to the Friends of Fort Knox.

**Committee Amendment "A" (H-61)**

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It restricts the contract under which management and operations responsibilities are transferred to 2 years in duration, repealing the transfer of responsibilities on May 1, 2012. It also specifies that 5% of all entrance fees go to the General Fund.

**LD 516      An Act To Increase the Number of Members of the Maine Land Use  
Regulation Commission Who Reside in the Commission's Jurisdiction**

**PUBLIC 328**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS SMITH D	OTP-AM A OTP B OTP-AM C	H-387

This bill requires that a majority of the members of the Maine Land Use Regulation Commission reside within the jurisdiction of the commission, increasing the number from 2 to 4.

**Committee Amendment "A" (H-387)**

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires that 3 members reside within the jurisdiction of the commission.

**Enacted Law Summary**

Public Law 2009, chapter 328 increases the number of members of the Maine Land Use Regulation Commission who must reside in the commission's jurisdiction from 2 to 3.

**LD 517      An Act To Clarify a Municipality's Authority To Contract with an  
Animal Shelter for Services**

**PUBLIC 177**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY JACKSON	OTP-AM	H-192

This bill authorizes an animal shelter to employ an animal control officer with duties and certification requirements identical to those of an animal control officer designated by a municipality. It authorizes a municipality to contract

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with a shelter for an animal control officer's services.

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

This amendment replaces the bill. It clarifies that a municipality may appoint a person employed by an animal shelter as an animal control officer. It authorizes a municipality to contract with a licensed animal shelter for animal control services, but it restricts the performance of certain duties to an employee of that shelter who is the appointed animal control officer for the municipality.

**Enacted Law Summary**

Public Law 2009, chapter 177 clarifies a municipality's authority to appoint a person employed by an animal shelter as an animal control officer. It authorizes a municipality to contract with a licensed animal shelter for animal control services, but restricts the performance of certain duties to an employee of that shelter who is the appointed animal control officer for the municipality.

**LD 557      Resolve, Directing the Study of a Potato Variety Demonstrating Resistance to the Colorado Potato Beetle**

**RESOLVE 80**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	H-275

This resolve directs the Department of Agriculture, Food and Rural Resources to examine the potential uses of a locally developed potato plant that is toxic to the Colorado potato beetle. Before conducting the study, the department must obtain the appropriate approval, names or other legal permission from the developer. The department is directed to report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2009.

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

This amendment directs the study of the potato variety known as the "Shaw Potato" to be conducted by the University of Maine as part of the Maine Potato Breeding Program. It identifies sources of funding and requires the Maine Potato Board to report to the Maine State Grange in addition to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2009.

**Enacted Law Summary**

Public Law 2009, chapter 80 directs the study of the potato variety known as the "Shaw Potato" to be conducted by the University of Maine as part of the Maine Potato Breeding Program. It identifies sources of funding and requires the Maine Potato Board to report to the Maine State Grange in addition to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2009.

**LD 558      An Act To Amend Notification Procedures of the Maine Land Use Regulation Commission**

**ONTP**

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

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This bill requires that, prior to initiating the process of updating or revising the comprehensive land use plan, the Maine Land Use Regulation Commission notify each individual property owner within the commission's jurisdiction that the commission is initiating the process of updating the plan and how to access information regarding the plan, proposed revisions to the plan and the process for public input and comment.

### **LD 559 An Act To Update the Board of Pesticides Control**

**ONTP**

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

This bill makes the language describing the qualifications for members of the Board of Pesticides Control consistent. It requires the member who is a commercial applicator to have expertise in structural pest management. The bill also prohibits the board from advocating for or against nominees to the board.

### **LD 560 An Act To Ban the Hunting of Animals in Enclosed Areas**

**ONTP**

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

This bill repeals the law that permits the establishment, operation and use of commercial large game shooting areas. This bill also removes the exemption in the animal cruelty laws for persons operating or hunting in such areas, thus making it a Class D crime to operate or hunt in those areas.

### **LD 561 Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland, Farmland or Coastal Lands**

**RESOLVE 30**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-103

This resolve directs the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, the Department of Marine Resources, the Department of Agriculture, Food and Rural Resources and the Department of Conservation to develop written policies regarding entering private woodland for nonemergency purposes to collect information. The departments are required to solicit feedback from woodland owners in developing the policies. The policies developed by the departments are not rules and the departments are not required to adopt rules to implement the policies. The policies must be adopted by January 1, 2010.

#### **Committee Amendment "A" (H-103)**

This amendment requires the affected departments to develop policies to guide employees when accessing private farmland and coastal lands as well as private woodland. The amendment also requires the departments to report to

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the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010 on the policies developed under the resolve. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 124th Legislature.

### Enacted Law Summary

Resolve 2009, chapter 30 requires the Department of Inland Fisheries and Wildlife, Department of Environmental Protection, Department of Marine Resources, Department of Agriculture, Food and Rural Resources and Department of Conservation to develop policies to guide employees when accessing private farmland and coastal lands as well as private woodland. It requires the departments to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010 on the policies developed under the resolve. The Joint Standing Committee on Agriculture, Conservation and Forestry may submit legislation to the Second Regular Session of the 124th Legislature.

### LD 562 An Act To Support Maine State Parks

**PUBLIC 27  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE BRYANT B	OTP-AM MAJ ONTP MIN	H-30

This bill allows the Department of Conservation, Bureau of Parks and Lands to sell merchandise and rent equipment at state parks and historic sites and deposit the money received into the State Parks Improvement Fund, a dedicated account to be used for the operations and maintenance of state parks.

### Committee Amendment "A" (H-30)

This amendment specifies that the Department of Conservation, Bureau of Parks and Lands must comply with procurement provisions administered by the Department of Administrative and Financial Services, Bureau of General Services. It also adds an emergency preamble and clause and an appropriations and allocations section to the bill.

### Enacted Law Summary

Public Law 2009, Chapter 27 allows the Department of Conservation, Bureau of Parks and Lands to sell merchandise and rent equipment at state parks and historic sites and deposit the money received into the State Parks Improvement Fund, a dedicated account to be used for the operations and maintenance of state parks. The department is required to comply with procurement provisions administered by the Department of Administrative and Financial Services, Bureau of General Services.

Public Law 2009, chapter 27 was enacted as an emergency measure effective April 16, 2009.

### LD 628 An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry

**Carried Over**

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

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This bill is a concept draft that proposes to allocate prospective federal funding to support the State's dairy industry. This bill was carried over to any special or regular session of the 124th Legislature pursuant to joint order, H.P. 1053.

**LD 674      An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Agriculture, Conservation and Forestry** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	ONTP MAJ OTP-AM MIN	

This bill deallocates Other Special Revenue Funds of \$109,866 in fiscal year 2009-10 and \$151,719 in fiscal year 2010-11 and eliminates 2 Public Service Coordinator I positions. It also includes General Fund deappropriations of \$82,238 in fiscal year 2009-10 and \$113,473 in fiscal year 2010-11 made possible by eliminating a Public Service Manager III position.

**Committee Amendment "A" (S-71)**

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. The amendment eliminates one instead of 2 Public Service Coordinator positions. The amendment corrects figures for the Public Service Manager III position.

**LD 687      Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Fund** **Carried Over**

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

This resolve requires the Department of Conservation to give priority under the Land for Maine's Future Fund to acquire, support and maintain public access to swift rivers and great ponds. Authority is granted to the department to use eminent domain, as necessary, to acquire and maintain access to key launching points on the Dead River and the Kennebec River. This bill was carried over to any special session or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 692      Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Develop Best Management Practices for Poultry Production** **RESOLVE 63**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-127

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This resolve directs the Commissioner of Agriculture, Food and Rural Resources to develop best management practices for poultry production and adopt rules to allow the Maine quality trademark to be used on poultry products.

**Committee Amendment "A" (S-127)**

This amendment revises the directive for the Commissioner of Agriculture, Food and Rural Resources to focus on the development of best management practices for facilities with more than 10,000 birds. It designates the rules to establish standards as major substantive rules. It also directs the Commissioner of Agriculture, Food and Rural Resources to explore the potential use of the Maine quality trademark on poultry products.

**Enacted Law Summary**

Resolve 2009, chapter 63 requires the Commissioner of Agriculture, Food and Rural Resources to develop best management practices for facilities with more than 10,000 birds. It designates the rules to establish standards as major substantive rules. It also directs the Commissioner of Agriculture, Food and Rural Resources to explore the potential use of the Maine quality trademark on poultry products.

**LD 708 An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine**

**PUBLIC 388**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM MAJ ONTP MIN	H-386

This bill defines "pharmaceutical or industrial crop" and restricts production to indoor laboratory and research settings to prevent release of genetically engineered material from these crops. It requires the Commissioner of Agriculture, Food and Rural Resources to monitor and report changes in the federal regulation of these crops.

**Committee Amendment "A" (H-386)**

This amendment adds an automatic repeal of the restrictions on the production of pharmaceutical or industrial crops on July 1, 2012.

**Enacted Law Summary**

Public Law 2009, chapter 388 restricts production of "pharmaceutical or industrial crop" to indoor laboratory and research settings to prevent release of genetically engineered material from these crops. This restriction is repealed July 1, 2012. Chapter 388 also requires the Commissioner of Agriculture, Food and Rural Resources to monitor and report changes in the federal regulation of these crops.

**LD 804 An Act To Ensure the Integrity of Organic Agricultural Crops**

**ONTP**

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

This bill requires all producers engaged in organic crop production to file an organic system plan within 30 days of planting. The plan must include evidence that sufficient buffer zones are incorporated into the operation to ensure the integrity of the organic crop operation. If the Commissioner of Agriculture, Food and Rural Resources finds that

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an organic system plan does not provide evidence of sound measures to ensure the integrity of the organic crop operation, the commissioner is authorized to report inadequate buffer zones to the United States Department of Agriculture, National Organic Program. If the commissioner finds that a farmer using genetically engineered plant parts, seeds or plants is not adhering to the use of best management practices or that the organic system plan filed by a producer does not ensure the integrity of the organic crop operation, the commissioner is directed to recommend best management practices to the farmer or the producer.

### **LD 863 An Act To Continue the Position of Director of Recreational Access and Landowner Relations**

P & S 25

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM MAJ ONTP MIN	H-153 H-447 PIEH H-563 PIEH

This bill is a concept draft that seeks to permanently establish the position of Director of Recreational Access and Landowner Relations in the Department of Conservation, subject to sufficient funding.

#### **Committee Amendment "A" (H-153)**

This amendment funds a Public Service Coordinator I position to work as a landowner relations specialist until June 11, 2011.

#### **House Amendment "A" To Committee Amendment "A" (H-447)**

This amendment changes the funding source for the limited-period landowners relations program in Committee Amendment "A" from the Carrying Balances - General Fund account to the Other Special Revenue Funds account. It also removes the emergency preamble and clause.

#### **House Amendment "B" To Committee Amendment "A" (H-563)**

This amendment requires the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Conservation to establish a working group on the recreational access and landowner relations program that will include landowners and recreation users to review the position of director of the program, identify funding for the position on a permanent basis and review landowner relations programs in other states. The working group shall submit its findings to the Governor, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Agriculture, Conservation and Forestry by December 31, 2009. The amendment also removes the transfer of funds from the Department of Inland Fisheries and Wildlife in fiscal year 2010-11 in anticipation of another funding source to be identified by the working group.

#### **Enacted Law Summary**

Private and Special Law 2009, chapter 25 requires the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Conservation to establish a working group on the recreational access and landowner relations program to identify funding for the director's position on a permanent basis and review landowner relations programs in other states. The working group shall submit its findings to the Governor, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Agriculture, Conservation and Forestry by December 31, 2009.

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**LD 879      An Act To Allow Licensed Kennel Owners To Vaccinate Their Own Dogs** **ONTP**

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

This bill authorizes a kennel owner to purchase vaccinations from a licensed veterinarian and to vaccinate the kennel owner's own dogs under the supervision of a licensed veterinarian.

**LD 893      Resolve, To Promote the Use of Alternative Fiber** **ONTP**

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

This resolve directs the Department of Agriculture, Food and Rural Resources, through the University of Maine, to create a pilot program to determine the economic feasibility of growing hemp for industrial purposes in the State.

**LD 914      An Act To Broaden the Use of the Land for Maine's Future Fund for Investments To Promote Public Access and Use of Conserved Lands and To Improve the Productivity of Conserved Farmlands** **PUBLIC 178**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR	OTP-AM	H-193

This bill allows money in the Land for Maine's Future Fund to be used to fund improvements to land for recreational purposes, including, but not limited to, recreational and athletic fields, upon application of a municipality.

**Committee Amendment "A" (H-193)**

This amendment expands the allowed uses of capital improvement funds for land or interest in land acquired through the Land for Maine's Future Fund.

**Enacted Law Summary**

Public Law 2009, chapter 178 expands the allowed uses of capital improvement funds for land or interest in land acquired through the Land for Maine's Future Fund. It allows these funds to be used to improve public access on properties that are part of the same ownership or under the same management as properties previously conserved through the Land for Maine's Future program. It also allows these funds to be used for improvements to farmland that is part of the same ownership or under the same management as properties previously conserved through the Land for Maine's Future program.

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LD 936 **An Act To Remove Prior-operation Requirements for Commercial Large Game Shooting Area Licensing**

ONTP

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

This bill removes the provisions that prevent any person who did not operate a commercial large game shooting area between October 1, 1999 and March 15, 2000 from obtaining a license to operate a commercial large game shooting area.

LD 964 **An Act Pertaining to the Breeding and Selling of Dogs and Cats and Equitable Funding of Animal Welfare**

PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-553

This bill implements recommendations of the working group convened by the Commissioner of Agriculture, Food and Rural Resources to evaluate the regulation of cat and dog breeding facilities. It was submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2007, chapter 203, section 3.

**Committee Amendment "A" (H-553)**

This amendment reduces the license fee for Category 2 and Category 3 breeding kennels. It removes the proposed revision to the definition of "seller" as it is used in the chapter governing the sale of dogs and cats by pet shops and breeding kennels. It removes the requirement that a dog or cat be examined by a veterinarian prior to sale and instead requires that records of any examinations by a veterinarian be provided to the buyer. It also removes that section of the bill that proposes revisions to the definition of "kennel" and the section authorizing the Department of Agriculture, Food and Rural Resources to revoke or suspend a license for a pet shop or breeding kennel. It also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2009, chapter 403 amends the definition of "breeding kennel" to specify that 5 or more female dogs capable of breeding is the threshold for needing a breeding kennel license. It establishes 3 categories of kennel licenses and corresponding license fees based on the number of female dogs or cats capable of breeding. It allows the Department of Agriculture, Food and Rural Resources to issue a conditional license as the initial license for a new breeding kennel. The license remains conditional until the breeding kennel passes inspection. It directs the department to issue a written notice when a licensed facility fails inspection. The notice must describe the violation and corrective action needed. It directs the department to charge a fee when more than 2 inspections are required to ensure that the corrective actions have been taken.

It authorizes the department to revoke, suspend or refuse to renew a license in accordance with the Administrative Procedures Act. It adds additional disclosure requirements for sellers. It establishes a process to procure documents needed to register a dog or cat with a pedigree organization and to receive a refund when promised papers are not delivered.

It directs the Commissioner of Agriculture, Food and Rural Resources and the Attorney General to discuss with

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representatives of the judicial branch and the district attorneys processes for seizing abused animals and the requirements for care of the seized animals prior to final disposition. The commissioner and other participants are to report to the Joint Standing Committee on Agriculture, Conservation and Forestry with recommendations to expedite court actions in cases involving cruelty to animals. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to submit legislation pertaining to animal welfare and funding of the animal welfare program to the Second Regular Session of the 124th Legislature.

**LD 965 An Act To Establish Annual Reporting for Genetically Engineered Crops**

**PUBLIC 323**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT DAMON	OTP-AM	H-385

This bill requires a manufacturer to annually report to the Commissioner of Agriculture, Food and Rural Resources an estimate of the potential acreage of genetically modified crops that could be planted based on sales.

**Committee Amendment "A" (H-385)**

This amendment directs the Commissioner of Agriculture, Food and Rural Resources to provide the Department of Conservation, Bureau of Forestry with aggregate information on sales of trees, tree seedlings, tree seeds, tree scions and other propagative materials that are genetically engineered. LD 965, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

**Enacted Law Summary**

Public Law 2009, chapter 323 requires a manufacturer to annually report to the Commissioner of Agriculture, Food and Rural Resources an estimate of the potential acreage of genetically modified crops that could be planted based on sales. It requires the Commissioner of Agriculture, Food and Rural Resources to provide the Department of Conservation, Bureau of Forestry with aggregate information on sales of trees, tree seedlings, tree seeds, tree scions and other propagative materials that are genetically engineered.

**LD 972 Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control**

**RESOLVE 115  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-384

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

**Committee Amendment "A" (H-384)**

This amendment denies final adoption of the rule.

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## Enacted Law Summary

Resolve 2009, chapter 115 denies the Board of Pesticides Control authorization to finally adopt revisions to the board's rules regarding notification for outdoor pesticides application, rules chapter 28. The committee instead supported changes to notification proposed in LD 1293. See bill summary for LD 1293, An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment.

Resolve 2009, chapter 115 was finally passed as an emergency measure effective June 12, 2009.

**LD 988      An Act To Increase the Penalty for Keeping a Dangerous Dog That Harms a Domesticated Animal      ONTP**

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

This bill allows a court to order that a dangerous dog be euthanized if that dog has killed, maimed or inflicted serious bodily injury upon a domesticated animal.

**LD 1021      An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation      PUBLIC 127**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	H-120 PIEH S-72

This bill prohibits the cruel confinement of calves raised for veal and sows during gestation.

### Committee Amendment "A" (S-72)

This amendment allows a sow to be confined until her litter is weaned.

### House Amendment "A" (H-120)

This amendment extends the change made by Committee Amendment "A" to another relevant section of the bill to allow a sow to be confined until her litter is weaned.

## Enacted Law Summary

Public Law 2009, chapter 127 establishes definitions and provisions to prohibit the cruel confinement of calves being raised for veal or sows during gestation. Confining a calve or a sow in a manner that prevents the animal from lying down, standing up, fully extending its limbs and turning around freely is a violation of Maine's animal cruelty laws. Chapter 217 contains exceptions for situations in which strict confinement is necessary.

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**LD 1034    An Act To Increase Access to Farm Fresh Poultry**

**PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE DAMON	OTP-AM MAJ ONTP MIN	H-427 H-466 MCCABE

This bill allows a poultry producer to sell uninspected poultry at the producer's farm, at farmers' markets and to restaurants. It establishes labeling requirements and requires identification of uninspected products on restaurant menus.

**Committee Amendment "A" (H-427)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Commissioner of Agriculture, Food and Rural Resources to establish requirements for sanitary processes and physical facilities through rulemaking. It requires an annual inspection of facilities and an annual review of processes by the Department of Agriculture, Food and Rural Resources.

It allows consumers participating in a community supported agriculture agreement with a farmer who has a direct marketing relationship with a poultry producer to receive poultry products that have not been inspected. It also allows a poultry producer to deliver poultry products to a consumer's home. Sales to restaurants are restricted to restaurants within a 50-mile radius of the farm on which the poultry were produced.

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

This amendment removes the provision allowing a poultry producer to sell uninspected poultry to restaurants and the related information and labeling requirements. It also removes the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2009, chapter 354 allows a poultry producer who slaughters fewer than 1,000 birds in a year to sell uninspected poultry at the producer's farm and at farmers' markets and to deliver uninspected poultry products to a consumer's home. It allows consumers participating in a community supported agriculture agreement to receive uninspected poultry products. Chapter 354 directs the Commissioner of Agriculture, Food and Rural Resources to establish requirements through rulemaking for sanitary processes and physical facilities producers. The Department of Agriculture, Food and Rural Resources is required to annually inspect facilities of and review processes conducted by a producer exempt from poultry inspection.

**LD 1047    An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan**

**PUBLIC 375  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H NUTTING J	OTP-AM MAJ OTP-AM MIN	H-468

This bill requires that a comprehensive land use plan be adopted by the Maine Land Use Regulation Commission and approved by the joint standing committee of the Legislature having jurisdiction over conservation matters. Current law requires that the Maine Land Use Regulation Commission adopt and the Governor approve a

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comprehensive land use plan.

**Committee Amendment "A" (H-468)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires the Maine Land Use Regulation Commission to submit a comprehensive land use plan or portions of a plan to the joint standing committee of the Legislature having jurisdiction over conservation matters a minimum of 30 days prior to the final vote of the commission. It requires review by the legislative committee at a public meeting prior to the commission's vote. The commission must brief the committee on anticipated rule changes resulting from the revised plan. It retains the Governor's role in the process as it is under current law.

**Enacted Law Summary**

Public Law 2009, chapter 375 requires the Maine Land Use Regulation Commission to submit a comprehensive land use plan to the joint standing committee of the Legislature having jurisdiction over conservation matters a minimum of 30 days prior to the final vote of the commission. The commission must brief the committee on anticipated rule changes resulting from the revised plan. It requires review by the legislative committee at a public meeting prior to the commission's vote.

Public Law 2009, chapter 375 was enacted as an emergency measure effective June 12, 2009.

**LD 1053 An Act To Ensure Humane Dog and Cat Breeding in the State**

**LEAVE TO WITHDRAW**

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

This bill amends the definition of "breeding kennel" to include any location where dogs or cats capable of breeding are kept and one or more dogs or cats are sold. It increases the fee for licensing a dog that has not been spayed or neutered. It restricts the number of adult female dogs or cats capable of breeding that can be kept at a breeding kennel to 10. It establishes a license fee for breeding kennels that is based on the number of adult female dogs or cats capable of breeding kept at the kennel. For pet shops that sell dogs, the license fee is increased incrementally based on the number of dogs sold or offered for sale in the previous year.

**LD 1103 An Act To Amend the Animal Welfare Laws**

**PUBLIC 343**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-523

This bill makes several revisions to the animal welfare laws in Maine Revised Statutes, Title 7 and Title 17.

**Committee Amendment "A" (H-523)**

This amendment removes the section of the bill that expanded membership on the Animal Welfare Advisory Council. It also removes language that included day care facilities for companion animals in the definition of "boarding kennel" and the requirement that a person operating a wolf hybrid kennel maintain records for 10 years.

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It removes the requirement that the Department of Agriculture, Food and Rural Resources must approve an animal shelter's adoption policy for the shelter to be eligible for reimbursement.

It clarifies that only humane agents and state veterinarians who have received training and certification from the Maine Criminal Justice Academy are authorized to serve civil process or represent the Department of Agriculture, Food and Rural Resources in District Court. It revises the shelter and tethering requirements for dogs used in competition to mirror the requirements for dogs kept as sled dogs. It clarifies that the process for the Commissioner of Agriculture, Food and Rural Resources to revoke or suspend licenses must be in accordance with the Maine Administrative Procedure Act.

### **Enacted Law Summary**

Public Law 2009, chapter 343 removes the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee as an ex officio member of the Animal Welfare Advisory Council. It changes the definition of "boarding kennel" to include training facilities that board or keep animals while they are in training. It allows humane agents who have been trained and certified to issue civil summons for violations of animal welfare laws. It authorizes the commissioner to suspend or revoke their state-issued certification for an animal control officer. It requires animal shelters to have an adoption policy to be eligible to receive reimbursement for stray animals.

It reduces the holding period for feral cats to 24 hours. It requires animal shelters to send notice to the last known address of a person hospitalized or incarcerated. It authorizes the commissioner to allow animal shelters to issue dog licenses.

It prohibits the Department of Agriculture, Food and Rural Resources from issuing licenses for an animal shelters to felons with certain convictions within 10 years of the license application. It allows the department to revoke or suspend a facility license if that facility violates any quarantine or maintains animals contrary to the rules of the department, fails to keep records required or violates any provision of laws or rules of the Department of Inland Fisheries and Wildlife. It eliminates the requirement that a municipality issue a warrant and direct a law enforcement officer to issue summons for failure to comply with the dog licensing law.

It requires municipalities to notify the Commissioner of Agriculture, Food and Rural Resources within 10 days of the appointment or vacancy of an animal control officer. It increases the maximum fine that may be imposed on a municipal official who does not perform that official's duties regarding animal control and welfare.

It revises shelter requirements and clarifies shelter and tether requirements as they apply to sled dogs and dogs used in competition. It authorizes the Department of Agriculture, Food and Rural Resources to suspend or revoke the license of a breeding kennel or pet shop that fails to comply with laws and rules pertaining to the sale of dogs and cats.

### **LD 1133    An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland**

**PUBLIC 356**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-274

This bill is submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 2007, chapter 649, section 11, subsection 6. It implements the recommendations of the Commission to Study the Protection of Farms and Farmland.

Part A establishes a process for the voluntary designation of farms as "Farming for Maine" farms. It requires

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the Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on activity related to and interest in the designation of "Farming for Maine" farms.

Part A authorizes the Commissioner of Agriculture, Food and Rural Resources to develop and initiate a pilot program to examine the effectiveness of agricultural districts in maintaining a land base for farming and enhancing the profitability of farms. It also authorizes the commissioner to facilitate the formation of agriculture enhancement groups. Part A requires the Department of Agriculture, Food and Rural Resources and the State Tax Assessor to jointly monitor changes to the federal estate tax on an annual basis and make recommendations to the Legislature regarding Maine's estate tax that will facilitate the preservation of farmland.

Part B requires projects and development subject to review and approval by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, chapter 3, article 5-A or article 6 to also be reviewed for impact on farmland when the project or development is funded in whole or in part with federal or state funds. Part B also directs the State Board of Education to amend the Department of Education's rule governing the siting of new schools to require consideration of farmland in siting decisions. It establishes a fund within the Department of Agriculture, Food and Rural Resources to receive any mitigation fees assessed and to be used to acquire farmland or interest in farmland.

Part C prohibits the use of eminent domain to acquire farmland for recreational purposes or for securing aesthetic or therapeutic benefits for the public. Part D directs the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources to review existing farmland protection ordinances in order to develop a model ordinance to be made available to municipal and regional planning committees.

### **Committee Amendment "A" (S-274)**

This amendment modifies the provisions for a pilot project on the formation of agricultural districts. It extends the report back date to February 2011. It allows 3 or more farms to request designation as an agricultural district if the farms are located in geographic proximity to one another, produce similar types of agricultural products or share common marketing interests. It requires only the Department of Agriculture, Food and Rural Resources to make recommendations on estate taxes. It removes Part B from the bill, which provided for impact assessment and mitigation on state-funded or federally funded projects with the potential to convert or diminish farmland. It changes the provisions regarding the use of eminent domain by the Department of Conservation, Bureau of Parks and Lands, allowing eminent domain to be used only after legislative review. It changes the requirement that the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources develop a model ordinance for farmland protection to a directive that they provide municipal and regional planning committees with examples of provisions to protect farmland.

### **Enacted Law Summary**

Public Law 2009, chapter 356 establishes a process for the voluntary designation of farms as "Farming for Maine" farms. It authorizes the Commissioner of Agriculture, Food and Rural Resources to develop and initiate a pilot program to examine the effectiveness of agricultural districts in maintaining a land base for farming and enhancing the profitability of farms. It allows 3 or more farms to request designation as an agricultural district if the farms are located in geographic proximity to one another, produce similar types of agricultural products or share common marketing interests.

It requires the Department of Agriculture, Food and Rural Resources and the State Tax Assessor to jointly monitor changes to the federal estate tax on an annual basis and for the Department of Agriculture, Food and Rural Resources to make recommendations to the Legislature regarding Maine's estate tax that will facilitate the preservation of farmland.

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Chapter 356 allows the Department of Conservation, Bureau of Parks and Lands to acquire land by eminent domain only after legislative review. It directs the Executive Department, State Planning Office and the Department of Agriculture, Food and Rural Resources to provide municipal and regional planning committees with examples of provisions included in ordinances to protect farmland.

**LD 1158      Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands**

**RESOLVE 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-194

This resolve authorizes the Department of Conservation, Bureau of Parks and Lands to sell or transfer interest in certain designated lands. Under Article IX, Section 23 of the Maine Constitution, the transfer or change in use of lands held by the State for conservation or recreational purposes, the designated lands, requires a 2/3rds vote of the Legislature.

**Committee Amendment "A" (H-194)**

This amendment requires that 2 of the transfers authorized in the resolve be conveyed for appraised fair market value. These are the transfers authorized in the resolve to convey access rights either by fee or by easement over land in the Town of Brownville in Piscataquis County and to convey minority interests in common undivided interests in land in T12 R17 WELS in Aroostook County. Appraisals are not required for the other transactions authorized in the resolve.

**Enacted Law Summary**

Resolve 2009, chapter 64 allows the Department of Conservation, Bureau of Parks and Lands to sell or swap a portion of the Shell Heaps Lots in the Town of Damariscotta, with the concurrence of the Maine Historic Preservation Commission, in order to advance a plan for recreational trail development on adjacent parcels. The resolve allows the Bureau of Parks and Lands to sell an access easement crossing the Bangor and Aroostook Trail in the Town of Van Buren. It allows the Bureau of Parks and Lands to sell an easement or sell a fee portion to an abutter of a parcel of land owned by the Bureau of Parks and Lands in the Town of Brownville near the Katahdin Iron Works Multi-use Trail. It allows the Bureau of Parks and Lands to sell its minority common undivided interests in land in T12 R17 in Aroostook County. The resolve also provides for the resolution of a boundary dispute in Chesuncook Village in Piscataquis County by allowing the Bureau of Parks and Lands to transfer a fraction of an acre each to Piscataquis County and to an abutter.

**LD 1159      An Act Relating to Industrial Hemp**

**PUBLIC 320**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH	OTP-AM MAJ ONTP MIN	H-356

This bill allows a person to grow industrial hemp if that person holds a license issued by the Commissioner of Agriculture, Food and Rural Resources and the hemp is grown under a federal permit in compliance with the conditions of that permit. Except for employees of the Maine Agricultural Experiment Station and the University of Maine System involved in research and related activities, a criminal history record check must be completed on an

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applicant for licensure. A person with a prior criminal conviction is not eligible for licensure. Industrial hemp is subject to being tested during its growth, and the growing and harvesting of industrial hemp is subject to supervision.

### **Committee Amendment "A" (H-356)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It enacts a definition of "industrial hemp." In addition to the legal description of the land, as required by the bill, this amendment also requires a map, an aerial photograph or global positioning coordinates sufficient for locating the land area to be used for industrial hemp. It clarifies elements of rules necessary to implement the licensing of industrial hemp growers. It directs the Commissioner of Agriculture, Food and Rural Resources to establish application fees and per acre monitoring fees that are reasonable and necessary to cover the cost of implementing the licensing and monitoring of industrial hemp production.

This amendment specifies that the commissioner may not issue a license to grow industrial hemp unless the definition of "marihuana" in the federal Controlled Substances Act is amended to exclude industrial hemp or the United States Department of Justice, Drug Enforcement Agency acts positively on a permit application for the growing of industrial hemp. LD 1159, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

### **Enacted Law Summary**

Public Law 2009, chapter 320 enacts a definition of "industrial hemp" and allows a person to grow industrial hemp if that person holds a license issued by the Commissioner of Agriculture, Food and Rural Resources and the hemp is grown under a federal permit in compliance with the conditions of that permit. A person with a prior criminal conviction is not eligible for licensure. Industrial hemp is subject to being tested during its growth, and the growing and harvesting of industrial hemp is subject to supervision.

It directs the Commissioner of Agriculture, Food and Rural Resources to establish application fees and per acre monitoring fees that are reasonable and necessary to cover the cost of implementing the licensing and monitoring of industrial hemp production. The commissioner may not issue a license to grow industrial hemp unless the definition of "marihuana" in the federal Controlled Substances Act is amended to exclude industrial hemp or the United States Department of Justice, Drug Enforcement Agency acts positively on a permit application for the growing of industrial hemp.

**LD 1182    An Act To Prevent Price Gouging in the Sale of Milk**

**Carried Over**

Sponsor(s)

MILLS P

Committee Report

Amendments Adopted

This bill prohibits the sale of milk for an unconscionably excessive price. It authorizes the Maine Milk Commission to investigate to determine whether the price is unconscionably excessive whenever the retail price to consumers for milk exceeds twice what is paid to producers of the milk. If the commission finds probable cause to believe that the price is unconscionably excessive, it may after notice and hearing make findings and issue orders to prohibit such practices. The bill specifies certain circumstances that are evidence of an unconscionably excessive price. It authorizes the commission to assess a penalty of up to \$100 per day for each violation with the proceeds to be remitted to the Women, Infants and Children Special Supplemental Food Program to be used to purchase milk and milk products for clients of the program. This bill was carried over to any special or regular session of the 124th

# Joint Standing Committee on Agriculture, Conservation and Forestry

Legislature by joint order, H.P. 1053.

LD 1202 An Act Regarding the Use of Genetically Engineered Plants

DIED BETWEEN  
HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM A OTP-AM B OTP-AM C	H-430

This bill provides a process by which a manufacturer of a genetically engineered plant part, seed or plant may investigate a possible violation of a technology use agreement and establishes the rights of a farmer during an investigation. It creates a right of action as and damages for a private nuisance against a manufacturer of a genetically engineered plant part, seed or plant that cross-contaminates a person's land and limits the liability of knowing and unknowing users and possessors of a genetically engineered plant part, seed or plant.

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

This committee amendment is the majority report and strikes everything in the bill except the provisions requiring the manufacturer of genetically engineered plants, plant parts or seeds to provide written instructions to a grower that includes the identity, relevant traits or characteristics of the genetically engineered plant and requirements for its safe handling, storage, transport and use. This amendment also directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules requiring a person planning to grow a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers and submit the rules to the Executive Director of the Legislative Council by no later than December 15, 2009 for review in accordance with the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

### Committee Amendment "B" (H-431)

This amendment is a minority report of the committee and clarifies that the provisions regarding actions alleging a violation of a technology use agreement apply only to technology use agreements entered into after October 1, 2009. It removes a provision regarding the unknowing possession or use of genetically engineered plants that is similar to a provision in the Maine Revised Statutes, Title 7, section 1053. This amendment also directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules requiring a person planning to grow a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers and submit the rules to the Executive Director of the Legislative Council by no later than December 15, 2009 for review in accordance with Title 5, chapter 375, subchapter 2-A.

### Committee Amendment "C" (H-432)

This amendment is a minority report of the committee. It removes the language that requires a manufacturer of genetically engineered plants to have a court order before enter property owned by a farmer under a technology use agreement to acquire samples of crops that are the subject of that agreement. It removes the requirement that a manufacturer pay costs incurred by the Department of Agriculture, Food and Rural Resources while investigating an alleged violation of a technology use agreement and clarifies that the provisions regarding actions alleging a violation of a technology use agreement apply only to technology use agreements entered into after October 1, 2009. It removes provisions pertaining to liability from cross contamination. The amendment also directs the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules requiring a person planning to grow a genetically engineered crop to select fields and cultivate the crop in a manner that maintains the integrity of all crops and minimizes potential conflicts between farmers and submit the rules to the Executive Director of the Legislative Council by no later than December 15, 2009 for review in accordance with the

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Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**LD 1238 An Act Concerning the National Animal Identification System**

**Carried Over**

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

This bill requires the Commissioner of Agriculture, Food and Rural Resources to adopt rules to implement a national animal identification system if federal law makes the system mandatory including informing farmers of their right to opt out of the system if the system has an opt-out provision. If the national identification system is voluntary, this bill prohibits the commissioner from forcing participation in the system, withholding indemnity from a person who does not participate in the system or denying or revoking permits, licenses, services, grants or other benefits or incentives to a person who does not participate in the system. The bill prohibits a municipality or political subdivision from enacting or maintaining an ordinance requiring participation in an animal identification system except to conform to a state requirement and the commissioner from disseminating any confidential information to the national animal identification system unless to prevent or control a disease or to protect the public health, safety or welfare. This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 1239 An Act To Establish a Revenue Source for the Maine Pesticide Education Fund**

**Carried Over**

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

This bill establishes a 15¢ per container fee on the retail sale of pesticides. The proceeds of the fee are deposited in the Maine Pesticide Education Fund, which is used to fund the Integrated Pest Management Fund, the Board of Pesticides Control and the University of Maine Cooperative Extension for pest management education programs. This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 1255 An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources**

**PUBLIC 393**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE NUTTING J	OTP-AM	H-440 H-454 PIEH H-551 PIEH

The bill makes several revisions to the statutes administered by the Department of Agriculture, Food and Rural Resources.

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### **Committee Amendment "A" (H-440)**

This amendment:

1. Modifies the Board of Agriculture to allow certain members to appoint designees to serve in their stead and adds a 20th member to represent the aquaculture industry;
2. Provides that annual beekeeper license fees are established as routine technical rules of the Department of Agriculture, Food and Rural Resources;
3. Clarifies the provision of the bill relating to confidentiality of certain information obtained from the Federal Government to make it clear that only information that is designated pursuant to federal rules as confidential or required to be protected from public disclosure is exempted from the State's public records law; and
4. Clarifies the language of the bill relating to the incorporation of certain federal rules applicable to meat and poultry inspection into rules of the Department of Agriculture, Food and Rural Resources.

### **House Amendment "A" To Committee Amendment "A" (H-454)**

This amendment refines the language pertaining to the confidentiality of information obtained from the United States Department of Agriculture, Food Safety and Inspection Service and the United States Food and Drug Administration. LD 1255, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

### **House Amendment "A" (H-551)**

House Amendment "A" requires a person registering commercial fertilizers to report the tonnage sold and pay a fee based on the amount sold. The fee is deposited in a dedicated account used for sampling, administration and enforcement of laws pertaining to the analysis of commercial fertilizers and agricultural liming materials.

### **Enacted Law Summary**

Public Law 2009, chapter 393 directs the Department of Agriculture, Food and Rural Resources to set fees for the cost of licensing bee colonies through rulemaking eliminating the maximum and minimum fees set in statute. It enacts a provision making a grower who has failed to pay for seed purchased from the Seed Potato Board ineligible for listing in the annual Maine seed certification book. It repeals provisions pertaining to the chemical control of vertebrates. Federal standards for chemical control of vertebrates will continue to apply in Maine. Chapter 393 provides for staggered expiration dates for certain licenses issued by the department. It adopts portions of the Code of Federal Regulations pertaining to the State's meat and poultry inspection program. It requires the Commissioner of Agriculture, Food and Rural Resources to keep confidential certain information provided to the department by the United States Department of Agriculture, Food Safety and Inspection Service and the United States Food and Drug Administration.

Chapter 393 modifies membership on the Board of Agriculture, allowing certain members to appoint designees to serve in their stead and adds a 20th member to represent the aquaculture industry. It requires a person registering commercial fertilizers to report the tonnage sold and pay a fee based on the amount sold. The fee is deposited in a dedicated account used for sampling, administration and enforcement of laws pertaining to the analysis of commercial fertilizers and agricultural liming materials.

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LD 1286 An Act To Amend State Dog Licensing Laws

ONTP

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

This bill repeals licensing requirements for an individual dog and institutes a \$5 surcharge per dose on all rabies vaccines, to be paid by a distributor that sells rabies vaccines in this State. The surcharge would be deposited in the Animal Welfare Fund. This bill also reduces the kennel license fee from \$42 to \$21.

LD 1293 An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment

PUBLIC 378

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY DAMON	OTP-AM	H-522 H-543 O'BRIEN

This bill requires land managers to notify neighbors prior to the application of pesticides using aircraft or air-carrier equipment. It requires the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to establish a registry of citizens for persons desiring additional information when pesticides are being applied using aircraft or air-carrier equipment within 1,320 feet of land owned, leased or resided upon by those persons.

**Committee Amendment "A" (H-522)**

This amendment narrows the requirement of whom a land manager must notify prior to applying pesticides. Only abutters must be notified and a notification is good for 3 years unless the general method of application or the types of pesticides used change. It clarifies acceptable means of notifying and the information to be conveyed to abutters and to people on the registry of citizens within 1,320 feet of the application area. It refines the definition of "air-carrier equipment" to exclude equipment with nozzles directed downward. It directs a land manager to keep records of people notified of pesticide applications who ask not to be notified in the future. This amendment specifies acceptable methods to communicate required information.

**House Amendment "A" To Committee Amendment "A" (H-543)**

This House amendment clarifies that a land manager intending to apply pesticides must notify residents and managers of buildings on abutting property.

**Enacted Law Summary**

Public Law 2009, chapter 378 requires land managers intending to apply pesticides using aircraft or air carrier equipment to notify residents and managers of buildings on abutting property prior to application. A notification is good for 3 years unless the general method of application or the types of pesticides used change. It requires the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to establish a registry of citizens for persons desiring additional information when pesticides are being applied using aircraft or air-carrier equipment. A land manager intending to apply pesticides using aircraft or air carrier equipment is required to check the registry and notify persons on the registry who own, lease

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or occupy property that abuts or lies within 1320 feet of the spray area. Chapter 378 establishes acceptable methods to communicate the required information and record keeping requirements.

**LD 1294 An Act To Amend the Laws Governing the Public Hearing Process for the Board of Pesticides Control**

**ONTP**

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

This bill requires the Board of Pesticides Control to hold a public hearing on the application for registration of certain pesticides and also on the application for registration of a product that contains a plant-incorporated protectant.

**LD 1322 An Act To Amend Provisions of the Submerged Lands Law**

**PUBLIC 316  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD DAMON	OTP-AM	H-428

This bill amends the definition of "fair market rental value," adjusts rental rates for submerged lands leases to be more equitable by raising the minimum lease rent from \$100 to \$150 annually and provides for gradual adjustments to rental rates based on changes in assessed property values and programmatic cost increases over time. The bill provides for the phase-in of rental increases starting in 2010 for leaseholders whose adjusted rent will increase above \$1,200 following the repeal of the \$1,200 maximum rental cap on June 30, 2009. The bill also replaces the definition of "large-scale project" with a new definition for "offshore project" and authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to negotiate rental terms for the leasing of those facilities.

**Committee Amendment "A" (H-428)**

This amendment revises the definition of "offshore project" to exclude offshore renewable energy projects. This amendment also adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2009, chapter 316 adjusts rental rates for submerged lands leases to be more equitable by raising the minimum lease rent from \$100 to \$150 annually and provides for gradual adjustments to rental rates based on changes in assessed property values and programmatic cost increases over time. It provides for the phase-in of rental increases starting in 2010 for leaseholders whose adjusted rent will increase above \$1,200 following the repeal of the \$1,200 maximum rental cap on June 30, 2009. It defines "offshore project" and authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to negotiate rental terms for leasing of these projects.

Public Law 2009, chapter 316 was enacted as an emergency measure effective June 9, 2009.

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**LD 1370 An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State**

**INDEF PP**

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

This bill eliminates the Maine Land Use Regulation Commission, effective July 15, 2010, and directs the Maine Land Use Regulation Commission prior to its elimination to develop a plan to provide authority over land use planning in the unorganized territory to the counties in which the land is located. The Maine Land Use Regulation Commission is required to submit its proposal, together with implementing legislation necessary to effectuate the repeal of the Maine Land Use Regulation Commission and the transfer of its duties, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 2, 2009.

**Committee Amendment "A" (H-494)**

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It clarifies that each county containing land under Maine Land Use Regulation Commission jurisdiction is to establish its own process for revising the 1997 Comprehensive Land Use Plan. It limits to 2 years the restriction that assessments not exceed the assessments for commission operations. It requires each county to retain the 1997 Comprehensive Land Use Plan as the basis for planning for a minimum of 2 years. It removes the requirement that the Maine Land Use Regulation Commission include implementing legislation in its report to the Joint Standing Committee on Agriculture, Conservation and Forestry and removes the committee's authority to submit legislation to the Second Regular Session of the 124th Legislature.

**LD 1406 An Act To Transfer the Seed Potato Board to the Maine Potato Board**

**PUBLIC 379**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM	H-441

This bill transfers the ownership and operations of the Seed Potato Board from the Department of Agriculture, Food and Rural Resources to the Maine Potato Board. The bill requires the Department of Agriculture, Food and Rural Resources to provide funds to the Maine Potato Board in support of the Seed Potato Board for fiscal year 2009-10 in an amount not to exceed \$250,000 and for fiscal year 2010-11 in the amount of \$175,000. The bill strikes the provision of law that exempts the Seed Potato Board from the bidding, contract and review procedures contained in the Maine Revised Statutes, Title 5, chapter 153 for any public improvement project with a value of less than \$10,000.

**Committee Amendment "A" (H-441)**

This amendment restructures provisions within the Seed Potato Board statutes for clarity. It directs the Maine Potato Board to establish a seed potato account and cross-references that account in statutory provisions for the Seed Potato Board. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2009, chapter 379 transfers the ownership and operations of the Seed Potato Board from the Department

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of Agriculture, Food and Rural Resources to the Maine Potato Board. The bill requires the Department of Agriculture, Food and Rural Resources to provide funds to the Maine Potato Board in support of the Seed Potato Board for fiscal year 2009-10 and for fiscal year 2010-11.

**LD 1460    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**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	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 2009, chapter 118 authorizes final adoption of revisions to Chapter 41, rules adopted by the Board of Pesticides Control to establish special restrictions on the use of certain pesticides. The revisions are in response to requests to register Bt sweet corn for use in Maine.

Resolve 2009, chapter 118 was finally passed as an emergency measure effective June 6, 2009.

**LD 1488    An Act To Provide Free Admission to State Parks to All Maine Veterans**

**PUBLIC 440  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX BLISS	OTP-AM MAJ OTP-AM MIN	H-572 S-340 BLISS

This bill provides for the issuance of a free day use pass to state parks and historic sites to a veteran who is a resident of this State and who received an honorable discharge or general discharge under honorable conditions. It removes the requirement that a veteran must have served for a minimum of 3 continuous months outside the United States between October 1, 2001 and January 1, 2015 either on an operational mission for which members of the reserve were ordered to active duty or during a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or Congress. It also removes language that repeals on June 30, 2015 the sections of the law that provide day use passes to veterans.

### **Committee Amendment "A" (H-572)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It specifies that free day use passes to state parks and historic sites issued to veterans provides free admission only to the veteran and that this benefit does not terminate. It directs the Department of Defense, Veterans and Emergency Management to begin issuing passes under the new criteria within 6 months after the effective date of the legislation. It requires the Commissioner of Defense, Veterans and Emergency Management to confer with the Commissioner of Conservation to determine if other identification held by veterans may be used to determine eligibility for free admission pending the issuance of the passes. This amendment authorizes the Joint Standing Committee on

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Agriculture, Conservation and Forestry to submit legislation pertaining to the issuance of passes to veterans to the Second Regular Session of the 124th Legislature.

### **Committee Amendment "B" (H-573)**

This amendment is the minority report of the committee. It replaces the bill with a resolve. It directs the Department of Defense, Veterans and Emergency Management and the Department of Conservation to jointly review options available for providing Maine veterans free admission into state parks. It requires the departments to report their findings, recommendations and any draft legislation to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010 and gives that committee authority to submit legislation to the Second Regular Session of the 124th Legislature regarding the subject matter of the report.

### **Senate Amendment "A" To Committee Amendment "A" (S-340)**

Senate Amendment "A" provides that, pending the issuance of passes, state parks and historic sites shall grant free day use admission upon a veteran's good faith production of easily recognizable identification.

### **Enacted Law Summary**

Public Law 2009, chapter 440 provides for the issuance of a free day use pass to state parks and historic sites to a veteran who is a resident of this State and who received an honorable discharge or general discharge under honorable conditions. Pending the issuance of such passes by the Department of Defense, Veterans and Emergency Management, state parks and historic sites shall grant free day use admission upon a veteran's good faith production of easily recognizable identification. A pass issued under these provisions does not expire.

Public Law 2009, chapter 440 was enacted as an emergency measure effective June 18, 2009.

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**SUBJECT INDEX**

*Administration*

Not Enacted

LD 674      **An Act To Lower the Cost of State Government in the  
Departments under the Purview of the Joint Standing Committee  
on Agriculture, Conservation and Forestry**      **INDEF PP**

*Agriculture*

Enacted

LD 46      **An Act To Allow Nonmember Directors To Serve on the Board of  
Cooperative Agricultural Associations**      **PUBLIC 5**

LD 74      **Resolve, To Review and Update Sales Tax Exemptions for  
Products Purchased for Agricultural Use**      **RESOLVE 25  
EMERGENCY**

LD 557      **Resolve, Directing the Study of a Potato Variety Demonstrating  
Resistance to the Colorado Potato Beetle**      **RESOLVE 80**

LD 1255      **An Act To Amend Certain Laws Related to the Department of  
Agriculture, Food and Rural Resources**      **PUBLIC 393**

LD 1406      **An Act To Transfer the Seed Potato Board to the Maine Potato  
Board**      **PUBLIC 379**

*Agriculture - Policy*

Enacted

LD 708      **An Act To Create a Moratorium on the Open-air Production of  
Genetically Engineered Pharmaceutical Crops in Maine**      **PUBLIC 388**

LD 965      **An Act To Establish Annual Reporting for Genetically  
Engineered Crops**      **PUBLIC 323**

LD 1133      **An Act To Implement the Recommendations of the Commission  
To Study the Protection of Farms and Farmland**      **PUBLIC 356**

Not Enacted

LD 804      **An Act To Ensure the Integrity of Organic Agricultural Crops**      **ONTP**

LD 893      **Resolve, To Promote the Use of Alternative Fiber**      **ONTP**

LD 1202      **An Act Regarding the Use of Genetically Engineered Plants**      **DIED BETWEEN  
HOUSES**

*Animal Control, Health and Welfare*

Enacted

LD 223	An Act To Ensure That Money from the Surcharge on Registration of Pet Food for the Sterilization of Animals is Received in a Timely Manner	PUBLIC 148 EMERGENCY
LD 454	An Act To Expand Representation on the Animal Welfare Advisory Council	PUBLIC 333
LD 458	Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Equine Husbandry Practices in the State	RESOLVE 36
LD 517	An Act To Clarify a Municipality's Authority To Contract with an Animal Shelter for Services	PUBLIC 177
LD 964	An Act Pertaining to the Breeding and Selling of Dogs and Cats and Equitable Funding of Animal Welfare	PUBLIC 403
LD 1103	An Act To Amend the Animal Welfare Laws	PUBLIC 343

Not Enacted

LD 9	An Act To Prohibit the Force-feeding of Birds	ONTP
LD 879	An Act To Allow Licensed Kennel Owners To Vaccinate Their Own Dogs	ONTP
LD 988	An Act To Increase the Penalty for Keeping a Dangerous Dog That Harms a Domesticated Animal	ONTP
LD 1053	An Act To Ensure Humane Dog and Cat Breeding in the State	LEAVE TO WITHDRAW
LD 1286	An Act To Amend State Dog Licensing Laws	ONTP

*Dairy and Livestock*

Enacted

LD 692	Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Develop Best Management Practices for Poultry Production	RESOLVE 63
LD 1021	An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation	PUBLIC 127
LD 1034	An Act To Increase Access to Farm Fresh Poultry	PUBLIC 354

Not Enacted

LD 628	An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry	
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LD 1182 An Act To Prevent Price Gouging in the Sale of Milk

LD 1238 An Act Concerning the National Animal Identification System

*Department of Agriculture - Regulation*

Enacted

LD 316 An Act To Allow Eleven Large Game Shooting Areas in the State PUBLIC 249

LD 1159 An Act Relating to Industrial Hemp PUBLIC 320

Not Enacted

LD 75 Resolve, Directing the Department of Agriculture, Food and Rural Resources To Streamline Agricultural Regulation ONTP

LD 438 An Act To Promote Small Business in Rural Maine by Expanding Game Hunting Opportunities ACCEPTED ONTP REPORT

LD 560 An Act To Ban the Hunting of Animals in Enclosed Areas ONTP

LD 936 An Act To Remove Prior-operation Requirements for Commercial Large Game Shooting Area Licensing ONTP

*Department of Conservation - Administration*

Enacted

LD 863 An Act To Continue the Position of Director of Recreational Access and Landowner Relations P & S 25

*Department of Conservation - Bureau of Parks and Lands*

Enacted

LD 456 An Act To Provide Free Admission to State Parks to Veterans and Military Personnel PUBLIC 220 EMERGENCY

LD 562 An Act To Support Maine State Parks PUBLIC 27 EMERGENCY

LD 1322 An Act To Amend Provisions of the Submerged Lands Law PUBLIC 316 EMERGENCY

LD 1488 An Act To Provide Free Admission to State Parks to All Maine Veterans PUBLIC 440 EMERGENCY

Not Enacted

LD 305 An Act To Renovate and Expand the Boat Launch on Long Lake in St. Agatha ACCEPTED ONTP REPORT

LD 354	An Act To Allow Wider Kayaks in the Allagash Wilderness Waterway	ONTP
LD 509	An Act To Transfer the Operation of the Fort Knox State Historic Site to the Friends of Fort Knox	ACCEPTED ONTP REPORT

*Harness Racing*

Not Enacted

LD 170	An Act To Ensure the Integrity of Harness Horse Racing Track Conditions	LEAVE TO WITHDRAW
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*Land Preservation and Public Access*

Enacted

LD 561	Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland, Farmland or Coastal Lands	RESOLVE 30
LD 914	An Act To Broaden the Use of the Land for Maine's Future Fund for Investments To Promote Public Access and Use of Conserved Lands and To Improve the Productivity of Conserved Farmlands	PUBLIC 178

Not Enacted

LD 247	Resolve, Directing the Commissioner of Conservation To Report on the Status of the Working Group on the Acquisition of Land for Multiple Uses	ONTP
LD 687	Resolve, To Authorize the Department of Conservation To Place Priority on Access to Certain Prominent Water Bodies under the Land for Maine's Future Fund	

*Land transactions*

Enacted

LD 1158	Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands	RESOLVE 64
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*Maine Land Use Regulation Commission*

Enacted

LD 134	An Act To Amend the Occupancy Limits for Campsites in the Unorganized Territories	PUBLIC 16 EMERGENCY
LD 181	An Act To Conform Building Standards in the Unorganized Territories with Federal Emergency Management Agency Requirements	PUBLIC 111
LD 413	An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships	PUBLIC 401

LD 516	<b>An Act To Increase the Number of Members of the Maine Land Use Regulation Commission Who Reside in the Commission's Jurisdiction</b>	<b>PUBLIC 328</b>
LD 1047	<b>An Act To Amend the Review and Approval Process of the Comprehensive Land Use Plan</b>	<b>PUBLIC 375 EMERGENCY</b>
<b><u>Not Enacted</u></b>		
LD 474	<b>An Act To Clarify Land Planning in the Unorganized and Deorganized Townships</b>	<b>ONTP</b>
LD 558	<b>An Act To Amend Notification Procedures of the Maine Land Use Regulation Commission</b>	<b>ONTP</b>
LD 1370	<b>An Act To Reform the Land Use and Planning Authority within the Unorganized Territories of the State</b>	<b>INDEF PP</b>

*Pesticides*

<b><u>Enacted</u></b>		
LD 494	<b>Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control</b>	<b>RESOLVE 114 EMERGENCY</b>
LD 495	<b>Resolve, Regarding Legislative Review of Portions of Chapter 10: Definitions and Terms, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control</b>	<b>RESOLVE 41 EMERGENCY</b>
LD 972	<b>Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Board of Pesticides Control</b>	<b>RESOLVE 115 EMERGENCY</b>
LD 1293	<b>An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment</b>	<b>PUBLIC 378</b>
LD 1460	<b>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</b>	<b>RESOLVE 118 EMERGENCY</b>
<b><u>Not Enacted</u></b>		
LD 68	<b>An Act Regarding the Composition of the Board of Pesticides Control</b>	<b>ONTP</b>
LD 182	<b>An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water</b>	<b>ONTP</b>
LD 183	<b>An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds</b>	<b>LEAVE TO WITHDRAW</b>
LD 559	<b>An Act To Update the Board of Pesticides Control</b>	<b>ONTP</b>

**LD 1239      An Act To Establish a Revenue Source for the Maine Pesticide  
Education Fund**

**LD 1294      An Act To Amend the Laws Governing the Public Hearing  
Process for the Board of Pesticides Control**

**ONTP**

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



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

July 2009

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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

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

**LD 10      An Act To Authorize a General Fund Bond Issue for Wastewater Treatment Facilities and Drinking Water Programs**

**ONTP**

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

The funds provided by this bond issue, in the amount of \$11,100,000, to be expended over 3 years, will be used to fund drinking water programs and wastewater treatment facilities.

LD 913, as enacted, contains a similar bond proposal.

**LD 45      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, 2009**

**PUBLIC 1  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN DIAMOND	OTP-AM	H-2

LD 45 is the Governor's proposed Fiscal Year 2008-09 Emergency Supplemental Bill.

**Committee Amendment "A" (H-2)**

Committee Amendment "A" (H-2) is the unanimous report of the Committee in response to the Governor's proposed bill.

**Enacted Law Summary**

Public Law 2009, chapter 1 achieves a net savings to the General Fund of \$139,508,644 and a net cost to the Fund for a Healthy Maine of \$5,252,296.

PART A makes appropriations and allocations of funds for the fiscal year 2008-09.

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

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

PART D transfers unexpended funds and lapses funds from the Department of Administrative and Financial Services, Bureau of General Services - Capital Construction Reserve Fund, Other Special Revenue Funds account.

PART E provides for the transfer of funds from the Maine Budget Stabilization Fund to offset a General Fund revenue shortfall; establishes a Federal Relief funds Reserve account to receive savings resulting from the temporary increase in the federal medical assistance percentage which will be used for payment of MaineCare hospital settlements and other healthcare expenditures; and recognizes and offsets the revenue loss associated

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

with the prior period accounting error in the recording of sales and use tax revenue.

PART F authorizes the State Budget Officer to adjust the allocations in the Fund for a Healthy Maine if actual revenue collections for the fiscal year are less than the approved legislative allocations.

PART G lapses funds in the Personal Services line Category in the Division of Forest Protection General Fund account and provides for the transfer of funds within Other Special Revenue accounts within the Department of Conservation.

PART H provides for the transfer of unexpended funds from Other Special Revenue funds, Elderly Tax Deferral program.

PART I relates to estimated tax payments on unusual event income and requires the State Tax Assessor to waive the penalty for underpayment of estimated tax in certain circumstances.

PART J relates to the judicial branch's use of space in county courthouses and providing flexibility in the use of savings in Personal Services.

PART K transfers funds no longer needed for supplemental life insurance payments for members of the National Guard or the Reserves of the United States Armed Forces.

PART L lapses funds from General Fund legislative accounts.

PART M authorizes transfers from the Museum Sales Program Revolving Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART N authorizes the transfer of funds from the Department of Inland Fisheries and Wildlife Carrying Balances - General Fund account to several program accounts within the department.

PART O transfers funds from the Victims' Compensation Fund to the unappropriated surplus of the General Fund.

PART P maintains the mill rate on telecommunications personal property.

PART Q clarifies that the property tax contribution to the funding of the jails is exactly the capped amount.

PART R authorizes the transfer of funds to the Bureau of Administrative Services and Corporations program, Other Special Revenue funds, Help America Vote Act account.

PART S eliminates the Department of Corrections, Office of Advocacy.

PART T requires the Maine Center for Disease Control and Prevention to amend the rules regarding fees in the radiation control program.

PART U authorizes the Commissioner of Education to accelerate the process for renewal notices to teachers who hold provisional certificates and provisional extensions.

PART V requires the rules regarding reimbursement for physicians under the MaineCare program to be amended.

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PART W allows remaining All-Other balances in the Department of Health and Human Services, Bureau of Medical Services, General Fund account to carry forward to June 30, 2010.

PART X authorizes the transfer of funds to the Callahan Mine Site Restoration, Other Special Revenue Funds program.

PART Y authorizes the Department of Corrections to transfer of All Other funds by financial order between accounts within the same fund for specified purposes.

PART Z delays the tax credit for rehabilitation of historic properties with respect to the Kennebec Arsenal District National Historic Landmark.

PART AA transfers overpayments for retiree health insurance with respect to the Maine Community College System to the General Fund.

PART BB lapses projected salary savings in the Compensation and Benefit Plan, General Fund account.

PART CC repeals the current provision of the statute regarding the distribution of rental income to the Department of Defense, Veterans and Emergency Management and gives the Department of Administrative and Financial Services, Bureau of General Services more discretion regarding the level of funding transferred.

Public Law 2009, chapter 1 was enacted as an emergency measure effective January 29, 2009.

**LD 153      An Act To Authorize a General Fund Bond Issue for the Land for  
Maine's Future Board**

**ONTP**

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

The funds provided by this bond issue, in the amount of \$30,000,000, will be used to recapitalize the Land for Maine's Future Fund over 2 years to continue the State's land conservation efforts, leveraging a minimum of \$15,000,000 in required matching funds.

LD 913, as enacted, contains a similar bond proposal.

**LD 203      An Act To Authorize a General Fund Bond Issue To Assist the  
University of Maine System in the Conversion of the Educational  
Broadband Spectrum from Analog to Digital**

**ONTP**

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

The funds provided by this bond issue, in the amount of \$2,000,000, will be used to provide funds for the University of Maine System to convert current analog educational broadband spectrum to digital in order to comply with the FCC mandate and not lose the opportunity to lease excess broadband capacity.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 214      An Act To Authorize a General Fund Bond Issue for Economic Recovery** **ONTP**

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

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to increase 2 Finance Authority of Maine business programs, a direct loan program and a loan insurance program by \$10,000,000 each to assist businesses facing loss of revenues and that require business restructuring.

**LD 222      An Act To Authorize a General Fund Bond Issue To Improve State Parks** **ONTP**

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

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to improve facilities at state parks.

LD 913, as enacted, contains a similar bond proposal.

**LD 230      An Act To Authorize a General Fund Bond Issue for the Purchase and Protection of Traditional Hunting Grounds** **ONTP**

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to provide funds for the purchase and protection of traditional hunting grounds.

**LD 280      An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses** **ONTP**

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

The funds provided by this bond issue, in the amount of \$2,500,000, will be used for the repair of traditional meetinghouses in the State, such as grange halls, community houses and other traditional public areas of gathering in

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

a community.

**LD 302      An Act To Require Review by the Joint Standing Committee on  
Appropriations and Financial Affairs of Transfers of MaineCare Funds**

**ONTP**

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

This bill eliminates authority previously granted to the Department of Health and Human Services for the 2008-2009 biennium to transfer funds between MaineCare programs by financial order without approval of the Joint Standing Committee on Appropriations and Financial Affairs.

Public Law 2009 chapter 213 Part SSSS extends the termination date for the additional authority granted to transfer funds between MaineCare programs to June 30, 2011.

**LD 353      An Act Making Unified Appropriations and Allocations for the  
Expenditures of State Government, General Fund and Other Funds,  
and Changing Certain Provisions of the Law Necessary to the Proper  
Operations of State Government for the Fiscal Years Ending June 30,  
2009, June 30, 2010 and June 30, 2011**

**PUBLIC 213  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN DIAMOND	OTP-AM	H-350 H-408 CAIN

LD 353 is the Governor's proposed 2010-2011 Biennial Budget Bill.

**Committee Amendment "A" (H-350)**

Committee Amendment "A" (H-350) is the unanimous report of the Committee in response to the Governor's proposed bill.

**House Amendment "E" To Committee Amendment "A" (H-408)**

This amendment makes the following technical corrections to Committee Amendment "A": clarifies that the transfers made under Part RRR are being made to the General Fund; Corrects the total for the number of members on the Task Force on the Sustainability of the Dairy Industry in Maine in Part TTT; corrects allocation amounts for revenue-sharing programs based upon available revenues in a new Part; and eliminates position counts added in error for limited-period positions authorized in Resolve 2009, chapter 46.

**Enacted Law Summary**

PART A makes appropriations and allocations of funds for the 2010-2011 biennium.  
PART B makes appropriations and allocations of funds for approved reclassifications and range changes.  
PART C relates to the funding of K-12 education.

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PART D amends the law regarding the duties of the Commissioner of Education and renames a program in the Department of Education.

PART E adjusts current law to maintain the Maine estate tax at its current level, changes the binding of the State Tax Assessor to federal determination rulings and amends the definition of "federal gross estate".

PART F affects the level and timing of transfers to the Maine Clean Election Fund.

PART G increases license fees levied by the Department of Marine Resources.

PART H converts the basis of the excise tax on smokeless tobacco products from the wholesale price to one based on weight.

PART I suspends the application of the Fiscal Stability Program in the Department of Inland Fisheries and Wildlife to the 2012-2013 biennial budget.

PART J authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into lease-purchasing agreements for the acquisition of certain types equipment and software.

PART K renames a program in the Department of Marine Resources.

PART L renames a program and changes references to certain positions in the Department of Conservation.

PART M relates to the funding of code enforcement training and certification and removes the requirement that the State Planning Office provide for training humane agents and state veterinarians in court procedures.

PART N delays inclusion of teachers as beneficiaries under the Irrevocable Trust Fund for Other Post-employment Benefits and directs the Treasurer of State to convene a work group to review the unfunded liability obligations for retiree health benefits for teachers.

PART O limits reimbursements to municipalities under the Maine Tree Growth Tax Law.

PART P affects the rate of tax imposed on telecommunications personal property and directs the Joint Standing Committee on Taxation to review the telecommunications personal property tax and other forms of taxation of telecommunications providers .

PART Q repeals the Maine Criminal Justice Commission.

PART R authorizes the transfer of savings from not having granted a salary increase to certain unclassified employees on January 1, 2009.

PART S simplifies state-municipal revenue sharing; realigns the timing of the transfers to the Local Government Fund; transfers additional fixed dollar amounts to the General Fund from state-municipal revenue sharing on a one-time basis; corrects conflicts in the current law and makes a technical correction to a cross-reference to the service provider tax.

PART T authorizes transfers within the Department of Corrections to pay for food, heating and utility expenses and departmental overtime expenses; requires the Commissioner of Corrections to review the current organizational structure to improve organizational efficiency and cost-effectiveness; and authorizes the State

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Budget Officer to transfer positions and available balances by financial order.

PART U limits the allowable benefit under the Business Equipment Tax Reimbursement, or "BETR," program.

PART V transfers funds from Other Special Revenue Funds to the unappropriated surplus of the General Fund to provide funding for retroactive costs associated with personnel action at the Department of the Secretary of State, Maine State Archives.

PART W establishes the Prisoner Boarding Fund as a nonlapsing General Fund account to separately account for funding to board prisoners at county jails.

PART X relates to notification of changes in liquor laws and regulations by the Department of Public Safety, Bureau of Liquor Enforcement.

PART Y authorizes the Commissioner of Administrative and Financial Services to implement a new employee retirement incentive program, specifies a time period for maintaining resulting vacancies and requires a report to the Joint Standing Committee on Appropriations and Financial Affairs.

PART Z continues the voluntary employee incentive programs during the 2010-2011 biennium and recognizes the resulting savings to be lapsed to the General Fund.

PART AA recognizes projected additional Personal Services savings for the General Fund account for all executive branch departments and agencies statewide from an increase in the attrition rate and requires a report to the Joint Standing Committee on Appropriations and Financial Affairs on the distribution of the savings and the adjustment to appropriations for each affected General Fund account.

PART BB allows the transfer of accrued Personal Services savings between and within department accounts in the General Fund and Highway Fund to make up for shortfalls caused by not meeting the increase attrition rate assumption.

Part CC reduces MaineCare reimbursement to critical access hospitals; provides for a phased-in change to MaineCare reimbursement for hospital inpatient and outpatient services based on the Medicare diagnostic group and ambulatory payment classification models; requires reports on the progress and impact of the reimbursement changes; and requires rulemaking to implement a number of changes in MaineCare reimbursement to hospital and non-hospital based providers.

PART DD authorizes a transfer from the unappropriated surplus of the General Fund to the Medical Care - Payments to Providers program, General Fund account at the end of fiscal year 2008-09 to be used for obligations of the MaineCare program and for hospital settlements and provides for an additional authorized transfer at the end of fiscal year 2009-10 if available funds in the prior year are below a specified amount. this part also repeals a previously authorized transfer from the General Fund to the Dirigo Health Fund at the end of fiscal year 2009-09.

PART EE repeals requirement that the Department of Health and Human Services, Office of MaineCare Services reduce Legislative Count by a minimum of 100 positions by June 19, 2010.

PART FF changes the name of the Federal Relief Funds Reserve account that was established to the Economic Recovery Fund account and extends the provisions enacted in Public Law 2009, chapter 1, Part E.

PART GG alters the cost-sharing arrangement for the cost of premiums for individual health insurance for state

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

employees.

PART HH retroactively changes the reporting date for the recommendations of the Commission To Review Short-term and Long-term Costs in the Maine Public Employees Retirement System.

PART II authorizes a transfer of excess General Fund revenue to the Office of Information Technology Internal Service Fund to partially fund an improved payroll and position management system.

PART JJ transfers the General Fund share of overpayments for retiree health insurance by the Maine Community College System to the unappropriated surplus of the General Fund. And requires the State Controller to determine and reimburse the balance due to the Maine Community College System.

PART KK authorizes the transfer of funds from Other Special Revenue Funds to the Dirigo Health Enterprise Fund to be repaid with interest and a working capital advance to Dirigo Health Enterprise Fund from the General Fund.

PART LL suspends the annual cost-of-living adjustment to the salary for Legislators for the Second Regular Session of the 124th Legislature; codifies the equalization of the salary of legislators during their 2-year term so that life insurance coverage is the same for each year of the biennium; and specifies a total amount in each fiscal year of the biennium to be lapsed from accounts within the legislative branch to the General Fund.

PART MM directs the Commissioner of Conservation to review the fees currently charged by the Department of Conservation, Bureau of Parks and Lands and to design and implement changes that will result in specified additional undedicated General Fund revenue.

PART NN removes from the apportionment of income calculation the sales of tangible personal property by businesses operating in more than one state under certain circumstances.

PART OO does the following within the Department of Inland Fisheries and Wildlife: increases the amount of each motorized watercraft registration that is solely dedicated to the Department of Inland Fisheries and Wildlife; increases, changes or recombines various resident and nonresident and alien hunting licenses, permit fees and registration tags for hunting, fishing and whitewater rafting; increases boat and personal watercraft registration fees and increases the minimum penalty for operating certain unregistered vehicles and watercraft; requires certain seaplanes to have a milfoil sticker; and changes the options for nonresident snowmobile registrations.

PART PP requires the Department of Health and Human Services and the Department of Education to work together on potential changes to MaineCare eligibility under the Katie Beckett option and to report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Education and Cultural Affairs regarding their progress.

PART QQ requires the State Court Administrator to achieve specified projected savings; requires remaining balances in the debt service program of the judicial branch to be carried forward; directs the Chief Justice to prepare the budget for the judicial branch; authorizes the Chief Justice to approve financial orders for transfers within the judicial branch and directs the judicial branch increase the total court fee revenue by a specified amount to be used for capital expenses.

PART RR allows the Department of Corrections to finance repair projects that are essential for the operation of correctional facilities.

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PART SS directs the transfer from the unappropriated surplus of the General Fund to the Callahan Mine Restoration Other Special Revenue Funds program.

PART TT relates to the consolidation of information technology in the executive branch.

PART UU requires the State Budget Officer to calculate and transfer savings resulting from improvements in contracting with vendors and the use of procurement cards.

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

PART WW abolishes the Municipal Budget Analysis Committee.

PART XX relates to the targeted funds provision for secondary schools in the unorganized territory.

PART YY Part requires Jobs for Maine's Graduates to file an annual audit report with the Commissioner of Education.

PART ZZ requires the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to file an annual audit report with the Commissioner of Education.

PART AAA changes the method of determining the reimbursement for eligible students educated in long-term drug treatment centers.

PART BBB changes the responsibility for the certification of payrolls from the Director of Human Resources to the State Controller.

PART CCC allows for one day borrowing from Other Special Revenue funds to the General Fund at the end of fiscal year 2009-10 to Other Special Revenue at the beginning of the next fiscal year with interest.

PART DDD renames 2 programs in the Department of Health and Human Services.

PART EEE provides an interim governance, operating and budgeting process for certain school administrative units.

PART FFF removes the requirement that local school units must pay teacher retirement from federal funds received when those federal funds are being distributed to local school units from the American Recovery and Reinvestment Act of 2009.

PART GGG changes the references to "State Board of Corrections Investment Fund" to "State Board of Corrections Investment Fund program" and clarifies its autonomous status.

PART HHH moves remaining funds from the State Board of Corrections Investment Fund Program in the Department of Corrections to the State Board of corrections and establishes the latter as a non-lapsing account.

PART III requires the Workers' Compensation Board to transfer a specified amount from the Employment Rehabilitation Fund to its administrative fund for the purpose of reducing the annual assessments on employers for fiscal years 2009-10 and 2010-11.

PART JJJ removes the reimbursement caps of training funds paid to an employer as part of the Governor's Training Initiative Program and requires the Department of Labor to recommend a revised method of

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

determining payments.

PART KKK amends the definition of "motor vehicle oil", changes the premium on prepackaged motor vehicle oil and changes or adds reporting requirements regarding revenue collected from the premium on motor vehicle oil.

PART LLL deappropriates funds from the elimination of 5 unspecified positions within the Department of Corrections.

PART MMM provides for transfers from the Maine Budget Stabilization Fund to General Fund unappropriated surplus by the close of fiscal year 2008-09 and the close of fiscal year 2009-10 to offset a revenue shortfall.

PART NNN provides for the transfer from the Reserve for General Fund Operating, Department the General Fund by the close of fiscal year 2008-09 to offset a revenue shortfall.

PART OOO provides for allocations from the State Contingent Account for investments in the development of early care and education infrastructure and transfers funds from the General Fund to the State Contingent Account for that purpose.

PART PPP establishes the 2009 Tax Receivables Reduction Initiative waiving 90% of the penalties due if the tax and interest are paid during the initiative period.

PART QQQ continues the initiative to streamline State Government enacted by PL 2007, chapter 240, Part QQQ in order to achieve additional General Fund savings of at least \$30,000,000 during the 2010-2011 biennium.

PART RRR transfers balances from several Other Special Revenue Funds accounts throughout State Government resulting from Personal Services line savings initiatives.

PART SSS authorizes 10 shutdown days for the executive branch of State Government and denies the awarding of merit pay and longevity pay to employees in the various departments and agencies within the executive and judicial branches in each year of the 2010-2011 biennium; allows alternative Personal Services savings initiatives to be implemented in place of the elimination of merit pay, if mutually agreed upon by the State and the state employees' bargaining agents; provides that the determination of average annual rate of earnable compensation of a member of the Maine Public Employees Retirement System not be affected by the lost pay resulting from this part if the member makes the employee contribution that he or she would have made if the wages had not been reduced. The Legislature will determine the manner in which to implement reductions in Personal Services expenditures which may include office closures and elimination of merit and longevity pay.

PART TTT caps the amount transferred from the General Fund and distributed to support Maine milk producers fiscal year 2008-09 and the 2010-2011 biennium, suspends payments under the Maine milk income loss contract, establishes a task force to examine the State's dairy industry and authorizes the Maine Milk Commission to establish 4 tiers of production.

PART UUU authorizes the State Controller to carry forward any unexpended debt service funds in the Office of Treasurer of State, Debt Service, General Fund account at the end of fiscal years 2008-09 and 2009-10 for their intended use through June 30, 2011.

PART VVV authorizes the expenditure of federal American Recovery and Reinvestment Act of 2009 funding by financial order with certain restrictions and authorizes the transfer of funds amounts to cover administrative

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expenses.

PART WWW changes the method of indexing the individual income tax brackets.

PART XXX limits the allowable benefit under the Maine Residents Property Tax Program.

PART YYY reduces the Maine resident homestead property tax exemption.

PART ZZZ eliminates all federal net operating loss carry-forwards and the recapture of previously denied federal net operating loss carry-backs and allows the recapture of the disallowed deductions under specified circumstances.

PART AAAA requires financial institutions to disclose automated search account information to Maine Revenue Services for the purpose of establishing, modifying and enforcing tax debts.

PART BBBB updates the Maine Revised Statutes, Title 36 to conform the Maine tax code to the federal tax code, primarily affecting the State's income tax and estate tax laws. It also amends provisions of Maine Revised Statutes, Title 36 related to federal bonus depreciation, income from the discharge of certain business indebtedness, Maine individual income tax standard deduction amounts, unemployment compensation benefits and the Maine earned income tax credit.

PART CCCC establishes the Penalty Reserve within the General Purpose Aid to Local Schools program, specifies its purpose. It also requires the Commissioner of Education to report on the balance of the Penalty reserve and provide recommendations on how to disburse the funds.

PART DDDD directs the Department of Health and Human Services, Office of Substance Abuse to conduct data collection on the need for gambling addiction services and report its results.

PART EEEE authorizes the Department of Administrative and Financial Services, on behalf of the Department of Education, to enter into financing arrangements in fiscal year 2009-10 for the acquisition of portable computer systems to support the operations of the Maine Learning Technology Initiative program and specifies legislative intent regarding the program.

PART FFFF establishes the Water Quality Improvement Fund, through surcharges on specified activities to provide funding for grants to identify and abate pollution in shellfish growing areas and to pay the 3 employees within the Department of Marine Resources in the Shellfish Fund account within the Bureau of Resource Management program; clarifies how the fund may be distributed; provides for a transfer of funds from the General Fund to be repaid by revenues credited to the Water Quality Improvement Fund and a transfer from the Land Management and Planning Program, Submerged Lands Fund, Other Special Revenue Funds account within the Department of Conservation to the Bureau of Resource Management program, Shellfish Fund, Other Special Revenue Funds account within the Department of Marine Resources in fiscal years 2009-10 and 2010-11.

PART GGGG phases out the Maine Juvenile Drug Treatment Court program.

PART HHHH proposes to increase the fee assessed to the unorganized territories and to towns and plantations to fund the Land Use Regulation Commission (LURC) and adds a requirements to the annual report.

PART IIII lapses unencumbered balance forward in the personal services line category in the Education in Unorganized Territory, General Fund account to the General Fund on June 30, 2009.

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PART JJJJ authorizes the Department of Public Safety's liquor licensing and compliance division to license additional agency liquor stores and requires the division to consider whether an applicant can satisfy certain criteria when determining whether to issue a license.

PART KKKK provides additional time for a school administrative unit to comply with the reorganization law under specified circumstances.

PART LLLL requires the Department of Health and Human Services develop a plan, in conjunction with a stakeholders group, to achieve specified savings General Fund savings in assertive community treatment in children's behavioral health in fiscal year 2010-11. In the absence of an agreement, the department must adopt routine technical rules to achieve the savings.

PART MMMM directs the Department of Health and Human Services to work with alternative response program providers to achieve specified targeted savings and specifies the areas to be given priority in achieving the savings.

PART NNNN limits the amount distributed to certified legislative candidates by the Commission on Governmental Ethics and Election Practices during the 2010 election cycle to 5% less than the amount distributed during the 2008 election cycle and the amount distributed to certified gubernatorial candidates during the 2010 election cycle from 5% less than the amount that would be distributed pursuant to the Maine Revised Statutes; allows certified gubernatorial and legislative candidates to raise an additional amount of seed money to cover the reduction; and requires the transfer of the resulting, specified, savings to the General Fund by the end of each fiscal year of the biennium.

PART OOOO corrects a contradiction in the statutory language regarding the warrant article in the Maine Revised Statutes, Title 20-A, section 1512, subsections 1 and 6.

PART PPPP directs the Department of Health and Human Services to investigate the feasibility establishing a risk-based managed care contract for specific MaineCare populations or services and report back to the Joint Standing Committee on Health and Human Services.

PART QQQQ This Part makes appropriations and allocations for the fiscal year ending June 30, 2009.

PART RRRR authorizes the Department of Health and Human Services to adopt emergency rules to implement certain provisions of this Act.

PART SSSS establishes June 30, 2011 as the termination date for the additional authority granted to transfer funds between MaineCare programs and extends MaineCare reporting requirements through the biennium.

PART TTTT provides for the generation of tax revenue from tax debtors using mining techniques on an integrated data warehouse. Data in the data warehouse will also be used to in projecting state tax revenue.

PART UUUU provides for a proportional deallocation in the Fund for a Healthy Maine.

PART VVVV deappropriates General Fund savings from implementing a decrease in charges for the services of the Department of Administrative and Financial Services, Division of Financial and Personnel Services and Office of Information Technology.

PART WWWW increases the maximum amount of securities that may be issued by the Maine Governmental

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Facilities Authority for specific allocation to the judicial branch.

PART XXXX extends the authority for the Maine Governmental Facilities Authority to issue securities for capital repairs and improvements to state-owned facilities.

PART YYYY increases the motor vehicle license reinstatement fee for certain suspensions and provides that a percentage of specified fees accrues to the General Fund.

PART ZZZZ modifies the calculation of the 2012-2013 biennial budget baseline for the Medical Care - Payments to Providers program.

PART AAAAA was added by House Amendment "E" to Committee Amendment "A" (H-408) to make technical corrections to Part A and eliminate position counts added in error for previously authorized limited-period positions.

**LD 369      An Act To Authorize a General Fund Bond Issue To Rebuild a Bulkhead and Wharf at the Gulf of Maine Research Institute      ONTP**

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

The funds provided by this bond issue, in the amount of \$2,200,000, will be added to other funds already secured through bonds and federal money to rebuild a bulkhead and wharf at the Gulf of Maine Research Institute.

LD 913, as enacted, contains a similar bond proposal.

**LD 439      An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy      ONTP**

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

The bill authorizes a bond issue of up to \$50,000,000 per year for each of the next 4 years totaling up to \$200,000,000 to be used for competitive grants to stimulate economic growth and job creation through investments in research and development and commercialization.

**LD 472      An Act To Authorize a General Fund Bond Issue for Energy Conservation      ONTP**

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

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The funds provided by this bond issue, in the amount of \$50,000,000, will be used for low-interest loans for energy conservation in private homes.

**LD 507      An Act To Authorize a General Fund Bond Issue for the Construction of a Multiuse Arena in Bangor** **ONTP**

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

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to provide funds to build a multiuse convention arena in the City of Bangor.

**LD 518      An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine** **ONTP**

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

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to expand research in adult stem cells, establish a public umbilical cord blood bank, award grants to aid in the development of umbilical cord blood banks and establish an advisory council on umbilical cord blood banks.

**LD 629      An Act To Require That the 3 Branches of Government Be Listed Separately in Budget Documents and Budget Bills** **ONTP**

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

This bill requires the Governor to segregate the agencies of the judicial, legislative and executive branches into separate parts within the budget document and the budget bills.

**LD 660      An Act To Authorize a General Fund Bond Issue To Maintain Train Quiet Zone Status in Millinocket** **ONTP**

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

The funds provided by this bond issue, in the amount of \$750,000, will be used to provide funds for the Town of Millinocket for 3 railroad street crossings with appropriate warning lights and gates to maintain quiet zone status as

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defined in Federal Railroad Administration rules.

- LD 684      An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Interest in Land for Public Land and Water Access, Conservation, Wildlife and Fish Habitats, Outdoor Recreation Including Hunting and Fishing and Farmland Preservation and To Access Matching Contributions from Public and Private Sources** **ONTP**

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

The funds provided by this bond issue, in the amount of \$87,500,000, will be used to recapitalize the Land for Maine's Future program over 4 years to continue the State's land conservation efforts, leveraging a minimum of \$43,750,000 in required matching funds.

LD 913, as enacted, contains a similar bond proposal.

- LD 709      An Act To Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide a Trained Workforce** **ONTP**

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

The funds provided by this bond issue, in the amount of \$60,000,000, will be used to support weatherization and other energy efficiency improvements for Maine homes, businesses and public buildings. Funds are also provided to expand the workforce for weatherization and energy efficiency services and other parts of the economy.

LD 913, as enacted, contains a similar bond proposal.

- LD 729      An Act To Authorize a General Fund Bond Issue To Create a New Health Care Internet Infrastructure** **ONTP**

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

The funds provided by this bond issue, in the amount of \$10,000,000, will be used to provide funds to create a system to allow for real-time access of up-to-date data concerning medical records and accessibility between hospitals and health care providers in the State.

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**LD 732      An Act To Authorize a General Fund Bond Issue To Support Small Businesses' Access to Capital      ONTP**

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

The funds provided by this bond issue, in the amount of \$30,000,000, will be used to provide for disbursements to qualifying small businesses in the State seeking to pursue eligible projects and for funds for the Regional Economic Development Revolving Loan Program Fund and the economic recovery loan program administered by the Finance Authority of Maine.

**LD 770      An Act To Authorize a General Fund Bond Issue for Research and Development      ONTP**

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

The funds provided by this bond issue, in the amount of \$75,000,000, will be used to provide funds for research and development.

**LD 775      An Act To Authorize a General Fund Bond Issue To Fund the Communities for Maine's Future Program      ONTP**

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

The funds provided by this bond issue, in the amount of \$29,000,000, fund the Communities for Maine's Future Fund and the Historic Preservation Revolving Fund. Both funds are established in this bill.

LD 913, as enacted, contains a similar bond proposal.

**LD 776      An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Board      ONTP**

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

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The funds provided by this bond issue, in the amount of \$40,000,000, will be used to provide funds for a 2-year distribution of \$20,000,000 each year to secure public access to Maine's land and water resources or to ensure quality and availability of natural resources.

LD 913, as enacted, contains a similar bond proposal.

**LD 810      An Act To Authorize a General Fund Bond Issue for School Construction and Renovation Projects That Demonstrate Cost Savings      ONTP**

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

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to provide funds for the design and planning of projects and their construction and renovation. The projects must best demonstrate significant cost savings through innovative partnerships, consolidation efforts and efficiency improvements in school districts, leveraging 25% in required matching funds.

**LD 858      An Act To Authorize a General Fund Bond Issue To Fund Energy Investments for Maine's Future      ONTP**

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

The funds provided by this bond issue, in the amount of \$28,000,000, will be used to provide for investments in renewable energy technologies and energy conservation projects.

**LD 894      An Act To Establish the Maine Farmland Fund and Authorize a General Fund Bond Issue To Support Maine's Traditional Industries      ONTP**

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

The funds provided by this bond issue, in the amount of \$16,000,000, will be used to provide funds for preservation of working waterfronts and farmland by providing funds directly to land trusts using the federal farmland preservation standards as benchmarks, providing funds for appraisal costs of donated easements for working waterfronts and farmland and providing funds for food processing for fishing and agricultural industries. This bill also establishes the Maine Farmland Fund.

LD 913, as enacted, contains a similar bond proposal.

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**LD 895      An Act To Authorize a General Fund Bond Issue To Renovate      ONTP**  
**Classrooms, Laboratories and Other Essential Teaching and Learning**  
**Facilities in the University of Maine System and the Maine Community**  
**College System**

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

The funds provided by this bond issue, in the amount of \$93,510,000, will be used to modernize and improve the teaching laboratories, libraries and general classrooms and perform energy efficiency upgrades and repairs in the University of Maine System and Maine Community College System.

LD 913, as enacted, contains a similar bond proposal.

**LD 909      An Act To Authorize a General Fund Bond Issue To Fund Research and      ONTP**  
**Development for Cancer**

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

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to provide funds for research and development, as prioritized by the Department of Economic and Community Development, Office of Innovation in consultation with the Maine Cancer Consortium in accordance with its Maine Comprehensive Cancer Control Plan, in which the funds must be awarded through a competitive process to Maine-based public and private institutions.

**LD 910      An Act To Authorize a General Fund Bond Issue To Promote      ONTP**  
**Sustainable Green Housing**

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

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to provide funds to promote sustainable environmentally friendly housing by assisting with both building new housing and rehabilitating existing housing.

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**LD 911      An Act To Authorize a General Fund Bond Issue for Affordable Housing      ONTP**

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

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to provide funds for low-interest loans for construction of new homes.

**LD 912      An Act To Authorize a General Fund Bond Issue for Capital Projects for Hospitals      ONTP**

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

The funds provided by this bond issue, in the amount of \$100,000,000, will be used for capital projects for hospitals and capital projects for hospital-based research and development.

**LD 913      An Act To Authorize Bond Issues for Ratification by the Voters for the November 2009 and June and November 2010 Elections      PUBLIC 414**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MITCHELL E	OTP-AM MAJ ONTP MIN	H-583

LD 913 is the Governor's proposed bond issue.

**Committee Amendment "A" (H-583)**

Committee Amendment "A" (H-563) is the majority report of the Committee in response to various general obligation bond proposals.

**Enacted Law Summary**

Public Law 2009, chapter 414 does the following:

PART A authorizes a bond issue for improvements to highways and bridges, airports, public transit facilities, ferry and port facilities, including port and harbor structures, as well as funds for the LifeFlight Foundation, that will make the State eligible for federal and other matching funds. Part A requires a November 2009 referendum.

PART B authorizes a bond issue to make investments for the Communities for Maine's Future Program; establish a revolving fund for the purpose of acquiring significant historic properties to be matched by public and private contributions; provide funding for research and development investments administered by the Maine Technology Institute to be matched by other funds; provide funds for disbursements to qualifying small businesses; provide

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grants for food processing for fishing, agricultural, dairy and lumbering businesses within the State and fund redevelopment projects at the Brunswick Naval Air Station that will make the State eligible for federal and other matching funds. Part B requires a June 2010 referendum.

PART C authorizes a bond issue to provide funds for a drinking water revolving loan fund and wastewater revolving loan fund; for wastewater grants to small communities and wastewater treatment facility construction grants; to investigate and clean up hazardous waste in uncontrolled sites; to provide assistance to homeowners whose homes are serviced by substandard or malfunctioning wastewater treatment systems; and to assist farmers in renovating or constructing pollution control structures and in developing sustainable water sources and distribution systems to be matched by federal and other funds. Part C requires a June 2010 referendum.

PART D authorizes a bond issue to provide for investments in weatherization and energy efficiency projects and green energy workforce development; for infrastructure and energy efficiency upgrades at campuses of the University of Maine System, the Maine Community College System and the Maine Maritime Academy; and for the creation of a fund to develop one or more ocean wind energy demonstration sites. Part D requires a June 2010 referendum.

PART E authorizes a bond issue to invest in land conservation and working waterfront preservation and to improve state parks to be matched by federal and other funds. Part E requires a November 2010 referendum.

PART F requires the Finance Authority of Maine to establish rules to administer funds for grants and loans for food processing for the fishing and agricultural industries contingent on approval of the bond issue authorized for that purpose.

PART G establishes the Communities for Maine's Future Program and an accompanying fund and the Historic Preservation Revolving Fund contingent on approval of the bond issue authorized for those purposes.

PART H establishes the Maine Marine Wind Energy Demonstration Site Fund and language to implement a demonstration site contingent on the passage of the bond issue authorized for that purpose.

**LD 957      An Act To Establish a New Method of Determining the State Budget**

**Carried Over**

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

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 for the fiscal year that begins on July 1, 2012. This bill also provides that the state budget beginning on July 1, 2011 is a one-year budget.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

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**LD 1136 An Act To Reduce Maine's Debt by Applying Year-end Departmental Balances to the Debt Service**

**ONTP**

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

This bill requires the State Controller at the end of the fiscal year to transfer the unused balance of a state department or agency appropriation made for that year to an account to satisfy a debt obligation of the State.

**LD 1387 An Act To Strengthen Maine's Financial Future in Perpetuity**

**Carried Over**

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

This bill establishes the Irrevocable Budget Trust Fund and requires the Legislature to appropriate 5% of General Fund revenues to the Irrevocable Budget Trust Fund, beginning with fiscal year 2010-11. The Treasurer of the State and the State Controller, as trustees of the fund, are required to invest the money in the fund. Beginning with fiscal year 2011-12, 5% of the earnings in the fund are transferred back to the General Fund.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 1481 An Act To Authorize a General Fund Bond Issue To Fund Energy Efficiency Investments for Maine's Future**

**Carried Over**

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

The funds provided by this bond issue, in the amount of \$30,000,000, will be used to provide for investments in weatherization and energy efficiency projects and green energy workforce development. This bill was reported to the House for the Joint Select Committee on Maine's Energy Future pursuant to Joint Order 2007, H.P. 63. and Committed to the Committee on Appropriations and Financial Affairs.

LD 913, as enacted, contains a similar bond proposal for weatherization and energy efficiency projects.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

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**LD 1483    Resolve, To Stimulate the Maine Economy by Allowing the Federal First-time Home Buyer Tax Credit To Be Used at Closing of a Real Estate Transaction**

**RESOLVE 133  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY	OTP-AM	H-569

This bill allows the Treasurer of State to deposit up to \$4,000,000 with financial institutions in the State at a reduced rate of return and requires those financial institutions to provide bridge loans to first-time home buyers for the purpose of making home energy improvements or down payment assistance to allow those first-time home buyers to take advantage of the federal housing tax credit for first-time home buyers.

**Committee Amendment "A" (H-569)**

This amendment replaces the bill with a resolve that provides that, if the United States Internal Revenue Service permits the first-time home buyer tax credit available under the federal American Recovery and Reinvestment Act of 2009 to be paid directly to 3rd parties, the administrator of the Maine Consumer Credit Code may adopt routine technical rules to facilitate the use of the tax credit funds for the financing of all or part of the down payment, closing costs, prepaid expenses and home energy improvement costs of first-time home buyers by supervised lenders and supervised financial organizations.

**Enacted Law Summary**

Resolve 2009, chapter 133 provides that, if the United States Internal Revenue Service permits the first-time home buyer tax credit available under the federal American Recovery and Reinvestment Act of 2009 to be paid directly to 3rd parties, the administrator of the Maine Consumer Credit Code may adopt routine technical rules to facilitate the use of the tax credit funds for the financing of all or part of the down payment, closing costs, prepaid expenses and home energy improvement costs of first-time home buyers by supervised lenders and supervised financial organizations.

Resolve 2009, chapter 133 was finally passed as an emergency measure effective June 15, 2009.

**LD 1489    An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011**

**PUBLIC 371  
EMERGENCY**

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

LD 1489 is the Governor's proposed emergency Supplemental Budget Bill for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011. It was introduced in the House without reference to a committee.

**Enacted Law Summary**

Public Law 2009, chapter 371 does the following:

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PART A makes supplemental appropriations and allocations for the expenditures of State Government necessary to the proper operation of State Government for fiscal years ending June 30, 2009, June 30, 2010 and June 30, 2011.

PART B amends the transfer amount from the Maine Budget Stabilization Fund to General Fund unappropriated surplus at the close of fiscal year 2008-09 approved in Public Law 2009, chapter 213, Part MMM and eliminates the fiscal year 2009-10 transfer and transfers a specified amount to the Maine Budget Stabilization Fund at the end of fiscal year 2010-11 in addition to funds that would otherwise be transferred to the Maine Budget Stabilization Fund under current statute.

PART C ensures that up to a specified amount of the balance of the General Fund unappropriated surplus at the close of fiscal year 2008-09 is made available as a resource for the 2009-10 General Fund budget as enacted in Public Law 2009, chapter 213.

Public Law 2009, chapter 371 was enacted as an emergency measure effective June 11, 2009.

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SUBJECT INDEX

*Budget Bills*

Enacted

LD 45	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, 2009	PUBLIC 1 EMERGENCY
LD 353	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011	PUBLIC 213 EMERGENCY
LD 1489	An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2009, June 30, 2010 and June 30, 2011	PUBLIC 371 EMERGENCY

*Fiscal Policy*

Not Enacted

LD 302	An Act To Require Review by the Joint Standing Committee on Appropriations and Financial Affairs of Transfers of MaineCare Funds	ONTP
LD 629	An Act To Require That the 3 Branches of Government Be Listed Separately in Budget Documents and Budget Bills	ONTP
LD 957	An Act To Establish a New Method of Determining the State Budget	
LD 1136	An Act To Reduce Maine's Debt by Applying Year-end Departmental Balances to the Debt Service	ONTP
LD 1387	An Act To Strengthen Maine's Financial Future in Perpetuity	

*General Obligation Bond Bills*

Enacted

LD 913	An Act To Authorize Bond Issues for Ratification by the Voters for the November 2009 and June and November 2010 Elections	PUBLIC 414
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Not Enacted

LD 10	<b>An Act To Authorize a General Fund Bond Issue for Wastewater Treatment Facilities and Drinking Water Programs</b>	ONTP
LD 153	<b>An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Board</b>	ONTP
LD 203	<b>An Act To Authorize a General Fund Bond Issue To Assist the University of Maine System in the Conversion of the Educational Broadband Spectrum from Analog to Digital</b>	ONTP
LD 214	<b>An Act To Authorize a General Fund Bond Issue for Economic Recovery</b>	ONTP
LD 222	<b>An Act To Authorize a General Fund Bond Issue To Improve State Parks</b>	ONTP
LD 230	<b>An Act To Authorize a General Fund Bond Issue for the Purchase and Protection of Traditional Hunting Grounds</b>	ONTP
LD 280	<b>An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses</b>	ONTP
LD 369	<b>An Act To Authorize a General Fund Bond Issue To Rebuild a Bulkhead and Wharf at the Gulf of Maine Research Institute</b>	ONTP
LD 439	<b>An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy</b>	ONTP
LD 472	<b>An Act To Authorize a General Fund Bond Issue for Energy Conservation</b>	ONTP
LD 507	<b>An Act To Authorize a General Fund Bond Issue for the Construction of a Multiuse Arena in Bangor</b>	ONTP
LD 518	<b>An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine</b>	ONTP
LD 660	<b>An Act To Authorize a General Fund Bond Issue To Maintain Train Quiet Zone Status in Millinocket</b>	ONTP
LD 684	<b>An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Interest in Land for Public Land and Water Access, Conservation, Wildlife and Fish Habitats, Outdoor Recreation Including Hunting and Fishing and Farmland Preservation and To Access Matching Contributions from Public and Private Sources</b>	ONTP
LD 709	<b>An Act To Authorize a General Fund Bond Issue To Weatherize and Upgrade the Energy Efficiency of Maine Homes and Businesses and To Provide a Trained Workforce</b>	ONTP
LD 729	<b>An Act To Authorize a General Fund Bond Issue To Create a New Health Care Internet Infrastructure</b>	ONTP
LD 732	<b>An Act To Authorize a General Fund Bond Issue To Support Small Businesses' Access to Capital</b>	ONTP
LD 770	<b>An Act To Authorize a General Fund Bond Issue for Research and Development</b>	ONTP

LD 775	<b>An Act To Authorize a General Fund Bond Issue To Fund the Communities for Maine's Future Program</b>	ONTP
LD 776	<b>An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Board</b>	ONTP
LD 810	<b>An Act To Authorize a General Fund Bond Issue for School Construction and Renovation Projects That Demonstrate Cost Savings</b>	ONTP
LD 858	<b>An Act To Authorize a General Fund Bond Issue To Fund Energy Investments for Maine's Future</b>	ONTP
LD 894	<b>An Act To Establish the Maine Farmland Fund and Authorize a General Fund Bond Issue To Support Maine's Traditional Industries</b>	ONTP
LD 895	<b>An Act To Authorize a General Fund Bond Issue To Renovate Classrooms, Laboratories and Other Essential Teaching and Learning Facilities in the University of Maine System and the Maine Community College System</b>	ONTP
LD 909	<b>An Act To Authorize a General Fund Bond Issue To Fund Research and Development for Cancer</b>	ONTP
LD 910	<b>An Act To Authorize a General Fund Bond Issue To Promote Sustainable Green Housing</b>	ONTP
LD 911	<b>An Act To Authorize a General Fund Bond Issue for Affordable Housing</b>	ONTP
LD 912	<b>An Act To Authorize a General Fund Bond Issue for Capital Projects for Hospitals</b>	ONTP
LD 1481	<b>An Act To Authorize a General Fund Bond Issue To Fund Energy Efficiency Investments for Maine's Future</b>	

*Miscellaneous Funding and Other Requests*

**Enacted**

LD 1483	<b>Resolve, To Stimulate the Maine Economy by Allowing the Federal First-time Home Buyer Tax Credit To Be Used at Closing of a Real Estate Transaction</b>	<b>RESOLVE 133 EMERGENCY</b>
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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH  
AND ECONOMIC DEVELOPMENT**

July 2009

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OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

**Joint Standing Committee on Business, Research and Economic Development**

**LD 1      An Act To Stimulate Capital Investment for Innovative Businesses in  
Maine**

**Carried Over**

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

This bill is modeled on statutes in Arkansas, Iowa, Michigan, Montana and Utah. It authorizes the establishment of the Maine Fund of Funds within the Small Enterprise Growth Board for the purpose of increasing the availability of venture capital to the Maine economy. The fund is managed by a director chosen by the Small Enterprise Growth Board by means of a competitive selection. The Small Enterprise Growth Board has authority to close the fund if necessary to protect the State's interests. The board raises capital for the fund by offering as security refundable tax credits issued by the board, with the goal of attracting venture capital investment in the State's economy. The board maintains regulatory control over the fund. The bill requires annual audits and reports on the fund.

The goal of the fund is to create investments in the Maine economy, which is broadly described as including the development of intellectual capital as well as job creation. The director may invest outside of the State as necessary to maximize returns and reduce the likelihood that tax credits will be redeemed. The bill provides that net profits from the fund after payment of obligations must be remitted to the General Fund. It also provides the Maine Public Employees Retirement System a preference in becoming a lender of capital and a special provision that the Maine Public Employees Retirement System may be granted a piece of the profits as an additional inducement to becoming a capital lender. Tax credits may not be redeemed for defaults occurring later than 2031, and the bill restricts tax credit redemption to \$10,000,000 per year.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 11      Resolve, To Encourage the Preservation of Dark Skies**

**RESOLVE 22**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ DAMON	OTP-AM	H-15

This resolve directs the Executive Department, State Planning Office to establish uniform state standards for new commercial construction and the lighting of the outside surrounding space to limit light pollution and encourage the preservation of the area's natural state.

**Committee Amendment "A" (H-15)**

This amendment replaces the resolve and directs the Executive Department, State Planning Office to review existing commercial outdoor lighting standards and make recommendations on standard language that will limit light pollution and encourage the preservation of the area's natural state, as well as identify policy options for promoting outdoor lighting standards for commercial development. It requires the State Planning Office to present its findings in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 15, 2010.

**Joint Standing Committee on Business, Research and Economic Development**

**Enacted Law Summary**

Resolve 2009, chapter 22 directs the Executive Department, State Planning Office to review existing commercial outdoor lighting standards and make recommendations on standard language that will limit light pollution and encourage the preservation of the area's natural state, as well as identify policy options for promoting outdoor lighting standards for commercial development. It requires the State Planning Office to present its findings in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 15, 2010.

**LD 12      Resolve, Directing the Department of Professional and Financial Regulation To Amend Its Rules Governing Pastoral Counselors**

**RESOLVE 13  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ DAMON	OTP-AM	H-22

This resolve directs the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Counseling Professionals Licensure to amend its rules governing licensed pastoral counselors to provide that the requirement for 400 contact hours in clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education be changed to a requirement for 400 contact hours in clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education or an equivalent organization. The rules as amended pursuant to this resolve apply to an application filed on or after July 1, 2007.

**Committee Amendment "A" (H-22)**

This amendment requires the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Counseling Professionals Licensure to amend its rules governing licensed pastoral counselors to allow the board to approve educational requirements in a nonaccredited program determined equivalent by the board. This amendment also removes the provision requiring retroactive application of this resolve and provides instead that the rule changes apply only for applications for licensure as a pastoral counselor filed from April 1, 2009 to June 1, 2009. It also provides that any application materials that have been previously submitted to the Board of Counseling Professionals Licensure are not required to be resubmitted for new applications during this time period.

**Enacted Law Summary**

Resolve 2009, chapter 13 requires the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Counseling Professionals Licensure to amend its rules governing licensed pastoral counselors to allow the board to approve educational requirements in a nonaccredited program determined equivalent by the board. It provides that the rule changes apply only for applications for licensure as a pastoral counselor filed from April 1, 2009 to June 1, 2009. This law also provides that any application materials that have been previously submitted to the Board of Counseling Professionals Licensure are not required to be resubmitted for new applications during this time period.

Resolve 2009, chapter 13 was enacted as an emergency measure effective April 21, 2009.

**Joint Standing Committee on Business, Research and Economic Development**

**LD 13      An Act To Expand the Diagnostic Functions of Independent Practice Dental Hygienists      ONTP**

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

This bill expands the diagnostic functions of an independent practice dental hygienist by allowing an independent practice dental hygienist to perform x-rays and to own x-ray equipment.

**LD 47      An Act To Allow the Town of Baldwin To Be Eligible for Full Pine Tree Development Zone Benefits      ONTP**

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

This bill waives the Pine Tree Development Zone unemployment and wage requirements for the Town of Baldwin in Cumberland County in order to allow the town to be eligible for Pine Tree Development Zone benefits.

**LD 50      An Act To Clarify the Definition of Hard Cider for the Purposes of the Returnable Container Law      PUBLIC 110**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N RECTOR	OTP-AM	H-106

This bill amends the definition of wine to include hard cider as it pertains to the State's returnable container law.

**Committee Amendment "A" (H-106)**

This amendment replaces the bill. It adds hard cider to the definition of "beverage" and adds a new definition for "hard cider" for the purposes of the State's returnable container law.

**Enacted Law Summary**

Public Law 2009, chapter 110 adds hard cider to the definition of "beverage" and adds a new definition for "hard cider" for the purposes of the State's returnable container law.

**Joint Standing Committee on Business, Research and Economic Development**

**LD 52      An Act To Require Unredeemed Beverage Container Deposits To Be Provided to the State**

**INDEF PP**

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

Most returnable beverage containers in the State are subject to commingling agreements and, as such, are not currently subject to the provisions that require initiators of the deposits to transfer abandoned deposit amounts to the State. This bill amends current law to capture the abandoned deposit amounts on returnable beverage containers that are subject to commingling agreements and credits 50% of the amount collected from all transfers of abandoned deposit amounts to the Department of Agriculture, Food and Rural Resources to administer the provisions regarding returnable beverage containers. This bill also addresses the same issue historically by requiring an audit to estimate amounts unaccounted for during the last 10 years and requires initiators of deposits to pay the estimates, plus interest, within 60 days of notice from the department. Failure to pay will result in an additional daily fine added to the assessment.

**LD 58      Resolve, To Suspend Certain Maine State Housing Authority Rules for Low-income Home Energy Assistance Program Grant Applications**

**ONTP**

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

This emergency resolve directs the Maine State Housing Authority to require, until June 30, 2010, program administrators of the Low-income Home Energy Assistance Program to provide a waiver, whenever reasonable, of the personal interview requirement to shorten the application process for benefits under the Low-income Home Energy Assistance Program.

**LD 89      An Act To Amend the Laws Concerning Informal Conferences as Part of the Board of Licensure in Medicine's Disciplinary Proceedings**

**PUBLIC 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-6

This bill would allow a subcommittee of the Board of Licensure in Medicine to request an informal conference with a licensee when the board finds a complaint warrants further action. Currently, only the full board may request an informal conference. This bill is intended to facilitate complaint resolution and disciplinary proceedings.

**Committee Amendment "A" (S-6)**

This amendment clarifies that the subcommittee of the Board of Licensure in Medicine is authorized to request and conduct an informal conference with the licensee.

**Enacted Law Summary**

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Public Law 2009, chapter 28 allows a subcommittee of the Board of Licensure in Medicine to request an informal conference with a licensee when the board finds a complaint warrants further action. Currently, only the full board may request an informal conference and this law is intended to facilitate complaint resolution and disciplinary proceedings.

**LD 91      An Act To Fund the Maine Downtown Center      Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON GOODALL		H-91

This bill includes ongoing General Fund appropriations of \$75,000 per year to recapitalize the Maine Downtown Center.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**Committee Amendment "A" (H-91)**

This amendment incorporates a fiscal note.

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

**LD 93      An Act To Amend the Laws Governing Construction Contracts      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BRYANT B	ONTP	

This bill requires that any action commenced by a contractor or subcontractor to recover payments pursuant to the terms of the Maine Revised Statutes, Title 10, chapter 201-A for work performed pursuant to a home construction contract under Title 10, chapter 219-A must be brought in the county in this State where the construction is located.

**LD 94      An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program      PUBLIC 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A RECTOR	OTP-AM	H-20

This bill provides authority for the State Board of Nursing to require an applicant for licensure or a licensee to undergo a physical or mental health examination for purposes of determining fitness to practice nursing. The language is consistent with that found in medical and dental statutes.

The bill also provides for an alternative to a discipline program for nurses with substance abuse history by creating a

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nurse health program consistent with those available for other health care providers.

**Committee Amendment "A" (H-20)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2009, chapter 47 provides authority for the State Board of Nursing to require an applicant for licensure or a licensee to undergo a physical or mental health examination for purposes of determining fitness to practice nursing. The language is consistent with that found in medical and dental statutes. It also provides for an alternative to a discipline program for nurses with substance abuse history by creating a nurse health program consistent with those available for other health care providers.

**LD 156 An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession**

**PUBLIC 44**

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

This bill increases the civil penalty for the unlicensed practice of a trade or profession from not less than \$100 and not more than \$2,000 to not less than \$1,000 and not more than \$5,000.

**Enacted Law Summary**

Public Law 2009, chapter 44 increases the civil penalty for the unlicensed practice of a trade or profession from not less than \$100 and not more than \$2,000 to not less than \$1,000 and not more than \$5,000.

**LD 175 An Act To Modify the Maine Seed Capital Tax Credit Program**

**LEAVE TO WITHDRAW**

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

This bill modifies the Maine Seed Capital Tax Credit Program administered by the Finance Authority of Maine by changing the requirements for increased credits from businesses located in high unemployment areas to those located in areas of the State classified as Pine Tree Development Zones.

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**LD 184      An Act To Allow a Cosmetologist, Barber, Manicurist or Aesthetician Licensee To Perform Services outside of the Primary Business Location**

**PUBLIC 48**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING R ROSEN R	OTP-AM	H-37

This bill permits a cosmetologist, barber, manicurist or aesthetician licensee to perform services outside the primary business location.

**Committee Amendment "A" (H-37)**

This amendment replaces the bill and permits a licensed cosmetologist, barber, manicurist or aesthetician to perform limited services outside of a licensed establishment if a special event services permit is first obtained from the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Barbering and Cosmetology. It also directs the board to adopt rules to implement the special event services permit and to specify the types of services that may be performed by a licensee with a special event services permit.

**Enacted Law Summary**

Public Law 2009, chapter 48 permits a licensed cosmetologist, barber, manicurist or aesthetician to perform limited services outside of a licensed establishment if a special event services permit is first obtained from the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Barbering and Cosmetology. It directs the board to adopt rules to implement the special event services permit and to specify the types of services that may be performed by a licensee with a special event services permit.

**LD 201      An Act To License Commercial Painters**

**ACCEPTED ONTP  
REPORT**

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

This bill establishes the requirement of a commercial painting license for a painter who paints the exterior or interior of buildings and structures for money, unless the painter is a relative, member of the household or employee of the owner or occupier of the building or structure. A licensee must carry appropriate commercial liability and workers' compensation insurance.

**Committee Amendment "A" (H-21)**

This amendment is the minority report. This amendment transfers funds to the Department of Professional and Financial Regulation, Office of Licensing and Registration to support the costs of the licensing program for commercial painters.

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**LD 215 An Act Regarding the Practice of Professional Engineering without a License**

**ONTP**

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

This bill authorizes the State Board of Licensure for Professional Engineers with the assistance of the Attorney General to enforce provisions of the law regarding the practice of engineering without a license. It also imposes criminal penalties and increases the civil penalties for conducting engineering activities without a license.

**LD 232 An Act To Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions**

**PUBLIC 152**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	OTP-AM	H-186

This bill requires an owner or employee of a retail establishment to make an employee toilet facility available to an individual upon request if that individual has an eligible medical condition as specified in the bill. It includes liability protection for an owner or employee of a retail establishment who provides a customer with an eligible medical condition access to an employee toilet facility.

**Committee Amendment "A" (H-186)**

This amendment clarifies that a retail establishment is not required to provide access to employee toilet facilities if the request would impose an undue burden on the retail establishment. It also clarifies that liability protection is extended to the retail establishment, as well as the owner and employees, and provides that these requirements may not be construed to limit the rights, remedies and procedures afforded to individuals pursuant to the Maine Human Rights Act. It also removes any civil penalties for a violation.

**Enacted Law Summary**

Public Law 2009, chapter 152 requires an owner or employee of a retail establishment to make an employee toilet facility available to an individual upon request if that individual has an eligible medical condition as specified in the bill. It includes liability protection for an owner or employee of a retail establishment who provides a customer with an eligible medical condition access to an employee toilet facility. A retail establishment is not required to provide access to employee toilet facilities if the request would impose an undue burden on the retail establishment. It also clarifies that liability protection is extended to the retail establishment, as well as the owner and employees, and provides that these requirements may not be construed to limit the rights, remedies and procedures afforded to individuals pursuant to the Maine Human Rights Act.

**Joint Standing Committee on Business, Research and Economic Development**

**LD 267      An Act To Allow the Town of Baldwin Eligibility for Full Pine Tree  
Development Zone Benefits**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-156

This bill waives the Pine Tree Development Zone unemployment and wage requirements for the Town of Baldwin in Cumberland County in order to allow the town to be eligible for Pine Tree Development Zone benefits.

**Committee Amendment "A" (S-156)**

This amendment incorporates a fiscal note.

**LD 270      An Act To Allow a Gasoline Retailer To Offer Discounts to Customers  
Who Pay by Cash or Similar Means**

**ONTP**

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

This bill establishes that motor fuel franchise agreements in Maine may not prohibit a retail dealer or distributor from offering a discount to a buyer to induce the buyer to pay by cash, debit card, check or similar means rather than by credit card. The bill also provides that any provision in such a franchise agreement prohibiting a retail dealer or distributor of motor fuels from offering such a discount is void and without effect as contrary to public policy.

**LD 271      An Act To Encourage Economic Recovery and Employment Growth To  
Support Maine's Working Waterfronts**

**PUBLIC 21  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD GOODALL	OTP-AM	H-36

This bill establishes a waiver of certain Pine Tree Development Zone qualification requirements for property that is within a working waterfront that has sustained a 5% loss of employed workers during the 16-month period immediately preceding the time of application, as long as the loss was caused by a catastrophic occurrence. The bill requires that an application for a waiver must be received by August 1, 2011. The bill also states that only a qualified business whose primary purpose is to support the State's working waterfront industry is eligible to receive Pine Tree Development Zone benefits.

**Committee Amendment "A" (H-36)**

This amendment removes that section of the bill that established a waiver of certain requirements and instead adds a provision to allow a qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry that has suffered from a catastrophic occurrence to apply for an adjustment of the base

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level of employment for purposes of determining Pine Tree Development Zone benefits if it meets the following criteria: it is located on a working waterfront in a Pine Tree Development Zone; it has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and it has appropriate infrastructure and zoning or other land use regulations in place. The amendment provides that the definition of "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence. It requires a qualified business to apply for an adjustment of the base level of employment within 16 months of the catastrophic occurrence and any applications under this provision must be received by the Department of Economic and Community Development by August 1, 2011. The amendment also cross-references this definition in the laws governing employment tax increment financing benefits.

### **Enacted Law Summary**

Public Law 2009, chapter 21 allows a qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry that has suffered from a catastrophic occurrence to apply for an adjustment of the base level of employment for purposes of determining Pine Tree Development Zone benefits if it meets the following criteria: it is located on a working waterfront in a Pine Tree Development Zone; it has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and it has appropriate infrastructure and zoning or other land use regulations in place. It provides that the definition of "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence. It requires a qualified business to apply for an adjustment of the base level of employment within 16 months of the catastrophic occurrence and any applications under this provision must be received by the Department of Economic and Community Development by August 1, 2011. The law also cross-references this definition in the laws governing employment tax increment financing benefits.

Public Law 2009, chapter 21 was enacted as an emergency measure effective April 9, 2009.

### **LD 272      An Act To License Home Building and Improvement Contractors**

**Carried Over**

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

This bill creates the Maine Home Contractor Licensing Act. The bill contains provisions concerning: requirements for licensure of general contractors and persons who perform framing, roofing, siding, insulating, window work or chimney work, if the work concerns residential dwellings; certain specific exemptions from licensure; required qualifications for general and specialty licenses; requirements for criminal and financial disclosures; creation of the Maine Home Contractor Licensing Board; and fees for licensing.

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

### **LD 281      An Act To Amend the Licensing Requirements for Speech-language Pathology Assistants**

**ONTP**

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

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This bill specifically provides that an applicant for licensure as a speech-language pathology assistant may hold a degree higher than an associate degree and exempts applicants holding a bachelor of science degree from any practicum requirements that may be applicable to applicants who hold associate degrees.

**LD 307      An Act To Amend the Laws Governing Payment for Prearranged Funeral Services      ONTP**

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

Current law prohibits a funeral home or funeral establishment from soliciting a prearranged funeral service or plan for any person or persons. This bill repeals that prohibition.

**LD 317      An Act to Facilitate Repairs to the Saco River Retaining Wall      ONTP**

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

This bill provides a one-time General Fund appropriation in fiscal year 2009-10 to the City of Biddeford to repair the Saco River retaining wall in the City of Biddeford.

**LD 346      An Act To Improve Elevator Safety      ONTP**

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

This bill requires that work on elevators in industrial and manufacturing plants must be done by a person that is licensed as an elevator or lift mechanic.

**LD 347      An Act To Reduce Regulatory Costs for Maine Businesses      ACCEPTED ONTP REPORT**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to reduce regulatory costs for businesses in the State by establishing a council on private sector regulatory costs composed of private sector business leaders.

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The council would:

1. Have the power to compel staffing from any state agency;
2. Have the authority to compel a state agency to cooperate with the council in developing a new regulatory regime for State Government;
3. Develop a new approach to regulation of private sector businesses based on broad principles rather than specific rules and regulations; and
4. Report its findings and recommendations for the implementation of principle-based regulation to the Legislature by December 1, 2009.

### **Committee Amendment "A" (S-269)**

This amendment is the minority report of the committee and replaces the bill. It establishes the Small Business Regulatory Advocate in order to assist small businesses in resolving problems with state agencies and business owners that face hardship as a result of actions taken by a regulatory agency. It also requires that the advocate must be an individual from the Executive Department, State Planning Office who provides technical assistance to the Maine Regulatory Fairness Board. It further requires the advocate to identify areas in which small businesses have problems in dealings with state agencies, propose changes in the administrative practices of state agencies to mitigate those identified problems and identify potential legislative changes that may be appropriate to mitigate such problems. The amendment also adds an appropriations and allocations section.

### **LD 355      An Act To Protect Residential Consumers of Home Heating Fuel**

**Carried Over**

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

This bill amends the statutory requirements for price protection and prepaid home heating oil, kerosene, liquefied petroleum gas and natural gas contracts to require these contracts to include a conspicuous cancellation clause in no less than 12-point boldface type of uniform font that clearly states the terms and conditions by which a consumer may be released from the obligations of the contract, including any fees, penalties, notice provisions and deadlines that may apply.

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

### **LD 366      An Act To Protect Confidential Consumer Records in Self-service Storage Facilities**

**ONTP**

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

This bill requires self-service storage facilities to register with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. As part of this registration, self-service storage facilities must

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give identifying information and submit a personal records disposal plan subject to the Bureau of Consumer Credit Protection's approval. Self-service storage facilities may not dispose of property left by an occupant in any manner that does not comply with their personal records disposal plan. Self-service storage facilities are required to notify the bureau and follow the security breach notification laws if there is a security breach or if personal records are otherwise unintentionally released to the public. This bill gives the Bureau of Consumer Credit Protection administrative authority over self-service storage facilities.

**LD 370 An Act To Allow Mixed Martial Arts Competitions in Maine**

**ONTP**

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

This bill allows mixed martial arts matches, competitions and exhibitions to be held in Maine.

**LD 397 An Act To Amend the Laws Governing Bottle Redemption**

**PUBLIC 405**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM A OTP-AM B ONTP C	H-564 HUNT S-270

This bill increases the handling fee for beverage containers by one cent to at least 4 1/2¢ for containers picked up on or after October 1, 2009. This bill also provides that, effective September 1, 2010, the Department of Agriculture, Food and Rural Resources is established as the agent of the State for purposes of administering the laws governing manufacturers, distributors and dealers of beverage containers and will be responsible for initiating all deposits on beverage containers sold or offered for sale in this State, as well as the reimbursement of costs associated with handling beverage containers. This bill directs the Department of Agriculture, Food and Rural Resources to submit draft legislation to implement this provision to the Joint Standing Committee on Business, Research and Economic Development by December 1, 2009. It also authorizes the joint standing committee to submit legislation to accomplish the objectives of this provision to the Second Regular Session of the 124th Legislature.

**Committee Amendment "A" (S-270)**

This amendment is the majority report of the committee. It provides an exception for reverse vending machines from the 1¢ increase of the handling fee for beverage containers proposed in the bill. It also removes the provision of bill that would have established the Department of Agriculture, Food and Rural Resources as the agent of the State for purposes of bottle redemption.

**Committee Amendment "B" (S-271)**

This amendment is the minority report of the committee. It increases the handling fee for beverage containers by 1/2¢, instead of 1¢ as proposed in the bill. It also removes the provision of the bill that would have established the Department of Agriculture, Food and Rural Resources as the agent of the State for purposes of bottle redemption.

**Senate Amendment "A" To Committee Amendment "B" (S-281)**

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This amendment makes the following changes to the beverage container laws:

1. It raises the handling fee on beverage containers to 4¢ for containers picked up on or after March 1, 2010;
2. It limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain other licensed entities or certain reverse vending machines and may be waived if the applicant shows a compelling need;
3. It requires any person who tenders more than 2,500 beverage containers for redemption at any dealer or redemption center to provide a name, address and license plate number and requires that the information be forwarded to the Department of Agriculture, Food and Rural Resources and kept on file for a minimum of one year;
4. It clarifies that the redemption center is responsible for the plastic bags used for the return of beverage containers and that the bags must be of a specific size and thickness, to be determined by rule by the department;
5. Current law provides for the redemption of beverage containers that contain 4 liters or less of a beverage. This amendment changes that amount to 2 liters or less;
6. It requires that, in adopting rules for licensing redemption centers, the department consider the proximity of the proposed redemption center to existing redemption centers, the potential impact that the location of the proposed redemption center may have on an existing redemption center, the owner's record of compliance and the hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center; and
7. It requires the department to notify applicants denied a license for a redemption center of the reasons for the denial and provides a procedure for appeal.

### **House Amendment "C" To Committee Amendment "A" (H-564)**

This amendment makes the following changes to the beverage container laws:

1. It raises the handling fee on beverage containers to 4¢ for containers picked up on or after March 1, 2010;
2. It limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain other licensed entities or certain reverse vending machines and may be waived if the applicant shows a compelling need;
3. It requires any person who tenders more than 2,500 beverage containers for redemption at any dealer or redemption center to provide a name, address and license plate number and requires that the information be forwarded to the Department of Agriculture, Food and Rural Resources and kept on file for a minimum of one year;
4. It clarifies that the redemption center is responsible for the plastic bags used for the return of beverage containers and authorizes the department to adopt rules regarding the cost allocation, size and gauge of the bags;
5. It requires that, in adopting rules for licensing redemption centers, the department consider the proximity of the proposed redemption center to existing redemption centers, the potential impact that the location of the proposed redemption center may have on an existing redemption center, the owner's record of compliance and the hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center; and
6. It requires the department to notify applicants denied a license for a redemption center of the reasons for the denial and provides a procedure for appeal.

### **Enacted Law Summary**

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Public Law 2009, chapter 405 makes the following changes to the beverage container laws:

1. It raises the handling fee on beverage containers to 4¢ for containers picked up on or after March 1, 2010;
2. It limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain other licensed entities or certain reverse vending machines and may be waived if the applicant shows a compelling need;
3. It requires any person who tenders more than 2,500 beverage containers for redemption at any dealer or redemption center to provide a name, address and license plate number and requires that the information be forwarded to the Department of Agriculture, Food and Rural Resources and kept on file for a minimum of one year;
4. It clarifies that the redemption center is responsible for the plastic bags used for the return of beverage containers and authorizes the department to adopt rules regarding the cost allocation, size and gauge of the bags;
5. It requires that, in adopting rules for licensing redemption centers, the department consider the proximity of the proposed redemption center to existing redemption centers, the potential impact that the location of the proposed redemption center may have on an existing redemption center, the owner's record of compliance and the hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center; and
6. It requires the department to notify applicants denied a license for a redemption center of the reasons for the denial and provides a procedure for appeal.

**LD 411      An Act To Increase the Redemption Fee on Sorting and Handling**

**ONTP**

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

This bill increases the reimbursement to dealers or local redemption centers from 3¢ and 3 1/2¢ to 5¢ per returned container.

**LD 419      Resolve, To Increase Access to Dental Care in Rural Areas through Encouraging Distance Learning for Dental Hygienist Training**

**ONTP**

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

This resolve requires the Department of Professional and Financial Regulation, Office of Licensing and Registration, Board of Dental Examiners to establish a new dental hygienist licensing category that will accept alternative educational instruction programs, including qualified distance learning programs, instructional television networks and nontraditional clinical instructors, with the goal of providing students in distant locations across the State access to the training required to be a licensed dental hygienist. The Board of Dental Examiners is required to establish the qualifications and scope of practice for this new licensing category, which must include 2 years of experience as a dental assistant as well as sponsorship from a licensed Maine dentist. This resolve also requires the Board of Dental

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Examiners to report on its progress in establishing the new licensing category to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2010. The joint standing committee is authorized to submit legislation related to this report.

**LD 420 An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation**

**PUBLIC 192**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J R	OTP-AM	H-224

This bill amends laws related to quality assurance and regulations administered by the Department of Agriculture, Food and Rural Resources.

1. The bill phases in the requirement for automatic temperature compensating meters on vehicles making retail deliveries of petroleum products.
2. The bill requires that whenever an item is advertised for retail sale a declaration of the price must be either on each item, on the shelf on which the item is located or on a placard placed adjacent to the item.
3. The bill adopts nationally recognized standards and specifications for engine fuels, petroleum products and lubricants.

#### **Committee Amendment "A" (H-224)**

This amendment specifies the type of delivery vehicles that must be equipped with automatic temperature compensating meters and clarifies that the temperature compensators must be in use throughout the year. It also amends the bill to clarify that the display requirements for retail sale apply to packaged or consumer commodities.

#### **Enacted Law Summary**

Public Law 2009, chapter 192 makes the following changes to the laws related to quality assurance and regulations administered by the Department of Agriculture, Food and Rural Resources:

1. It phases in the requirement for automatic temperature compensating meters on vehicles making retail deliveries of petroleum products;
2. It requires that whenever an item is advertised for retail sale a declaration of the price must be either on each item, on the shelf on which the item is located or on a placard placed adjacent to the item;
3. It adopts nationally recognized standards and specifications for engine fuels, petroleum products and lubricants;
4. It specifies the type of delivery vehicles that must be equipped with automatic temperature compensating meters and clarifies that the temperature compensators must be in use throughout the year; and
5. It clarifies that the display requirements for retail sale apply to packaged or consumer commodities.

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**LD 421 An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists**

**PUBLIC 318**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N MILLS P	OTP-AM A ONTP B OTP-AM C	H-326

This bill amends the experience requirements for licensure of independent practice dental hygienists. It makes the initial licensure requirements less stringent, which will broaden the pool of potential qualified applicants and potentially increase access to care for Maine citizens.

**Committee Amendment "A" (H-326)**

This amendment is the majority report of the committee. It removes the changes to the experience requirements for licensure as an independent practice dental hygienist proposed in the bill, which allowed an applicant to fulfill the experience requirements through work hours in any dental practice setting approved by the Board of Dental Examiners, and instead amends the experience requirements to:

1. Specify that an applicant's degree from a dental hygiene program must be a degree in dental hygiene;
2. With respect to applicants with a bachelor's degree, require that an applicant have 2,000 work hours of clinical practice, either in a private dental practice or a nonprofit dental clinic under direct or general supervision of a dentist, during the 4 years preceding application. Current law requires one year or 2,000 hours of clinical practice in a private dental practice during the 2 years preceding application; and
3. With respect to applicants with an associate degree, require that an applicant have 5,000 work hours of clinical practice, either in a private dental practice or a nonprofit dental clinic under direct or general supervision of a dentist, during the 6 years preceding application. Current law requires 3 years or 6,000 hours of clinical practice in a private dental practice during the 6 years preceding application.

**Enacted Law Summary**

Public Law 2009, chapter 318 amends the experience requirements for licensure as an independent practice dental hygienist to:

1. Specify that an applicant's degree from a dental hygiene program must be a degree in dental hygiene;
2. With respect to applicants with a bachelor's degree, require that an applicant have 2,000 work hours of clinical practice, either in a private dental practice or a nonprofit dental clinic under direct or general supervision of a dentist, during the 4 years preceding application. Current law requires one year or 2,000 hours of clinical practice in a private dental practice during the 2 years preceding application; and
3. With respect to applicants with an associate degree, require that an applicant have 5,000 work hours of clinical practice, either in a private dental practice or a nonprofit dental clinic under direct or general supervision of a dentist, during the 6 years preceding application. Current law requires 3 years or 6,000 hours of clinical practice in a private dental practice during the 6 years preceding application.

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**LD 440 An Act Regarding Exceptions to the Maine Uniform Building and Energy Code**

**ONTP**

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

This bill adds residential single family and 2-unit homes to the list of structures that are exempt from the requirements of the Maine Uniform Building and Energy Code.

**LD 469 An Act To Strengthen Rural Community Investment**

**ONTP**

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

This bill requires Maine Rural Partners to:

1. Complete pilot projects underway in the Town of Strong and Washington County to build innovative strategic plans and to create community investment mechanisms;
2. Prepare an analysis of the potential for attracting and leveraging investment in rural Maine communities; and
3. Make recommendations to the Legislature and Governor regarding methods of encouraging such investment.

**LD 500 An Act To Include as Authorized Project Costs the Construction or Improvement of Buildings Used by Municipalities for Purposes of Designating Municipal Development Districts**

**PUBLIC 126**

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

This bill includes the costs of construction or improvement of buildings leased by State Government or a municipal government that are located in downtown tax increment financing districts in authorized project costs of a development program.

**Enacted Law Summary**

Public Law 2009, chapter 126 includes the costs of construction or improvement of buildings leased by State Government or a municipal government that are located in downtown tax increment financing districts in authorized project costs of a development program.

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**LD 504      An Act To Enhance Economic Development in Rural Maine      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.  
This bill seeks to enhance economic development in rural Maine.

**LD 519      An Act To Expand the Diagnostic Function of Denturists      ONTP**

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

This bill allows the taking of x-rays by qualified denturists.

**LD 544      An Act To Amend the Laws Governing Returnable Beverage Containers      ONTP**

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

This bill requires that the refund value of all returnable beverage containers is 5¢.

**LD 565      Resolve, To Direct the Board of Dental Examiners To Review the Definition of "Edentulous Arch" in the Rules Governing Denturists      RESOLVE 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW JACKSON	OTP-AM	H-108

This bill defines the term "edentulous arch" to mean a maxillary or mandibular arch that is devoid of or absent any teeth or roots, but that may include implants.

**Committee Amendment "A" (H-108)**

This amendment replaces the bill with a resolve that directs the Board of Dental Examiners to review the definition of "edentulous arch" in its rules governing denturists. It also directs the board to provide a summary of this review

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and any changes made as a result in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 30, 2010.

### **Enacted Law Summary**

Resolve 2009, chapter 34 directs the Board of Dental Examiners to review the definition of "edentulous arch" in its rules governing denturists. It also directs the board to provide a summary of this review and any changes made as a result in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 30, 2010.

**LD 566      An Act To Amend the Petroleum Market Share Act**

**PUBLIC 119**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUNT	OTP-AM	H-69

This bill changes the reporting date for the Attorney General's report to the Legislature describing the concentration of petroleum service stations or gas stations in the State from annually on December 31st to April 1st every 3 years or sooner at the discretion of the Attorney General.

### **Committee Amendment "A" (H-69)**

This amendment changes the annual reporting requirement for the Attorney General's report to the Legislature pursuant to the Petroleum Market Share Act to require that the report be submitted to the Legislature every 2 years, beginning April 1, 2010. The bill proposed requiring the report to be submitted every 3 years. The amendment also requires the Attorney General to post the aggregate data collected pursuant to the Petroleum Market Share Act on the Attorney General's publicly accessible website on an annual basis, beginning April 1, 2010.

### **Enacted Law Summary**

Public Law 2009, chapter 119 changes the annual reporting requirement for the Attorney General's report to the Legislature pursuant to the Petroleum Market Share Act to require that the report be submitted to the Legislature every 2 years, beginning April 1, 2010. The law also requires the Attorney General to post the aggregate data collected pursuant to the Petroleum Market Share Act on the Attorney General's publicly accessible website on an annual basis, beginning April 1, 2010.

**LD 598      An Act To Protect Private Enterprise from Tax-subsidized Competition  
by Imposing Requirements on Certain Postsecondary Institutions**

**ONTP**

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

This bill requires that state-supported postsecondary institutions obtain the same licenses, certification and registrations required of a private corporation or business that does not receive state financial assistance if the postsecondary institution competes with a private corporation or business that does not receive state financial assistance and obtain a seller's registration certificate.

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**LD 612      An Act To Assist Small Businesses with Creating Jobs**

**INDEF PP**

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

This bill is a concept draft pursuant to Joint Rule 208.  
 This bill proposes to assist small businesses with the creation of jobs and increased employment.

**LD 613      An Act To Recruit Businesses from Other States**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.  
 This bill proposes to enact measures designed to recruit business from other states.

**LD 622      An Act To Promote the Accessibility and Use of Reusable Bags**

**ONTP**

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

This bill requires a retailer who has 30,000 square feet or more of retail sales area to provide a bag made out of cloth or other durable fabric to bag products at the point of retail sale to a customer at the request of that customer and at no charge to the customer at least twice a year.

**LD 630      An Act To Update and Streamline State Licensing Laws and Clarify the Process for Appealing Final Decisions of Certain Licensing Entities**

**PUBLIC 112**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COHEN SCHNEIDER	OTP-AM	H-107

This bill contains various updating and streamlining provisions. It corrects a cross-reference in the Charitable Solicitations Act and grants state electrical inspectors authority to issue an order of correction to an electrician when violations to the National Electrical Code are found. Currently, electrical inspectors can only issue orders of correction to homeowners. It removes a reference to the National Electrical Code in the licensure requirements for a limited electrician in low energy.

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The bill eliminates the requirement for licensed podiatrists, chiropractors, radiologic technologists, physical therapists and real estate appraisers to publicly display licenses and repeals the license display requirement from the Maine Revised Statutes, Title 10. It also eliminates the sworn statement requirement for the applications for licensure for interpreters for deaf and hard-of-hearing persons. It clarifies language concerning podiatric assistants. It also grants authority to licensed psychologists and audiologists to use assistive personnel in the practice setting. It corrects the quorum requirement for the Board of Counseling Professionals Licensure and the State Board of Alcohol and Drug Counselors. It also changes professional qualification requirements for real estate brokers and real estate appraisers and amends the definition of "federally related transaction" in the Real Estate Appraisal Licensing and Certification Act to comply with federal law.

The bill clarifies that appeals from final decisions of licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration, including decisions to suspend or revoke a license, are to the Maine Superior Court. It also clarifies that appeals to the Superior Court are based on the record made by the licensing entity. Finally, the bill clarifies that conviction of a crime may be considered in license denial matters to the extent permitted by the occupational license disqualification law.

### **Committee Amendment "A" (H-107)**

This amendment amends the law to clarify that appellate jurisdiction to review disciplinary decisions of the occupational licensing boards and commissions under the Office of Licensing and Registration will lie with the Superior Court in order to accomplish the intent of the bill.

### **Enacted Law Summary**

Public Law 2009, chapter 112 contains various updating and streamlining provisions. It corrects a cross-reference in the Charitable Solicitations Act and grants state electrical inspectors authority to issue an order of correction to an electrician when violations to the National Electrical Code are found. Currently, electrical inspectors can only issue orders of correction to homeowners.

The law removes a reference to the National Electrical Code in the licensure requirements for a limited electrician in low energy. It eliminates the requirement for licensed podiatrists, chiropractors, radiologic technologists, physical therapists and real estate appraisers to publicly display licenses and repeals the license display requirement from the Maine Revised Statutes, Title 10. It also eliminates the sworn statement requirement for the applications for licensure for interpreters for deaf and hard-of-hearing persons. It clarifies language concerning podiatric assistants.

It also grants authority to licensed psychologists and audiologists to use assistive personnel in the practice setting. It corrects the quorum requirement for the Board of Counseling Professionals Licensure and the State Board of Alcohol and Drug Counselors. It also changes professional qualification requirements for real estate brokers and real estate appraisers and amends the definition of "federally related transaction" in the Real Estate Appraisal Licensing and Certification Act to comply with federal law.

The law clarifies that appeals from final decisions of licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration, including decisions to suspend or revoke a license, are to the Maine Superior Court. It clarifies that appeals to the Superior Court are based on the record made by the licensing entity. Finally, the law provides that conviction of a crime may be considered in license denial matters to the extent permitted by the occupational license disqualification law.

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LD 652 An Act To Clarify the Maine Uniform Building and Energy Code

PUBLIC 261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILES	OTP-AM	H-301

This bill amends the law governing the Maine Uniform Building and Energy Code.

1. It specifically provides that a local ordinance is not inconsistent with the Maine Uniform Building and Energy Code if the local ordinance implements a provision of one of the national codes upon which the Maine Uniform Building and Energy Code was based, but that was not included in the Maine Uniform Building and Energy Code.
2. It specifically exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to the Maine Revised Statutes, Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code.
3. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review such a report for accuracy.
4. It changes from June 1, 2010 to July 1, 2010 the date by which a municipality that has adopted a building code by August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy Code.
5. It requires the Executive Department, State Planning Office to publish a list by January 1, 2010 of those municipalities that must begin enforcement of the Maine Uniform Building and Energy Code by July 1, 2010.
6. It specifies that, for purposes of determining an enforcement date, life safety and fire codes are not considered building codes.
7. It directs the Technical Building Codes and Standards Board to review issues regarding the 3rd-party inspector concept and make any recommendations that will enhance the viability of this enforcement option.

**Committee Amendment "A" (H-301)**

This amendment replaces the bill. Part A provides the following changes to the Maine Uniform Building and Energy Code:

1. It changes from July 1, 2010 to December 1, 2010 the date by which a municipality that has more than 2,000 residents that has adopted any building code by August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy Code;
2. It changes from July 1, 2010 to December 1, 2010 the date that the Maine Uniform Building and Energy Code becomes the successor to all adopted building, energy and radon codes and standards, and extends from January 1, 2010 to June 1, 2010 the effective date for code enforcement officers to become certified in the Maine Uniform Building and Energy Code standards;
3. It adds a definition for building codes that were adopted by municipalities prior to the Maine Uniform Building and Energy Code to clarify which municipalities will trigger the staggered enforcement provisions;

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4. It exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code;
5. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review the report for accuracy;
6. It changes the date that the Technical Building Codes and Standards Board is required to adopt the Maine Uniform Building and Energy Code from January 1, 2010 to no later than June 1, 2010 and similarly extends the date that building construction and renovation projects may utilize either the Maine Uniform Building and Energy Code or existing building and energy codes adopted by any political subdivision of the State from between January 1, 2010 and July 1, 2010 to between June 1, 2010 and December 1, 2010;
7. It changes the Technical Building Codes and Standards Board annual reporting date from December 31st each year to January 31st each year, beginning in 2011, which requires the board to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards, proposals to improve the efficiency and effectiveness of those codes and standards and alternative methods of funding for the board to create an equitable source of revenue;
8. It requires the Technical Building Codes and Standards Board to review issues regarding 3rd-party inspectors and inspections, including, but not limited to, tort claims protection, and make any recommendations for changes to the law, including any necessary implementing legislation, to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2010; and
9. It also provides the Department of Professional and Financial Regulation with an extension until December 1, 2010 to provide the report that is required pursuant to Resolve 2007, chapter 219 on the issue of residential contractor licensing.

Part B resolves errors and potential conflicts created by enactment of Public Law 2007, chapter 699, which through a revision clause attempted to change references to the position of inspector of buildings to the position of building official. In some instances a direct replacement by revision clause was impossible because the terminology to be changed was not exactly the same as that specified in the revision clause. In some instances where substantive changes were made in the public law in a section having a postponed effective date, changing the terminology by revision clause would have created a future conflict. This Part also incorporates changes contained in Part A.

### **Enacted Law Summary**

Public Law 2009, chapter 261 amends the Maine Uniform Building and Energy Code. Part A of the law makes the following changes:

1. It changes from July 1, 2010 to December 1, 2010 the date by which a municipality that has more than 2,000 residents that has adopted any building code by August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy Code;
2. It changes from July 1, 2010 to December 1, 2010 the date that the Maine Uniform Building and Energy Code becomes the successor to all adopted building, energy and radon codes and standards, and extends from January 1, 2010 to June 1, 2010 the effective date for code enforcement officers to become certified in the Maine Uniform Building and Energy Code standards;
3. It adds a definition for building codes that were adopted by municipalities prior to the Maine Uniform Building and Energy Code to clarify which municipalities will trigger the staggered enforcement provisions;

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4. It exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code;
5. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review the report for accuracy;
6. It changes the date that the Technical Building Codes and Standards Board is required to adopt the Maine Uniform Building and Energy Code from January 1, 2010 to no later than June 1, 2010 and similarly extends the date that building construction and renovation projects may utilize either the Maine Uniform Building and Energy Code or existing building and energy codes adopted by any political subdivision of the State from between January 1, 2010 and July 1, 2010 to between June 1, 2010 and December 1, 2010;
7. It changes the Technical Building Codes and Standards Board annual reporting date from December 31st each year to January 31st each year, beginning in 2011, which requires the board to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards, proposals to improve the efficiency and effectiveness of those codes and standards and alternative methods of funding for the board to create an equitable source of revenue;
8. It requires the Technical Building Codes and Standards Board to review issues regarding 3rd-party inspectors and inspections, including, but not limited to, tort claims protection, and make any recommendations for changes to the law, including any necessary implementing legislation, to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2010; and
9. It also provides the Department of Professional and Financial Regulation with an extension until December 1, 2010 to provide the report that is required pursuant to Resolve 2007, chapter 219 on the issue of residential contractor licensing.

Part B resolves errors and potential conflicts created by enactment of Public Law 2007, chapter 699, which through a revision clause attempted to change references to the position of inspector of buildings to the position of building official. In some instances a direct replacement by revision clause was impossible because the terminology to be changed was not exactly the same as that specified in the revision clause. In some instances where substantive changes were made in the public law in a section having a postponed effective date, changing the terminology by revision clause would have created a future conflict. This Part also incorporates changes contained in Part A.

### **LD 673      An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States**

**PUBLIC 53**

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

This bill helps ensure that a Maine consumer who purchases a vehicle that had been returned to the manufacturer pursuant to another state's lemon law is notified of this fact if that information is known to the dealer before the consumer decides to purchase the motor vehicle.

#### **Enacted Law Summary**

Public Law 2009, chapter 53 helps to ensure that a Maine consumer who purchases a vehicle that had been returned

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to the manufacturer pursuant to another state's lemon law is notified of this fact if that information is known to the dealer before the consumer decides to purchase the motor vehicle.

**LD 683      An Act To Promote Cost-effective and Broad-based Vision Care for  
Maine Citizens by Clarifying the Scope of Prescription Authority by an  
Optometrist**

**PUBLIC 195**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-147

This bill amends several provisions of the laws governing optometrists to clarify the scope of prescription authority, particularly regarding the sale and dispensing of therapeutic lenses. It also clarifies rule-making authority of the State Board of Optometry and the use of therapeutic drugs.

**Committee Amendment "A" (S-147)**

This amendment replaces the bill and clarifies that optometrists may not administer therapeutic drugs by injection, other than for emergency treatment of anaphylaxis, provides optometrists with the authority to dispense or sell contact lenses that contain and deliver pharmaceutical agents that are authorized under the Maine Revised Statutes, Title 32, chapter 34-A, removes restrictions on prescribing certain oral therapeutic drugs and provides an optometrist with an advanced therapeutic license the authority to use and prescribe any therapeutic pharmaceutical agent, including any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases, except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received an advanced therapeutic license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812. The amendment also provides the standards pursuant to which optometrists are authorized to independently treat glaucoma.

**Enacted Law Summary**

Public Law 2009, chapter 195 amends several provisions of the laws governing optometrists to clarify that optometrists may not administer therapeutic drugs by injection, other than for emergency treatment of anaphylaxis, provides optometrists with the authority to dispense or sell contact lenses that contain and deliver pharmaceutical agents that are authorized under the Maine Revised Statutes, Title 32, chapter 34-A, removes restrictions on prescribing certain oral therapeutic drugs and provides an optometrist with an advanced therapeutic license the authority to use and prescribe any therapeutic pharmaceutical agent, including any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases, except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received an advanced therapeutic license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812. The law also provides the standards pursuant to which optometrists are authorized to independently treat glaucoma.

**Joint Standing Committee on Business, Research and Economic Development**

**LD 695      An Act To Streamline Health Care Services in Maine by Allowing  
Certified Nurse Practitioners and Certified Nurse Midwives To Verify  
Medical Papers and Records**

**PUBLIC 259**

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

This bill allows a certified nurse practitioner or a certified nurse midwife to sign, certify, stamp, verify or endorse medical papers and records within the scope of practice of a certified nurse practitioner or a certified nurse midwife. The provision does not modify the scope of practice of a certified nurse practitioner or a certified nurse midwife.

**Enacted Law Summary**

Public Law 2009, chapter 259 allows a certified nurse practitioner or a certified nurse midwife to sign, certify, stamp, verify or endorse medical papers and records within the scope of practice of a certified nurse practitioner or a certified nurse midwife. The provision does not modify the scope of practice of a certified nurse practitioner or a certified nurse midwife.

**LD 696      Resolve, To Reclaim Past Unredeemed Beverage Container Deposits**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L PERRY J		

This resolve seeks to recapture unredeemed or abandoned deposits from beverage containers subject to commingling agreements. Specifically, the resolves requires the Office of Program Evaluation and Government Accountability to conduct an audit to estimate deposit amounts unaccounted for during the last 15 years and requires initiators of deposits to pay the estimates, plus interest, within 60 days of notice from the department. Failure to pay will result in a daily fine added to the assessment.

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

**LD 710      An Act To Allow Qualified, Licensed Denturists To Practice to the Level  
of Their Educational Training**

**PUBLIC 227**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW TRAHAN	OTP-AM	H-272

This bill defines the term "denture" to include full or partial upper or lower prosthetic dental appliances to be worn in the human mouth to replace any missing natural teeth, which will permit denturists to make and fit partial dental appliances.

# *Joint Standing Committee on Business, Research and Economic Development*

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

This amendment clarifies the definition of "practice of denturism" to include the fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure. It allows a denturist, upon the receipt of a written statement of oral condition by a licensed dentist, to complete clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks. It also amends the requirements for licensure as a denturist to require that, beginning October 1, 2009, in addition to the examination, all applicants must be graduates of a board-approved denturism postsecondary institution. Denturists licensed in this State prior to October 1, 2009 that do not have a diploma from a board-approved denturism postsecondary institution are required to successfully complete an upgraded curriculum approved by the board within 2 years before a license may be issued or renewed.

**Enacted Law Summary**

Public Law 2009, chapter 227 clarifies the definition of "practice of denturism" to include the fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure. It allows a denturist, upon the receipt of a written statement of oral condition by a licensed dentist, to complete clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks.

The law amends the requirements for licensure as a denturist to require that, beginning October 1, 2009, in addition to the examination, all applicants must be graduates of a board-approved denturism postsecondary institution. Denturists licensed in this State prior to October 1, 2009 that do not have a diploma from a board-approved denturism postsecondary institution are required to successfully complete an upgraded curriculum approved by the board within 2 years before a license may be issued or renewed.

**LD 718      An Act Concerning Cremated Remains**

**PUBLIC 39**

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

This bill decreases the time that a funeral director must keep cremated remains from 4 years to one year. The bill also replaces the word "cremains" with "cremated remains."

**Enacted Law Summary**

Public Law 2009, chapter 39 decreases the time that a funeral director must keep cremated remains from 4 years to one year. The law also replaces the word "cremains" with "cremated remains."

**LD 731      An Act To Designate Cumberland County as a Pine Tree Development Zone**

**ONTP**

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

## *Joint Standing Committee on Business, Research and Economic Development*

This bill waives the Pine Tree Development Zone unemployment and wage requirements for Cumberland County in order to allow the county to be eligible for Pine Tree Development Zone benefits.

**LD 733      Resolve, To Examine Environmental Effects of the Resource Recovery System**

**RESOLVE 130**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM MAJ OTP-AM MIN	S-195  S-284 SCHNEIDER

This resolve is a concept draft pursuant to Joint Rule 208. It proposes to review and evaluate the beverage container laws in the context of existing municipal recycling programs with a focus on the environmental effects that these laws and programs generate. The review will include an assessment of:

1. Current recycling rates;
2. The carbon footprints created by the beverage recycling laws and municipal recycling programs;
3. Comprehensive recycling programs in the State;
4. Barriers to comprehensive recycling;
5. Alternative models of sustainability;
6. Energy and economic efficiencies;
7. The effect of educational programs on recycling rates; and
8. Litter prevention and waste reduction efforts.

**Committee Amendment "A" (S-195)**

This amendment is the majority report of the committee. It replaces the bill, which was a concept draft, with a resolve that directs the Executive Department, State Planning Office, in conjunction with the Department of Agriculture, Food and Rural Resources to oversee a 2-year study to be performed by an independent private entity to review the State's beverage container laws in the context of existing municipal recycling programs, with a focus on the environmental effects that these laws and programs generate. The resolve requires the State Planning Office and the Department of Agriculture, Food and Rural Resources to engage the assistance of an expert consultant in the field of municipal recycling programs and their environmental effects to assist in the development of the request for proposals for the study. The resolve also provides that if private funds from outside sources for the expert consultant and study are received by January 15, 2010, the study must be completed no later than January 15, 2012, unless a one-year extension is necessary to complete the study. It requires the State Planning Office and the Department of Agriculture, Food and Rural Resources to notify the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as soon as outside funding for the study is received and to provide the committee with an interim report on the status of the study by January 15, 2011.

This amendment also adds an appropriations and allocations section.

**Committee Amendment "B" (S-196)**

## *Joint Standing Committee on Business, Research and Economic Development*

This amendment is the minority report of the committee. It replaces the bill, which was a concept draft, with a resolve that directs the Executive Department, State Planning Office, in conjunction with the Department of Agriculture, Food and Rural Resources to oversee a 2-year study to be performed by an independent private entity to review the State's beverage container laws in the context of existing municipal beverage container recycling programs, with a focus on the environmental effects that these laws and programs generate. The resolve requires the State Planning Office and the Department of Agriculture, Food and Rural Resources to engage the assistance of an expert consultant in the field of municipal beverage container recycling programs and their environmental effects to assist in the development of the request for proposals for the study. The resolve also provides that if private funds from outside sources for the expert consultant and study are received by January 15, 2010, the study must be completed no later than January 15, 2012, unless a one-year extension is necessary to complete the study. It requires the State Planning Office and the Department of Agriculture, Food and Rural Resources to notify the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as soon as outside funding for the study is received and to provide the committee with an interim report on the status of the study by January 15, 2011.

This amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-284)**

This amendment provides that a 5-member work group consisting of the Director of the State Planning Office within the Executive Department or the director's designee, the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee, the Commissioner of Environmental Protection or the commissioner's designee, the Commissioner of Economic and Community Development or the commissioner's designee and a representative of the Maine Municipal Association oversee a 2-year study to be performed by an independent private entity to review the focus on the environmental effects that laws and programs regarding recycling have generated. The representatives of the State Planning Office and the Department of Agriculture, Food and Rural Resources shall serve as co-chairs of the work group. The work group shall engage the assistance of a qualified consultant in the relevant fields and tasks to be reviewed. The expert consultant and study must be funded through private funds received by the State from outside sources.

### **Enacted Law Summary**

Resolve 2009, chapter 130 provides that a 5-member work group consisting of the Director of the State Planning Office within the Executive Department or the director's designee, the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee, the Commissioner of Environmental Protection or the commissioner's designee, the Commissioner of Economic and Community Development or the commissioner's designee and a representative of the Maine Municipal Association oversee a 2-year study to be performed by an independent private entity to review the focus on the environmental effects that laws and programs regarding recycling have generated. The representatives of the State Planning Office and the Department of Agriculture, Food and Rural Resources shall serve as co-chairs of the work group. The work group shall engage the assistance of a qualified consultant in the relevant fields and tasks to be reviewed. The expert consultant and study must be funded through private funds received by the State from outside sources. The study must be completed no later than January 15, 2012, unless an extension is necessary. The work group is required to report to the Joint Standing Committee on Business, Research and Economic Development on its progress on January 15, 2010 and January 15, 2011.

**LD 813 An Act To Require Plain Language in Consumer Contracts**

**ONTP**

Sponsor(s)

EVES  
RECTOR

Committee Report

ONTP

Amendments Adopted

## *Joint Standing Committee on Business, Research and Economic Development*

This bill is a concept draft pursuant to Joint Rule 208. It proposes to require written consumer contracts involving \$100,000 or less to meet certain criteria in order to be clear and readable, including:

1. Adequately informing the consumer of the rights and duties fixed by the contract;
2. Using words with common everyday meanings to the extent practicable;
3. Being appropriately divided into sections with captions and paragraphs; and
4. Being printed in at least 10-point type with at least one point of leading between lines and in an ink that contrasts sufficiently with the paper.

Exceptions to the clear and readable standard include words, phrases or forms of agreement required by law or governmental entity or technical terms customarily used in a particular industry or area if there are no clear and readable substitutes for those terms. The Attorney General would enforce the provisions of this bill.

### **LD 892 An Act To Improve Assistance for Technology-based Entrepreneurs**

**PUBLIC 90**

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

This bill provides a broader set of assistance options for technology-based entrepreneurs than currently available through the applied technology development centers. Since the outreach will no longer be confined by physical locations, technology-based entrepreneurs will have access to more targeted services. Adapting the current program to be more responsive and far-reaching will foster high-growth entrepreneurship, which has been found to have a significant impact on economic growth.

#### **Enacted Law Summary**

Public Law 2009, chapter 90 provides a broader set of assistance options for technology-based entrepreneurs than currently available through the applied technology development centers. Since the outreach will no longer be confined by physical locations, technology-based entrepreneurs will have access to more targeted services.

### **LD 937 An Act To License Septic System Installers**

**ONTP**

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

This bill establishes a septic system installer license for a person who wishes to install septic systems. The requirements of the license include being licensed as a plumber and carrying proper insurance.

***Joint Standing Committee on Business, Research and Economic Development***

**LD 938      An Act To Allocate Redemption Centers Based on Population**

**ACCEPTED ONTP  
REPORT**

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

This bill amends the licensing of local redemption centers by requiring the Department of Agriculture, Food and Rural Resources to consider the proximity of a proposed redemption center to existing redemption centers. The bill also limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain licensed food establishments and reverse vending machines located in a redemption center and may be waived if the applicant shows a compelling public need for another redemption center.

The bill also provides a procedure for an applicant denied a redemption center license to appeal that denial.

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

This is the minority report of the committee. It adds an appropriations and allocations section to the bill.

**LD 958      An Act To Encourage Renewable Energy Investment**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX PERRY J	ONTP MAJ OTP-AM MIN	

This bill authorizes the State to provide the benefits of Pine Tree Development Zones to businesses producing renewable energy onshore or offshore or manufacturing component parts necessary for the production of renewable energy onshore or offshore.

**LD 959      An Act To Amend the Laws Governing the Maine Economic Improvement Fund**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON RAYE	ONTP MAJ OTP MIN	

This bill requires the Board of Trustees of the University of Maine System to set aside annually 3% of the total amount to be expended from the Maine Economic Improvement Fund for research and development and product innovation in target areas and to distribute that amount equally among those rural campuses of the University of Maine System that are able to demonstrate efforts in research and development in target areas in the previous year.

**Joint Standing Committee on Business, Research and Economic Development**

**LD 966      An Act To Amend the Licensing Requirements for Marriage and Family Therapists**

**PUBLIC 172**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES	OTP-AM MAJ ONTP MIN	H-198

This bill allows the Board of Counseling Professionals Licensure to grant a provisional license as a marriage and family therapist for a period not to exceed 6 months to an applicant who meets the requirements for licensure except for the successful completion of the examination prescribed by the board.

**Committee Amendment "A" (H-198)**

This amendment is the majority report of the committee. It replaces the provision of the bill that allows the Board of Counseling Professionals Licensure to grant a provisional license as a marriage and family therapist and provides that the board may grant a temporary conditional license for a period not to exceed 6 months to an applicant who meets the requirements for licensure except for the successful completion of the examination prescribed by the board. It also requires the applicant to be employed at an agency under clinical supervision and to apply for and successfully complete the examination within this 6-month period. The amendment also provides that if the applicant fails the examination, the applicant is prohibited from using any clinical experience gained during the 6-month period that the applicant held the temporary conditional license to qualify for licensure. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2009, chapter 172 provides that the Board of Counseling Professionals Licensure may grant a temporary conditional license for a period not to exceed 6 months to an applicant who meets the requirements for licensure except for the successful completion of the examination prescribed by the board. The law requires the applicant to be employed at an agency under clinical supervision and to apply for and successfully complete the examination within this 6-month period. The law also provides that if the applicant fails the examination, the applicant is prohibited from using any clinical experience gained during the 6-month period that the applicant held the temporary conditional license to qualify for licensure.

**LD 997      An Act To Clarify the Limits of the Maine Uniform Building and Energy Code**

**ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK BARTLETT	ONTP MAJ OTP-AM MIN	

This bill amends the laws governing the Maine Uniform Building and Energy Code to allow a municipality to voluntarily adopt and enforce an appendix to the code, the so-called "stretch energy code," that contains energy standards that exceed the energy conservation and efficiency requirements established by the code. This bill requires the Technical Building Codes and Standards Board within the Department of Public Safety to adopt, amend and maintain no later than July 1, 2010 an appendix to the code that contains energy conservation and efficiency requirements based on established national voluntary efficiency standards that exceed the energy requirements of the code. The bill provides that the appendix must be made available for voluntary adoption by any municipality interested in adopting standards and that the board must maintain a list of municipalities that have voluntarily

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adopted the appendix to the code on the board's publicly accessible website.

## Committee Amendment "A" (H-127)

This amendment is the minority report of the committee. The amendment adds an appropriations and allocations section.

### LD 998      **An Act To Provide a Strategic Planning Fund for Research and Development and Technology-related Companies**

ONTP

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

This bill establishes the Maine Strategic Planning Fund for Research and Development, to be administered by the Department of Economic and Community Development, Office of Innovation for the purposes of administering grants for business planning, technical assistance, marketing and strategic planning to private research and development companies that are eligible to receive general obligation bond proceeds for research and development purposes. Any private research and development company that receives general obligation bonds for research and development must deposit a total of 2.25% of all general obligation bonds received into the fund. The office is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the strategic planning fund for research and development. The joint standing committee shall evaluate the impact of the use of the funds on the economic success of the businesses involved to determine if future funding formulas should be adjusted.

### LD 999      **An Act To Streamline the Evaluation of Economic Development Programs**

LEAVE TO  
WITHDRAW

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

This bill implements the recommendations of the Department of Economic and Community Development relating to streamlining and improving the comprehensive economic development evaluation for the State's economic development programs and incentives. It also reduces duplicative statutory reporting requirements that will be included in the department's comprehensive evaluation process. The bill also amends the definition of "economic development incentive."

It also increases the maximum budget amounts of contributing programs and organizations that can be assessed for economic development evaluation and research and development evaluation. It repeals the provision of law that allows the State Tax Assessor to withhold reimbursement for taxes paid on certain business property from a claimant who has failed to provide certain information to the Department of Economic and Community Development.

**Joint Standing Committee on Business, Research and Economic Development**

**LD 1014 An Act To Provide for the 2009 and 2010 Allocations of the State Ceiling on Private Activity Bonds**

**P & S 14  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-54

This bill establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2009 and 2010. Under federal law, a maximum of \$273,270,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2009, and at least \$273,270,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2010. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

**Committee Amendment "A" (S-54)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2009, chapter 14 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2009 and 2010. Under federal law, a maximum of \$273,270,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2009, and at least \$273,270,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2010. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2009, chapter 14 was enacted as an emergency measure effective May 6, 2009.

**LD 1023 An Act To Require a Seller of a Gas Station To Provide an Updated Inspection Prior to Sale of the Property**

**ONTP**

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

This bill provides that in the case of the sale or transfer of any real estate where an underground gasoline storage tank used in connection with the retail sale of gasoline is located, the owner of the real estate, prior to such a sale or transfer, shall file a copy of the most recent annual inspection results relating to the underground gasoline storage tank with the purchaser or transferee.

**LD 1048 An Act To Increase the Amount of the Deposit on Returnable Beverage Containers**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROIS NUTTING J	LTW	

**Joint Standing Committee on Business, Research and Economic Development**

This bill raises the refund value on nonrefillable beverage containers by 5¢ and directs the State Tax Assessor to apply the increase in revenue from unclaimed deposits as a result of this bill toward the cost of the total allocation for kindergarten to grade 12 education.

**LD 1054    An Act To Promote Economic Development in the Greater Portland Region**

**P & S 23**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE DAVIS G	OTP-AM	H-378

This bill modifies the charter of the Greater Portland Public Development Commission by allowing it to conduct its regular business and transfer its funds and its assets to a nonprofit corporation that has the same mission as the commission and to add the municipalities of Westbrook, Falmouth, Cape Elizabeth and Scarborough to the geographic area served by the commission.

**Committee Amendment "A" (H-378)**

This amendment strikes the provisions in the bill that proposed to transfer the funds and assets of the Greater Portland Public Development Commission and updates its charter by replacing outdated property management powers with the power to provide and administer loans and grants to businesses and nonprofits for purposes of stimulating economic growth and revitalization efforts and fostering coordination between economic development entities within the confines of Portland, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough. It also requires the commission to submit an annual report summarizing its complete activities for the prior year, an accounting of its receipts, expenditures, assets and liabilities and a statement of its proposed activities for the coming year to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

**Enacted Law Summary**

Private and Special Law 2009, chapter 23 amends the charter of the Greater Portland Public Development Commission by replacing outdated property management powers with the power to provide and administer loans and grants to businesses and nonprofits for purposes of stimulating economic growth and revitalization efforts and fostering coordination between economic development entities within the confines of Portland, South Portland, Westbrook, Falmouth, Cape Elizabeth and Scarborough. The law requires the commission to submit an annual report summarizing its complete activities for the prior year, an accounting of its receipts, expenditures, assets and liabilities and a statement of its proposed activities for the coming year to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

**LD 1062    Resolve, To Assist Artists, Art Galleries and Art Dealers**

**RESOLVE 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-160

This bill clarifies the relationship between an artist and an art gallery, including the financial responsibilities of the artist and the art gallery.

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### Committee Amendment "A" (S-160)

This resolve replaces the bill. It directs the Department of the Attorney General to develop a voluntary model standard art consignment contract to assist artists, art galleries and art dealers that must be posted on its publicly accessible website by January 15, 2010. It requires the Department of the Attorney General to report to the Joint Standing Committee on Business, Research and Economic Development on the development of the model contract by February 1, 2010.

### Enacted Law Summary

Resolve 2009, chapter 92 directs the Department of the Attorney General to develop a voluntary model standard art consignment contract to assist artists, art galleries and art dealers that must be posted on its publicly accessible website by January 15, 2010. It requires the Department of the Attorney General to report to the Joint Standing Committee on Business, Research and Economic Development on the development of the model contract by February 1, 2010.

### LD 1085 An Act Concerning Dispute Resolution in Home Construction Contracts

PUBLIC 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-107

This bill amends the home construction contract laws to clarify what steps may be taken to resolve a dispute between the parties in the contract.

### Committee Amendment "A" (S-107)

This amendment replaces the bill. It changes the home construction contract laws to notify the parties of the option of resolving any smaller disputes in small claims court prior to engaging in mediation or arbitration.

### Enacted Law Summary

Public Law 2009, chapter 173 changes the home construction contract laws to notify the parties of the option of resolving any smaller disputes in small claims court prior to engaging in mediation or arbitration.

### LD 1089 An Act To Regulate Mixed Martial Arts Competitions, Exhibitions and Events

PUBLIC 352

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON MARRACHE	OTP-AM MAJ ONTP MIN	H-493

This bill allows a mixed martial arts competition, exhibition or event to be held in the State as long as a license is issued by the Department of Professional and Financial Regulation. It requires the department to supervise and oversee mixed martial arts competitions, exhibitions or events held within the State in a manner that promotes mixed martial arts while protecting the public interest. The bill requires the Commissioner of Professional and Financial Regulation to select members of the mixed martial arts community to serve on an advisory council and to consult with the commissioner concerning the regulation of mixed martial arts. It requires these events to be held in accordance with the rules adopted by the department.

## *Joint Standing Committee on Business, Research and Economic Development*

### **Committee Amendment "A" (H-493)**

This amendment is the majority report of the committee and it replaces the bill. It establishes the Mixed Martial Arts Authority of Maine as a body corporate and politic and a public instrumentality of the State to regulate and promote mixed martial arts competitions, exhibitions and events in the State and removes any criminal prohibition for any such event authorized by the authority. It provides that the authority is governed and its powers exercised by a board of directors that consists of 5 voting members appointed by the Governor. It establishes the Mixed Martial Arts Reserve Fund and allows the board to receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise and allows the authority to apply for, solicit and receive grants, donations and gifts and to receive appropriations from the State and funds from other governmental authorities. It requires that all funds received must be spent solely to assist with operational expenses. It requires the State Controller at the close of each fiscal year to transfer from the fund any revenue in excess of operating expenses to the General Fund.

It also requires the authority to adopt rules no later than March 1, 2010 to protect the health and safety of participants and the integrity of competition, as well as to set the fee schedules for all authorized participants. The rules must include rules of competition, weighing of participants, scoring of decisions, length of contests and rounds, availability of medical services, age limits, weight limits and classification of participants, physical condition of participants, qualifications of referees and other authorized participants, uniforms, attire, safety gear and equipment of participants, referees and other officials, specifications of facilities and equipment and requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants.

It requires a promoter of a mixed martial arts competition, exhibition or event to pay a fee set by the authority in advance of the mixed martial arts competition, exhibition or event. In the event a promoter fails to pay the required fee, the promoter is prohibited from promoting this competition and any further competitions, exhibitions or events until the fees and any penalties are paid in full or satisfactory arrangements are made with the authority.

It requires the authority to submit an annual report by March 15th of each year beginning in 2010 on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, including an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan.

This amendment also allows a mixed martial arts competition, exhibition or event to be held in the State effective March 1, 2010, as long as the authority has adopted the rules required by this chapter. It also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 352 establishes the Mixed Martial Arts Authority of Maine as a body corporate and politic and a public instrumentality of the State to regulate and promote mixed martial arts competitions, exhibitions and events in the State and removes the current criminal prohibition against these events, provided they are authorized by the authority. The law provides that the authority is governed and its powers exercised by a board of directors that consists of 5 voting members appointed by the Governor.

The law establishes the Mixed Martial Arts Reserve Fund and allows the board to receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise and allows the authority to apply for, solicit and receive grants, donations and gifts and to receive appropriations from the State and funds from other governmental authorities. It requires that all funds received must be spent solely to assist with operational expenses. It also requires the State Controller at the close of each fiscal year to transfer from the fund any revenue in excess of operating expenses to the General Fund.

The law requires the authority to adopt rules no later than March 1, 2010 to protect the health and safety of participants and the integrity of competition, as well as to set the fee schedules for all authorized participants. The rules must include rules of competition, weighing of participants, scoring of decisions, length of contests and rounds, availability of medical services, age limits, weight limits and classification of participants, physical condition of

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participants, qualifications of referees and other authorized participants, uniforms, attire, safety gear and equipment of participants, referees and other officials, specifications of facilities and equipment and requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants.

The law requires a promoter of a mixed martial arts competition, exhibition or event to pay a fee set by the authority in advance of the mixed martial arts competition, exhibition or event. In the event a promoter fails to pay the required fee, the promoter is prohibited from promoting this competition and any further competitions, exhibitions or events until the fees and any penalties are paid in full or satisfactory arrangements are made with the authority.

The authority must submit an annual report by March 15th of each year beginning in 2010 on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, including an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan.

The law also allows a mixed martial arts competition, exhibition or event to be held in the State effective March 1, 2010, as long as the authority has adopted the rules required by this chapter.

**LD 1137     An Act To Limit the Interest Charged under Rental-purchase Agreements**

**ONTP**

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

This bill limits the amount of interest that can be charged on a rental-purchase agreement to 25% of the cash price of the property over the lifetime of the agreement and provides that the agreement terminates and the consumer owns the property once payments made by the consumer equal 125% of the cash price of the property.

**LD 1183     An Act To Prevent Predatory Marketing Practices against Minors**

**PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-161

This bill addresses the current practices of persons using the Internet and other wireless communications devices, with or without promotional incentives, to acquire health-related information about minors and then using that information unscrupulously. Under this bill, it is unlawful to solicit or collect health-related information about a minor who is not emancipated without the express written consent of the minor's parent or guardian, to transfer any health-related information that identifies a minor or to use any of that information to market a product or service to a minor regardless of whether or not the information was lawfully obtained. Unlawful marketing includes promoting a course of action relating to a product. The bill provides 3 potential remedies for a violation: relief as an unfair trade practice, a private right of action and a civil violation with substantial monetary fines.

**Committee Amendment "A" (S-161)**

This amendment changes the title of the bill. It adds new definitions for "person," "personal information," "marketing purposes" and "verifiable parental consent," removes the definition for "collect" and prohibits the knowing collection of both health-related and personal information from minors. It also removes the requirement for

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the Attorney General to establish procedures for complaints and instead allows the Attorney General to establish these procedures. It amends the provision that unlawful collection constitutes the collection of personal information obtained via the Internet or any wireless communications device to more broadly encompass the collection of this information by any method. It changes the penalty provision to clarify that, notwithstanding the provisions of the Maine Unfair Trade Practices Act, each violation constitutes a civil violation for which a fine may be assessed of no less than \$10,000 and no more than \$20,000 for a first violation and no less than \$20,000 for a 2nd violation or any subsequent violation. It also provides that, if the Attorney General finds evidence of a violation of the federal Children's Online Privacy Protection Act of 1998, it may bring a civil action pursuant to 15 United States Code, Section 6504.

**Enacted Law Summary**

Public Law 2009, chapter 230 prohibits the knowing collection or sale of both health-related or personal information for marketing purposes from a minor without first obtaining verifiable parental consent. It also prohibits predatory marketing against minors. The law establishes 3 potential remedies for a violation: relief as an unfair trade practice, a private right of action and a civil violation with substantial monetary fines. The law also provides that, if the Attorney General finds evidence of a violation of the federal Children's Online Privacy Protection Act of 1998, it may bring a civil action pursuant to 15 United States Code, Section 6504.

**LD 1186      Resolve, To Facilitate the Creation and Expansion of an Identified Business Sector      RESOLVE 62**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-101

This resolve requires the Department of Economic and Community Development to identify 3 business sectors and convene a working group of representatives of those sectors to identify barriers in the development or expansion of those sectors and solutions for the removal of those barriers.

**Committee Amendment "A" (S-101)**

This amendment reduces from 3 to one the business sectors in the resolve that the Department of Economic and Community Development is required to identify in order to convene the working group.

**Enacted Law Summary**

Resolve 2009, chapter 62 requires the Department of Economic and Community Development to identify 1 business sector and convene a working group of representatives of that sector to identify barriers in the development or expansion of this sector and solutions for the removal of those barriers.

**LD 1193      Resolve, To Establish Uniform Protocols for the Use of Controlled Substances      RESOLVE 56**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-108

This bill creates the Joint Practice Council on Controlled Substances under the Board of Licensure in Medicine to develop and administer protocols for the use and administration of controlled substances, including requiring an

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opioid or narcotic drug to be prescribed in certain circumstances by a health care practitioner with specialized expertise and training, requiring that a patient's opioid or narcotic drug be prescribed by only one prescriber at a time, prohibiting a controlled substance from being dispensed by mail and allowing a patient to obtain a controlled substance at only one pharmacy.

**Committee Amendment "A" (S-108)**

This amendment replaces the bill with a resolve that directs the Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances for adoption by all licensed prescribers by February 1, 2010. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the resolve to the Second Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 56 directs the Board of Licensure in Medicine to convene stakeholders to develop common protocols for the use and administration of controlled substances for adoption by all licensed prescribers by February 1, 2010. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the resolve to the Second Regular Session of the 124th Legislature.

**LD 1196 An Act To Ensure Royalties to Visual Artists**

**LEAVE TO  
WITHDRAW**

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

This bill requires that an artist receive a minimum 5% royalty on the resale of a work of fine art sold for more than \$1,000. It guarantees the right to attempt to pursue damages for the failure to pay royalties. This bill also establishes the Maine Arts Commission Visual Artists Fund for the purpose of holding royalties owed to artists that have not received those royalties yet.

**LD 1223 An Act To Allow Pharmacists To Administer Certain Immunizations**

**PUBLIC 308**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN RAYE	OTP-AM	H-473

This bill allows a pharmacist to administer drugs and immunizations. The Department of Professional and Financial Regulation, Maine Board of Pharmacy shall adopt routine technical rules to implement this bill.

**Committee Amendment "A" (H-473)**

This amendment allows a pharmacist to administer certain drugs and immunizations, including the influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine with certain restrictions. It allows a licensed pharmacist to administer all forms of influenza vaccines to a person 9 years of age or older without a prescription. It also allows a licensed pharmacist to administer the pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine to a person with a valid prescription when the

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person has an existing primary care physician or other existing relationship with an authorized Maine practitioner. In cases in which the person does not have an existing relationship with a primary care physician or other Maine practitioner the pharmacist may administer the vaccine according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine or booster tetanus-diphtheria vaccine.

It also amends the continuing pharmacy education requirements for licensure renewal and establishes certain training requirements in order for a licensed pharmacist to be able to administer a drug or immunization. It establishes a treatment protocol for the administration of the drugs and immunizations. It provides that reimbursement under the MaineCare program is contingent on the adoption of a billing mechanism by the Department of Health and Human Services for the MaineCare program and amendment of the rules of the MaineCare benefits manual to cover the service provided at a minimum of the current average wholesale price reimbursement rate plus a dispensing fee of \$3.35. Prior to the adoption of a billing mechanism, a MaineCare member that receives a vaccination must be told in advance that the administration of vaccines provided by a pharmacist is not covered by MaineCare and the member will be responsible for payment.

### **Enacted Law Summary**

Public Law 2009, chapter 308 allows a pharmacist to administer certain drugs and immunizations, including the influenza vaccine, intranasal influenza vaccine, pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine with certain restrictions. It allows a licensed pharmacist to administer all forms of influenza vaccines to a person 9 years of age or older without a prescription. It also allows a licensed pharmacist to administer the pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine and tetanus-diphtheria vaccine to a person with a valid prescription when the person has an existing primary care physician or other existing relationship with an authorized Maine practitioner. In cases in which the person does not have an existing relationship with a primary care physician or other Maine practitioner, the pharmacist may administer the vaccine according to a treatment protocol established by an authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for pneumococcal vaccine, shingles or herpes zoster vaccine, tetanus-diphtheria-pertussis vaccine or booster tetanus-diphtheria vaccine.

The law also amends the continuing pharmacy education requirements for licensure renewal and establishes certain training requirements in order for a licensed pharmacist to be able to administer a drug or immunization. It establishes a treatment protocol for the administration of the drugs and immunizations.

The law provides that reimbursement under the MaineCare program is contingent on the adoption of a billing mechanism by the Department of Health and Human Services for the MaineCare program and amendment of the rules of the MaineCare benefits manual to cover the service provided at a minimum of the current average wholesale price reimbursement rate plus a dispensing fee of \$3.35. Prior to the adoption of a billing mechanism, a MaineCare member that receives a vaccination must be told in advance that the administration of vaccines provided by a pharmacist is not covered by MaineCare and the member will be responsible for payment.

**LD 1240    Resolve, Directing the Commissioner of Professional and Financial  
Regulation To Conduct a Sunrise Review Regarding a Proposal To  
License Wetland Scientists**

**RESOLVE 73**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE TRAHAN	OTP-AM	H-249

## *Joint Standing Committee on Business, Research and Economic Development*

This resolve directs the Department of Professional and Financial Regulation to develop a licensing protocol for wetland scientists in collaboration with the Department of Environmental Protection and the Maine Association of Wetland Scientists and to report to the Joint Standing Committee on Business, Research and Economic Development by December 2, 2009. The joint standing committee is authorized to introduce legislation related to this report to the Second Regular Session of the 124th Legislature.

### **Committee Amendment "A" (H-249)**

This amendment replaces the resolve and requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of a proposal to license wetland scientists. It also requires that no later than February 15, 2010 the Commissioner of Professional and Financial Regulation must submit a report with any necessary proposed legislation regarding the sunrise review to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 73 requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of a proposal to license wetland scientists. It requires that no later than February 15, 2010 the Commissioner of Professional and Financial Regulation must submit a report with any necessary proposed legislation regarding the sunrise review to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 124th Legislature.

**LD 1241      Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades**

**RESOLVE 74**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WRIGHT	OTP-AM MAJ ONTP MIN	H-248

This bill requires licensure of persons that perform sheet metal work, refrigeration and air conditioning system installation and repair, pipefitting and fire protection sprinkler system installation and repair. The bill grandfathers persons that have completed apprentice programs or have been compensated for a minimum of 2,000 hours in the business of performing sheet metal work, refrigeration and air conditioning system installation and repair, pipefitting or fire protection sprinkler system installation, repair and testing.

### **Committee Amendment "A" (H-248)**

This amendment is the majority report of the committee and replaces the bill with a resolve. It requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license certain mechanical trades. It also requires that no later than February 15, 2010 the Commissioner of Professional and Financial Regulation submit a report with any necessary legislation following the sunrise review to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 74 requires the Commissioner of Professional and Financial Regulation to conduct an

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independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license certain mechanical trades. It requires that no later than February 15, 2010 the Commissioner of Professional and Financial Regulation must submit a report with any necessary legislation following the sunrise review to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 124th Legislature.

**LD 1257    An Act To Require Legislative Consultation and Approval Prior to  
Committing the State to Binding International Trade Agreements**

**PUBLIC 385**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BRYANT B	OTP-AM	H-457

The purpose of this bill is to prohibit any official of the State, including the Governor, from binding the State to a trade agreement to which the State is invited to be a party by the United States Government without the express consent of the Legislature through the enactment of a law authorizing an official of the State to enter into that trade agreement.

**Committee Amendment "A" (H-457)**

This amendment broadens the definition of "trade agreement" and clarifies that the legislative approval of trade agreements may occur only when the United States Government provides the State with the opportunity to consent to or reject binding the State to a trade agreement or a provision within a trade agreement. It also requires the Governor to provide the Maine International Trade Center with a copy of any communication concerning a trade agreement provision when it is received by the State, and it adds the requirement that the Citizen Trade Policy Commission consult with the Maine International Trade Center when it reviews and analyzes trade agreements.

**Enacted Law Summary**

Public Law 2009, chapter 385 prohibits any official of the State, including the Governor, from binding the State to a trade agreement to which the State is invited to be a party by the United States Government without the express consent of the Legislature through the enactment of a law authorizing an official of the State to enter into that trade agreement. The law requires legislative approval of trade agreements only when the United States Government provides the State with the opportunity to consent to or reject binding the State to a trade agreement or a provision within a trade agreement. The law requires the Governor to provide the Maine International Trade Center with a copy of any communication concerning a trade agreement provision when it is received by the State, and requires the Citizen Trade Policy Commission to consult with the Maine International Trade Center when it reviews and analyzes trade agreements.

**LD 1320    An Act To Ensure the Availability of Alcohol-free Motor Fuels**

**Carried Over**

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

This bill requires a retail dealer of gasoline and a distributor of gasoline to offer for sale or use nonethanol-blended unleaded premium grade gasoline.

# Joint Standing Committee on Business, Research and Economic Development

This bill was carried over to any special or regular session of the 124th Legislature pursuant to Joint Order H.P. 1053.

LD 1337     **An Act To Protect Maine Citizens and Franchised New Motor Vehicle Dealers**

**PUBLIC 367  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-262

This bill provides protections to franchised new motor vehicle dealers against losses caused by unreasonable terminations by manufacturers.

### **Committee Amendment "A" (S-262)**

This amendment makes the following changes to the bill:

1. It removes provisions in the emergency preamble that reference manufacturers' conduct;
2. It removes the reference to motor vehicles that are substantially similar in design and specifications and manufactured in the same facility from the definition of "line make" and instead amends the provision of law that prohibits interference in a dealer's business to require that, if an entity other than the original manufacturer of a line make becomes the manufacturer for the line make and intends to distribute motor vehicles of that line make in this State, that entity must honor the franchise agreements of the original manufacturer and its licensed new motor vehicle dealers or offer those dealers of that same line make, or of motor vehicles historically of that line make that are substantially similar in their design and specifications and are manufactured in the same facility or facilities, a new franchise agreement with substantially similar terms and conditions;
3. It provides that modifications to dealership facilities as a condition of renewal are precluded when unreasonable;
4. It provides that termination benefits are precluded if the new motor vehicle dealership stock or assets are otherwise sold;
5. It provides that supplies and parts payments in the event of a termination, cancellation, noncontinuance or nonrenewal are limited to parts in the current parts catalog or parts used in relation to new motor vehicle warranty repairs; equipment and furnishings and special tools payments, which are subject to a reasonable allowance for wear and tear; and special tools and automotive service equipment owned by the dealer that were designated as special tools or equipment and required by and purchased from the manufacturer or its approved sources, if the tools and equipment are in useable and good condition, normal wear and tear excepted;
6. It provides for rental assistance for a term of one year for dealership facilities in all termination, cancellation, noncontinuance and nonrenewal cases, except for those cases when the dealer is convicted and imprisoned for a felony involving moral turpitude that is substantially related to the qualifications, functions or duties of the franchisee;
7. It makes technical changes to include the term "noncontinuance;"
8. It provides that rental assistance is subject to a requirement by the dealer to list the dealership facilities with a real estate agent except in those instances when the facilities are used for more than one franchise; and
9. It removes all provisions proposing to allow pecuniary loss as a measure of the value of a franchise and

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provisions relating to factory finance terms.

## Enacted Law Summary

Public Law 2009, chapter 367 provides protections to franchised new motor vehicle dealers against losses caused by unreasonable terminations by manufacturers.

Public Law 2009, chapter 367 was enacted as an emergency measure effective June 11, 2009.

LD 1372 An Act To Simplify Maine's Accountancy Laws

PUBLIC 242

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-307

Current law requires a 2-step process for the licensure of certified public accountants. An applicant who qualifies for licensure first applies for and is issued a certificate. The certificate does not authorize the holder to practice. The certificate holder then files a 2nd application for a permit to practice, which is the actual license. This bill streamlines the licensing process by compacting the certificate phase and permit phase into one application for licensure. Certificates will no longer be issued.

The Board of Accountancy licenses certified public accountants, public accountants and accounting firms. Applicants for the certified public accountant or public accountant credential must pass the same examination, but the education and experience requirements are more rigorous for certified public accountants. Currently, the board licenses 2,056 certified public accountants and 12 public accountants. New public accountants have not been licensed since 1992. This bill eliminates the public accountant license category prospectively. Current public accountants will be able to renew indefinitely.

This bill removes specific hour requirements of continuing professional education requirements for accountants and instead authorizes the board to establish by rule the number of hours required for renewal.

### Committee Amendment "A" (H-307)

This amendment allows a certified public accountant licensed in another state to be licensed in Maine if that person meets certain requirements or can provide verification that the person's qualifications are substantially equivalent to specified licensure requirements. This amendment also provides that the continuing education requirements established by the Board of Accountancy required for license renewal must be no more than 40 hours and no less than 20 hours annually.

## Enacted Law Summary

Public Law 2009, chapter 242 streamlines the licensing process by compacting the certificate phase and permit phase for certified public accountants into one application for licensure. Certificates will no longer be issued. The Board of Accountancy licenses certified public accountants, public accountants and accounting firms. Applicants for the certified public accountant or public accountant credential must pass the same examination, but the education and experience requirements are more rigorous for certified public accountants. The law eliminates the public accountant license category prospectively. Current public accountants will be able to renew indefinitely.

The law also removes specific hour requirements of continuing professional education requirements for accountants and instead authorizes the board to establish by rule the number of hours required for renewal, which must be no more than 40 hours and no less than 20 hours annually. The law allows a certified public accountant licensed in another state to be licensed in Maine if that person meets certain requirements or can provide verification that the

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person's qualifications are substantially equivalent to specified licensure requirements.

LD 1388 An Act Regarding the Licensing Fees for Certain Professional Programs

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-171

This bill adjusts the fee cap for 4 licensing programs within the Department of Professional and Financial Regulation.

Part A restores the fee cap for licenses issued by the Manufactured Housing Board from \$200 biennially to \$200 annually to correct a drafting error in Public Law 2007, chapter 402; increases the park fees from a \$40 base fee and up to \$4 per mobile home site to a \$60 base fee and up to \$6 per mobile home site; and authorizes an assessment for the actual cost of inspections of manufactured housing.

Part B changes the fee cap for chiropractor licenses from \$300 biennially to \$250 annually.

Part C increases the fee cap for plumber licenses from \$200 to \$350 biennially.

Part D changes the fee cap for real estate appraiser licenses from \$450 biennially to \$450 annually.

#### Committee Amendment "A" (S-171)

This amendment amends the section of law governing continuing education requirements for licensure renewal for real estate appraisers to reflect the requirement that the professional appraisal practice update course be completed in the even-numbered year as part of license renewal. It also removes the authorization for the board to establish by rule a core education requirement.

#### Enacted Law Summary

Public Law 2009, chapter 241 adjusts the fee cap for 4 licensing programs within the Department of Professional and Financial Regulation.

Part A restores the fee cap for licenses issued by the Manufactured Housing Board from \$200 biennially to \$200 annually to correct a drafting error in Public Law 2007, chapter 402; increases the park fees from a \$40 base fee and up to \$4 per mobile home site to a \$60 base fee and up to \$6 per mobile home site; and authorizes an assessment for the actual cost of inspections of manufactured housing.

Part B changes the fee cap for chiropractor licenses from \$300 biennially to \$250 annually.

Part C increases the fee cap for plumber licenses from \$200 to \$350 biennially.

Part D changes the fee cap for real estate appraiser licenses from \$450 biennially to \$450 annually. It amends the section of law governing continuing education requirements for licensure renewal for real estate appraisers to reflect the requirement that the professional appraisal practice update course be completed in the even-numbered year as part of license renewal. It also removes the authorization for the board to establish by rule a core education requirement.

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**LD 1389 An Act To Create State and Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine**

Carried Over

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

Part A establishes the Maine Quality of Place Council to act as a coordinating body for state and regional quality of place investment strategies. The council consists of state and regional public agency representatives and private citizens. Its responsibilities include working with other state agencies to recommend how state agencies may align their laws, programs and funding with a state quality of place investment strategy to support regional efforts and assessing how regional quality of place investment strategies align with state efforts. The council will also create performance measures to assess state and regional quality of place investment strategies. It will also award annually Maine Quality of Place Prosperity Awards recognizing the preservation, enhancing and marketing of Maine's quality of place assets to stimulate job creation and economic prosperity.

Part A also provides definitions for both state and regional quality of place investment strategies. It establishes a fund for implementing regional quality of place investment strategies. The fund will consist of any bond proceeds and any public and private contributions received for its purpose. This Part also requires applications for other state program funds to receive preference points if they are submitted as part of a regional quality of place investment strategy.

Part B requires regional planning and development districts that have in place a United States Department of Commerce, Economic Development Administration comprehensive economic development strategy to develop a regional quality of place investment strategy by engaging regional sector leaders, setting priorities and leveraging public and private development activities and funds.

Part C requires the Executive Department, State Planning Office to provide assistance to the Maine Quality of Place Council, engage in public education regarding asset-based investment strategies and a state quality of place investment strategy and work with regional planning and development districts to aid them in development of regional quality of place investment strategies.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

**LD 1393 An Act To Provide an Exception to the Pine Tree Development Zone Requirements for Seafood Processing Businesses**

Carried Over

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

This bill provides a new exception category for qualification for Pine Tree Development Zone benefits for a seafood processing business that makes certain written commitments. The process for qualifying for this exception and the conditions for meeting those qualifications are similar to those that presently exist for manufacturing businesses in order for them to qualify for Pine Tree Development Zone benefits under circumstances in which they would not otherwise be qualified.

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This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

## LD 1394 An Act To Modify the Regional Economic Development Revolving Loan Program

PUBLIC 131

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

This bill amends certain provisions of the Regional Economic Development Revolving Loan Program under the Finance Authority of Maine.

1. Current law provides that a corporation may not receive more than \$2,500,000 from the program fund. This bill increases that amount to \$3,500,000.
2. Current law provides that a financial assistance application determination is final in the case of loans under \$100,000. This bill increases that amount to \$150,000.
3. Current law specifies financing terms and conditions for loans made from program funds. This bill amends certain of those provisions.
4. This bill amends the descriptions of eligible projects, and expands eligibility to entities until June 30, 2010.
5. Current law specifies that a business with 5 or fewer employees may be eligible for financial assistance under the program. This bill increases the number of employees to 10 or fewer.

### Enacted Law Summary

Public Law 2009, chapter 131 amends the following provisions of the Regional Economic Development Revolving Loan Program under the Finance Authority of Maine:

1. Current law provides that a corporation may not receive more than \$2,500,000 from the program fund. This law increases that amount to \$3,500,000.
2. Current law provides that a financial assistance application determination is final in the case of loans under \$100,000. This law increases that amount to \$150,000.
3. Current law specifies financing terms and conditions for loans made from program funds. This law amends certain of those provisions.
4. It amends the descriptions of eligible projects, and expands eligibility to entities until June 30, 2010.
5. Current law specifies that a business with 5 or fewer employees may be eligible for financial assistance under the program. This law increases the number of employees to 10 or fewer.

# Joint Standing Committee on Business, Research and Economic Development

LD 1413     **Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity**

**RESOLVE 110  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COHEN DAMON	OTP-AM	H-379

This resolve establishes the Commission To Improve the Business Climate in order to study all aspects of advancing the State's business climate through improving the efficiency, effectiveness and consistency of the State's regulatory systems, as well as improving the relationships between regulators and the regulated community

The commission is required to submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 124th Legislature. The Joint Standing Committee on Business, Research and Economic Development is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature.

### **Committee Amendment "A" (H-379)**

This amendment replaces the resolve and requires the Maine Regulatory Fairness Board, in consultation with private and public stakeholders, including but not limited to the Department of Professional and Financial Regulation, the Department of Economic and Community Development and the Department of Health and Human Services, to review and identify ways to advance the State's business climate as identified by the 2009 Measures of Growth In Focus report from the Maine Economic Growth Council, the final report of the Joint Select Committee on Future Maine Prosperity, the report entitled "Charting Maine's Future, An Action Plan for Promoting Sustainable Prosperity and Quality Places" by the Brookings Institution and any other reports identified by the board; to improve the efficiency, effectiveness and consistency of the State's regulatory systems; and to improve the relationships between regulators and the regulated community. It requires the board to use the process for accepting public input through public meetings across the State, which is currently required in statute, to assist in the identification of regulatory burdens.

It also requires the board to provide a briefing regarding its review no later than February 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill related to this issue in the Second Regular Session of the 124th Legislature.

This amendment also requires that, no later than January 15, 2011, the board must provide a written report with its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

### **Enacted Law Summary**

Resolve 2009, chapter 110 requires the Maine Regulatory Fairness Board, in consultation with private and public stakeholders, including but not limited to the Department of Professional and Financial Regulation, the Department of Economic and Community Development and the Department of Health and Human Services, to review and identify ways to advance the State's business climate as identified by the 2009 Measures of Growth In Focus report from the Maine Economic Growth Council, the final report of the Joint Select Committee on Future Maine Prosperity, the report entitled "Charting Maine's Future, An Action Plan for Promoting Sustainable Prosperity and Quality Places" by the Brookings Institution and any other reports identified by the board; to improve the efficiency, effectiveness and consistency of the State's regulatory systems; and to improve the relationships between regulators and the regulated community. The law requires the board to use the process for accepting public input through public meetings across the State, which is currently required in statute, to assist in the identification of regulatory burdens.

## *Joint Standing Committee on Business, Research and Economic Development*

The law requires the board to provide a briefing regarding its review no later than February 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill related to this issue in the Second Regular Session of the 124th Legislature. The law requires that, no later than January 15, 2011, the board must provide a written report with its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

Resolve 2009, chapter 110 was enacted as an emergency measure effective June 9, 2009.

**LD 1455 An Act To Establish the Maine Fuel Board**

**PUBLIC 344**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-345 H-525 SMITH N S-261 SCHNEIDER

This bill repeals the Maine Revised Statutes, Title 32, chapters 33 and 130, governing the licensure and regulation of oil and solid fuel burning technicians and propane and natural gas technicians, and combines the 2 licensing programs into one licensing program under a merged licensing board, the Maine Fuel Board, established by one authorizing statute. This bill reflects the current standards for the installation of oil and solid fuel burner equipment and propane and natural gas equipment and strengthens licensing requirements for propane and natural gas technicians who apply for licensure after the effective date of the bill. The bill provides for a limited license for wood pellet technicians and for board authority to consider the impact of new heating technology that may be available in the future.

### **Committee Amendment "A" (H-345)**

This amendment changes the professional qualification requirements in the bill for an applicant for a propane and natural gas technician license to require either the successful completion of a national propane gas association's certified employee training program or successful completion of a board-approved propane or natural gas course at a Maine community college, career and technical education center or career and technical education region or a comparable institute of this State or another state and passing an examination approved by the board. This amendment also reduces the license term for applicants for a temporary plant operator or delivery technician license. The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" (S-261)**

This amendment changes the membership of the Maine Fuel Board by removing the member appointed by the Commissioner of Public Safety, adding one more member who must be licensed as a master oil and solid fuel technician and one more member who must be licensed as a propane and natural gas technician and requiring one member to be licensed as both. This amendment also requires all members required to be licensed to have been licensed for at least the 7 years immediately prior to appointment.

### **House Amendment "A" To Senate Amendment "A" (H-525)**

This amendment adds a member appointed by the Commissioner of Public Safety as that commissioner's representative to the Maine Fuel Board.

### **Enacted Law Summary**

Public Law 2009, chapter 344 repeals the Maine Revised Statutes, Title 32, chapters 33 and 130, governing the

# Joint Standing Committee on Business, Research and Economic Development

licensure and regulation of oil and solid fuel burning technicians and propane and natural gas technicians, and combines the 2 licensing programs into one licensing program under a merged licensing board, the Maine Fuel Board, established by one authorizing statute. The law provides for a limited license for wood pellet technicians and for board authority to consider the impact of new heating technology that may be available in the future. The law requires an applicant for a propane and natural gas technician license to either successfully complete the national propane gas association's certified employee training program or a board-approved propane or natural gas course at a Maine community college, career and technical education center or career and technical education region or a comparable institute of this State or another state and pass an examination approved by the board. This law also reduces the license term for applicants for a temporary plant operator or delivery technician license.

LD 1468 An Act Regarding the Evaluation of Economic Development Programs

PUBLIC 337  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-502

This bill implements the recommendations of the Department of Economic and Community Development relating to streamlining and improving the comprehensive economic development evaluation for the State's economic development programs and incentives. It also reduces duplicative statutory reporting requirements that will be included in the department's comprehensive evaluation process. The bill also amends the definition of "economic development incentive." It also increases the maximum budget amounts of contributing programs and organizations that can be assessed for economic development evaluation and research and development evaluation. It repeals the provision of law that allows the State Tax Assessor to withhold reimbursement for taxes paid on certain business property from a claimant who has failed to provide certain information to the Department of Economic and Community Development.

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

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

### Enacted Law Summary

Public Law 2009, chapter 337 implements the recommendations of the Department of Economic and Community Development relating to streamlining and improving the comprehensive economic development evaluation for the State's economic development programs and incentives. It also reduces duplicative statutory reporting requirements that will be included in the department's comprehensive evaluation process. The law also amends the definition of "economic development incentive." It also increases the maximum budget amounts of contributing programs and organizations that can be assessed for economic development evaluation and research and development evaluation. It repeals the provision of law that allows the State Tax Assessor to withhold reimbursement for taxes paid on certain business property from a claimant who has failed to provide certain information to the Department of Economic and Community Development.

Public Law 2009, chapter 337 was enacted as an emergency measure effective June 9, 2009.

# Joint Standing Committee on Business, Research and Economic Development

LD 1473 An Act To Reaffirm Maine's Commitment to Business by Amending the Pine Tree Development Zone Laws

PUBLIC 461

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-570

This bill is a concept draft pursuant to Joint Rule 208. It proposes to expand the eligibility for designation as a Pine Tree Development Zone, and the benefits available as a Pine Tree Development Zone, to the entire State.

## Committee Amendment "A" (H-570)

This amendment makes the following changes to the Pine Tree Development Zone laws:

1. Beginning January 1, 2009 to December 31, 2009, it allows for all units of local government statewide to be considered tier 1 locations, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 10 years;
2. Beginning January 1, 2010, it allows a unit of local government that is contained in a county other than Cumberland County or York County, as well as a unit of local government that is contained in Cumberland County or York County with a municipal unemployment rate that is 15% higher than its labor market unemployment rate, a unit of local government that has been designated by the Department of Economic and Community Development as a participating municipality in the Pine Tree Development Zone program as of December 31, 2008 and property within a military redevelopment zone to be classified as a tier 1 location, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 10 years;
3. Beginning January 1, 2010, it allows any unit of local government that is contained in Cumberland County or York County that is not classified as a tier 1 location to be classified as a tier 2 location, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 5 years. After the 5 years, all Pine Tree Development Zone benefits expire, except for the expanded employment tax increment financing benefits under the Maine Revised Statutes, Title 36, chapter 917, which must be recalculated at that time to reflect the standard rates under that chapter;
4. It extends the duration of benefits through the year 2028;
5. It allows significant business development projects to have a base level of employment adjustment, determined by a single location versus a statewide aggregate;
6. It amends the definition of "manufacturing;"
7. It repeals several provisions of the Pine Tree Development Zone laws that relate to the designation of zones that are no longer necessary; and
8. It establishes the Pine Tree Development Zone Reserve Fund as a nonlapsing fund to capture all net positive revenues gained by the program that accrue to the State and that would not have accrued to the State but for the availability of Pine Tree Development Zone benefits.

## Enacted Law Summary

Public Law 2009, chapter 461 makes the following changes to the Pine Tree Development Zone laws:

## *Joint Standing Committee on Business, Research and Economic Development*

1. Beginning January 1, 2009 to December 31, 2009, it allows for all units of local government statewide to be considered tier 1 locations, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 10 years;
2. Beginning January 1, 2010, it allows a unit of local government that is contained in a county other than Cumberland County or York County, as well as a unit of local government that is contained in Cumberland County or York County with a municipal unemployment rate that is 15% higher than its labor market unemployment rate, a unit of local government that has been designated by the Department of Economic and Community Development as a participating municipality in the Pine Tree Development Zone program as of December 31, 2008 and property within a military redevelopment zone to be classified as a tier 1 location, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 10 years;
3. Beginning January 1, 2010, it allows any unit of local government that is contained in Cumberland County or York County that is not classified as a tier 1 location to be classified as a tier 2 location, where qualified businesses may become eligible for Pine Tree Development Zone benefits for a period of 5 years. After the 5 years, all Pine Tree Development Zone benefits expire, except for the expanded employment tax increment financing benefits under the Maine Revised Statutes, Title 36, chapter 917, which must be recalculated at that time to reflect the standard rates under that chapter;
4. It extends the duration of benefits through the year 2028;
5. It allows significant business development projects to have a base level of employment adjustment, determined by a single location versus a statewide aggregate;
6. It amends the definition of "manufacturing;"
7. It repeals several provisions of the Pine Tree Development Zone laws that relate to the designation of zones that are no longer necessary; and
8. It establishes the Pine Tree Development Zone Reserve Fund as a nonlapsing fund to capture all net positive revenues gained by the program that accrue to the State and that would not have accrued to the State but for the availability of Pine Tree Development Zone benefits.

**LD 1477      Resolve, Authorizing the Finance Authority of Maine To Oversee an  
Obligation Owed to the State by Lincoln Paper and Tissue, LLC**

**RESOLVE 124  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-257

This resolve authorizes the Commissioner of Environmental Protection to assign to the Finance Authority of Maine certain debt obligations under a promissory note with a maturity date of May 26, 2009 owed to the State by Lincoln Paper and Tissue, LLC.

**Committee Amendment "A" (S-257)**

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

**Enacted Law Summary**

Resolve 2009, chapter 124 authorizes the Commissioner of Environmental Protection to assign to the Finance Authority of Maine certain debt obligations under a promissory note with a maturity date of May 26, 2009 owed to

# Joint Standing Committee on Business, Research and Economic Development

the State by Lincoln Paper and Tissue, LLC.

Resolve 2009, chapter 124 was enacted as an emergency measure effective June 10, 2009.

LD 1491    **An Act To Protect Maine Citizens and Franchised New Car and Truck Dealers**

**PUBLIC 432  
EMERGENCY**

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

The purpose of this bill is to protect motor vehicle dealer rights, preserve local businesses and protect public access to essential dealers' services throughout the State.

This bill limits the ability of a successor manufacturer to offer a franchise to any person for a line make of a predecessor manufacturer without first offering the franchise to the former franchisee.

### **Enacted Law Summary**

Public Law 2009, chapter 432 limits the ability of a successor manufacturer to offer a franchise to any person for a line make of a predecessor manufacturer without first offering the franchise to the former franchisee.

Public Law 2009, chapter 432 was enacted as an emergency measure effective June 17, 2009.

*Joint Standing Committee on Business, Research and Economic Development*

SUBJECT INDEX

*Bonds*

Enacted

LD 1014	An Act To Provide for the 2009 and 2010 Allocations of the State Ceiling on Private Activity Bonds	P & S 14 EMERGENCY
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*Business Regulation*

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LD 397	An Act To Amend the Laws Governing Bottle Redemption	PUBLIC 405
LD 420	An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation	PUBLIC 192
LD 652	An Act To Clarify the Maine Uniform Building and Energy Code	PUBLIC 261
LD 718	An Act Concerning Cremated Remains	PUBLIC 39
LD 733	Resolve, To Examine Environmental Effects of the Resource Recovery System	RESOLVE 130
LD 1337	An Act To Protect Maine Citizens and Franchised New Motor Vehicle Dealers	PUBLIC 367 EMERGENCY
LD 1491	An Act To Protect Maine Citizens and Franchised New Car and Truck Dealers	PUBLIC 432 EMERGENCY

Not Enacted

LD 52	An Act To Require Unredeemed Beverage Container Deposits To Be Provided to the State	INDEF PP
LD 93	An Act To Amend the Laws Governing Construction Contracts	ONTP
LD 270	An Act To Allow a Gasoline Retailer To Offer Discounts to Customers Who Pay by Cash or Similar Means	ONTP
LD 307	An Act To Amend the Laws Governing Payment for Prearranged Funeral Services	ONTP
LD 347	An Act To Reduce Regulatory Costs for Maine Businesses	ACCEPTED ONTP REPORT

LD 411	An Act To Increase the Redemption Fee on Sorting and Handling	ONTP
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LD 696	Resolve, To Reclaim Past Unredeemed Beverage Container Deposits	
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LD 1023	An Act To Require a Seller of a Gas Station To Provide an Updated Inspection Prior to Sale of the Property	ONTP
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*Consumer Protection*

Enacted

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LD 566	An Act To Amend the Petroleum Market Share Act	PUBLIC 119
LD 673	An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States	PUBLIC 53
LD 1062	Resolve, To Assist Artists, Art Galleries and Art Dealers	RESOLVE 92
LD 1085	An Act Concerning Dispute Resolution in Home Construction Contracts	PUBLIC 173
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Not Enacted

LD 201	An Act To License Commercial Painters	ACCEPTED ONTP REPORT
LD 272	An Act To License Home Building and Improvement Contractors	
LD 355	An Act To Protect Residential Consumers of Home Heating Fuel	
LD 366	An Act To Protect Confidential Consumer Records in Self-service Storage Facilities	ONTP
LD 813	An Act To Require Plain Language in Consumer Contracts	ONTP
LD 1137	An Act To Limit the Interest Charged under Rental-purchase Agreements	ONTP
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*Economic Development- Agencies*

Enacted

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LD 1054	An Act To Promote Economic Development in the Greater Portland Region	P & S 23
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LD 1477	Resolve, Authorizing the Finance Authority of Maine To Oversee an Obligation Owed to the State by Lincoln Paper and Tissue, LLC	RESOLVE 124 EMERGENCY

Not Enacted

LD 999	An Act To Streamline the Evaluation of Economic Development Programs	LEAVE TO WITHDRAW
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LD 271	An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts	PUBLIC 21 EMERGENCY

LD 500	An Act To Include as Authorized Project Costs the Construction or Improvement of Buildings Used by Municipalities for Purposes of Designating Municipal Development Districts	PUBLIC 126
LD 1257	An Act To Require Legislative Consultation and Approval Prior to Committing the State to Binding International Trade Agreements	PUBLIC 385
LD 1394	An Act To Modify the Regional Economic Development Revolving Loan Program	PUBLIC 131
LD 1413	Resolve, To Implement Select Recommendations of the Joint Select Committee on Future Maine Prosperity	RESOLVE 110 EMERGENCY
LD 1468	An Act Regarding the Evaluation of Economic Development Programs	PUBLIC 337 EMERGENCY
LD 1473	An Act To Reaffirm Maine's Commitment to Business by Amending the Pine Tree Development Zone Laws	PUBLIC 461
<u>Not Enacted</u>		
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LD 47	An Act To Allow the Town of Baldwin To Be Eligible for Full Pine Tree Development Zone Benefits	ONTP
LD 91	An Act To Fund the Maine Downtown Center	
LD 175	An Act To Modify the Maine Seed Capital Tax Credit Program	LEAVE TO WITHDRAW
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LD 317	An Act to Facilitate Repairs to the Saco River Retaining Wall	ONTP
LD 469	An Act To Strengthen Rural Community Investment	ONTP
LD 504	An Act To Enhance Economic Development in Rural Maine	ONTP
LD 612	An Act To Assist Small Businesses with Creating Jobs	INDEF PP
LD 613	An Act To Recruit Businesses from Other States	ONTP
LD 731	An Act To Designate Cumberland County as a Pine Tree Development Zone	ONTP
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LD 959	An Act To Amend the Laws Governing the Maine Economic Improvement Fund	ACCEPTED ONTP REPORT
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*Housing*

Not Enacted

LD 58	Resolve, To Suspend Certain Maine State Housing Authority Rules for Low-income Home Energy Assistance Program Grant Applications	ONTP
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Enacted

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LD 156	An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession	PUBLIC 44
LD 184	An Act To Allow a Cosmetologist, Barber, Manicurist or Aesthetician Licensee To Perform Services outside of the Primary Business Location	PUBLIC 48
LD 421	An Act To Amend the Laws Concerning Licensure Qualifications of Independent Practice Dental Hygienists	PUBLIC 318
LD 565	Resolve, To Direct the Board of Dental Examiners To Review the Definition of "Edentulous Arch" in the Rules Governing Denturists	RESOLVE 34
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LD 695	An Act To Streamline Health Care Services in Maine by Allowing Certified Nurse Practitioners and Certified Nurse Midwives To Verify Medical Papers and Records	PUBLIC 259

LD 710	An Act To Allow Qualified, Licensed Denturists To Practice to the Level of Their Educational Training	PUBLIC 227
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LD 1089	An Act To Regulate Mixed Martial Arts Competitions, Exhibitions and Events	PUBLIC 352
LD 1193	Resolve, To Establish Uniform Protocols for the Use of Controlled Substances	RESOLVE 56
LD 1223	An Act To Allow Pharmacists To Administer Certain Immunizations	PUBLIC 308
LD 1240	Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding a Proposal To License Wetland Scientists	RESOLVE 73
LD 1241	Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades	RESOLVE 74
LD 1372	An Act To Simplify Maine's Accountancy Laws	PUBLIC 242
LD 1388	An Act Regarding the Licensing Fees for Certain Professional Programs	PUBLIC 241
LD 1455	An Act To Establish the Maine Fuel Board	PUBLIC 344

Not Enacted

LD 13	An Act To Expand the Diagnostic Functions of Independent Practice Dental Hygienists	ONTP
LD 215	An Act Regarding the Practice of Professional Engineering without a License	ONTP
LD 281	An Act To Amend the Licensing Requirements for Speech-language Pathology Assistants	ONTP
LD 346	An Act To Improve Elevator Safety	ONTP
LD 370	An Act To Allow Mixed Martial Arts Competitions in Maine	ONTP
LD 419	Resolve, To Increase Access to Dental Care in Rural Areas through Encouraging Distance Learning for Dental Hygienist Training	ONTP
LD 519	An Act To Expand the Diagnostic Function of Denturists	ONTP
LD 937	An Act To License Septic System Installers	ONTP

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



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

July 2009

**STAFF:**

MARION HYLAN BARR, SENIOR ANALYST  
ANNA T. BROOME, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

**MEMBERS:**

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REP. DAVID C. BURNS

# Joint Standing Committee on Criminal Justice and Public Safety

LD 14 An Act To Prohibit Air Bag Fraud

ONTP

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

This bill creates the Class C crime of air bag fraud, which is knowingly making an air bag inoperable for fraudulent purposes. Specifically, the bill states that a person may not, with intent to defraud another person, obtain property from that other person or a 3rd person by knowingly installing or reinstalling in a motor vehicle an object in lieu of an air bag. Penalties for the crime include a \$5,000 fine and imprisonment not to exceed one year.

LD 53 An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment

PUBLIC 250

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM MAJ OTP-AM MIN	H-173 H-317 MARTIN J L

This bill prohibits the Commissioner of Public Safety and the Oil and Solid Fuel Board from adopting rules that prohibit the use of a common chimney flue for 2 appliances using different fuels.

#### Committee Amendment "A" (H-173)

This amendment, which is the majority report of the committee, allows the use of a single chimney flue to vent 2 appliances that use different fuels as long as a carbon monoxide detector is installed in the building near a bedroom.

#### Committee Amendment "B" (H-174)

This amendment, which is the minority report of the committee, replaces the bill. It requires the Commissioner of Public Safety and the Oil and Solid Fuel Board to adopt rules that allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance and the chimney is lined and structurally intact. This amendment would require the Commissioner of Public Safety and the Oil and Solid Fuel Board to include language from the rule that went into effect February 2, 1998 and repeal language from the new rule that went into effect February 3, 2008. This amendment was not adopted.

#### House Amendment "A" To Committee Amendment "A" (H-317)

This amendment requires the Commissioner of Public Safety and the Oil and Solid Fuel Board to adopt rules that allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

#### Enacted Law Summary

Public Law 2009, chapter 250 requires the Commissioner of Public Safety and the Oil and Solid Fuel Board to adopt

## Joint Standing Committee on Criminal Justice and Public Safety

rules that allow the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom.

### LD 59 An Act To Amend the Laws Governing the Confidentiality of Correctional Facility Plans

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P SIMPSON	OTP-AM	H-362 H-449 HASKELL

This bill adds security plans for correctional facilities to the list of documents that are confidential under the freedom of access laws.

#### Committee Amendment "A" (H-362)

This amendment clarifies that records containing or describing plans prepared for or by or kept in the custody of the Department of Corrections or a county jail are not public documents, rather than only those prepared specifically for state or county correctional facilities, as in the bill. It also clarifies that, in order for such a record to be confidential, its public release poses a threat to the physical safety of any individual, rather than only to government personnel, correctional unit residents or the public. It also adds that the information may be released to the Department of Corrections in addition to the Legislature, county officials or members of the State Board of Corrections.

This amendment was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

#### House Amendment "A" To Committee Amendment "A" (H-449)

This amendment clarifies that the security plans, staffing plans, security procedures and other plans prepared for emergency events are not public records, but that the existence of such plans remains a public record. It also expands the list of individuals to whom that information can be disclosed to encompass Legislators and judges.

This amendment incorporates the recommendations by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

#### Enacted Law Summary

Public Law 2009, chapter 339 adds security plans, staffing plans, security procedures and other plans prepared for emergency events to the list of confidential documents under the freedom of access laws. Although the plans are confidential, the existence of such plans remains a public record. In order for such a record to be confidential, its public release must pose a threat to the physical safety of an individual. Information may be released to state officials, county officials, the Department of Corrections or members of the State Board of Corrections.

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**LD 69      An Act To Provide a Reward for Information Regarding the Murder of  
a Law Enforcement Officer**

**ONTP**

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

This bill provides that when there is reasonable cause to believe that a law enforcement officer has been murdered, the Governor shall, upon application in writing by the Attorney General or the district attorney in the county where the alleged crime was committed, offer a reward of \$25,000 for evidence that leads directly to a conviction for that murder. Upon proof that the terms of the reward offer have been complied with, the Governor shall direct the Treasurer to make payment of the reward.

**LD 122      An Act To Correct the Law Concerning Private Investigators' License  
Qualifications**

**PUBLIC 20**

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

This bill corrects a provision of law concerning private investigators' license qualifications by clarifying that an affirmative answer to any one of six background questions on the application is cause for refusal to grant a license.

**Enacted Law Summary**

Public Law 2009, chapter 20 corrects a provision of law concerning private investigators' license qualifications by clarifying that an affirmative answer to any one of six background questions on the application is cause for refusal to grant a license.

**LD 180      An Act To Make Technical Corrections to the Operating Under the  
Influence Laws**

**PUBLIC 54  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-24

This bill corrects the inconsistency in the minimum periods of license suspension for repeat OUI offenders resulting from Public Law 2007, chapter 531. The bill amends the OUI laws to treat OUI convictions rendered by jurisdictions other than the State the same as Maine OUI convictions for the purpose of increasing the class of crime for operating after habitual offender revocation. This bill also amends the OUI laws to treat OUI convictions rendered by jurisdictions other than the State the same as Maine OUI convictions for purposes of the imposition of penalties for aggravated operating after habitual offender revocation.

**Committee Amendment "A" (S-24)**

This amendment specifies that ignition interlock provisions apply to administrative motor vehicle license

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suspensions by the Secretary of State, as well as to court-ordered suspensions. The amendment also adds an emergency preamble and clause and makes the changes retroactive to September 1, 2008 when the ignition interlock law, Public Law 2007, chapter 531, took effect.

### **Enacted Law Summary**

Public Law 2009, chapter 54 corrects the inconsistency in the minimum periods of license suspension for repeat OUI offenders resulting from Public Law 2007, chapter 531. Public Law 2009, chapter 54 amends the OUI laws to treat OUI convictions rendered by jurisdictions other than the State the same as Maine OUI convictions for the purpose of increasing the class of crime for operating after habitual offender revocation and also amends the OUI laws to treat OUI convictions rendered by jurisdictions other than the State the same as Maine OUI convictions for purposes of the imposition of penalties for aggravated operating after habitual offender revocation. Public Law 2009, chapter 54 specifies that ignition interlock provisions apply to administrative motor vehicle license suspensions by the Secretary of State, as well as to court-ordered suspensions. Public Law 2009, chapter 54 was an emergency measure effective April 22, 2009.

After enactment, it was discovered that a substantive error existed. LD 180 unintentionally repealed the enhancement of the Class for operating after habitual offender revocation by deleting the language based on Public Law 2007, chapter 531. Public Law 2009, chapter 415, the enacted version of LD 1475, An Act to Correct Errors and Inconsistencies in the Laws of Maine, corrects drafting errors in LD 180, including reenacting the inadvertent repeal of that portion of Title 29-A, section 2558, subsection 2, paragraph B, which enhances the penalty for aggravated operating after habitual offender revocation if the driver had been once previously convicted of the same offense. Without this change, a second or subsequent offender could be prosecuted only for a Class D crime. Public Law 2009, Chapter 415 also limits the retroactivity provision of Public Law 2009, chapter 54 to the sections of Title 29-A that affect suspension of a motor vehicle license. Portions of the law that affect sentencing are not applied retroactively. Public Law 2009, chapter 415 was an emergency measure effective June 17, 2009.

**LD 185      An Act To Ensure Public Safety during High-speed Chases by Law Enforcement Officers      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to prohibit law enforcement officers from engaging in high-speed chases.

**LD 186      An Act Pertaining to the Possession of Animal Fighting Paraphernalia      DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER R BLISS	ONTP MAJ OTP-AM MIN	

This bill amends the existing crime of viewing animal fighting by increasing it from a Class D to a Class C crime. The bill also creates the new Class C crime of possession of animal fighting paraphernalia. A person is guilty of this new crime if the person possesses, manufactures for sale, ships, transports or delivers a device or equipment used to train or condition an animal for participation in an animal fighting contest that the person knows or should have

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known is intended for use in a show, exhibition, program or other activity featuring or otherwise involving a fight between 2 or more animals or an implement designed to be attached in place of a natural spur of a cock or other fighting bird in order to enhance the bird's fighting ability or ability to harm or kill another animal.

### **Committee Amendment "A" (H-44)**

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment does the following.

1. It amends the affirmative defense to prosecution under the Maine Revised Statutes, Title 17, section 1033 to include lawful animal competitions, field tests, field trials and shows and the training and use of law enforcement dogs.
2. It amends the new crime of possession of animal fighting paraphernalia to limit its application to devices and equipment solely used to train or condition animals for fighting and to situations in which a person knows or should have known the devices or equipment were intended for use in an animal fighting show or exhibition.
3. It also provides examples and descriptions of types of animal fighting paraphernalia.

This amendment was not adopted.

### **Senate Amendment "A" (S-122)**

This amendment amends the affirmative defense to prosecution under the Maine Revised Statutes, Title 17, section 1033 to include lawful animal competitions, field tests, field trials and shows and the training and use of law enforcement dogs. This amendment also amends the new crime of possession of animal fighting paraphernalia to change it to possession of a fighting pit. Possession of a fighting pit is described as the knowing possession, manufacture, transportation or delivery of a fighting pit, which is defined as a walled area intended to be used to contain a dogfight.

This amendment removes the provision in the bill that increased the class of crime for viewing animal fighting to a Class C crime and provided the same penalty for possession of animal paraphernalia. This amendment was not adopted.

### **Senate Amendment "B" (S-137)**

This amendment amends the affirmative defense to prosecution under the Maine Revised Statutes, Title 17, section 1033 to include lawful animal competitions, field tests, field trials and shows and the training and use of law enforcement dogs. This amendment also amends the new crime of possession of animal fighting paraphernalia to change it to possession of a fighting pit. Possession of a fighting pit is described as the knowing possession, manufacture, transportation or delivery of a fighting pit, which is defined as a walled area intended to be used to contain a dogfight.

This amendment removes the provision in the bill that increased the class of crime for viewing animal fighting to a Class C crime and decreases the penalty for possession of a fighting pit from a Class C crime as proposed in the bill to a Class D crime. This amendment was not adopted.

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**LD 187      An Act To Require a Test for Operating Under the Influence for a Driver Involved in an Accident That Caused Bodily Injury**

**ACCEPTED ONTP  
REPORT**

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

Current law requires that the operator of a motor vehicle involved in an accident that results in or is likely to result in death to submit to a test to determine blood alcohol level or drug concentration. The investigating law enforcement officer is required to cause the test to be administered but has the discretion to determine the form of the test. This bill requires that if there is probable cause to believe that "apparent serious bodily injury" has occurred or will occur as a result of an accident, any vehicle operator involved in the accident must submit to a chemical test used to determine blood-alcohol level or drug concentration by analysis of blood, breath or urine.

The bill also amends the law regarding an operator's right to hearing on an administrative license suspension by the Secretary of State by adding the operator involved in an accident where there is apparent serious bodily injury as proposed by the bill. For purposes of this bill, "serious bodily injury" has the same meaning as found in Title 17-A, §2, sub-§23; "serious bodily injury" means a bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health.

**Committee Amendment "A" (H-175)**

This amendment is the minority report. The amendment specifies that for purposes of a motor vehicle accident, if there is probable cause to believe that a serious bodily injury has occurred or will occur as a result of the accident, an operator of a motor vehicle involved in the motor vehicle accident who the law enforcement officer has probable cause to believe caused the accident shall submit to a chemical test to determine blood-alcohol level or drug concentration in the same manner as for OUI. The amendment also clarifies that for purposes of a motor vehicle accident in which there is probable cause to believe that a death has or will occur as a result of the accident, each operator, whether living or deceased, of a motor vehicle involved in that motor vehicle accident must have a chemical test. This amendment also adds an appropriations and allocations section. This amendment was not adopted.

**LD 202      Resolve, Directing the Department of Corrections To Accept Bank Checks for Inmates**

**ONTP**

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

This bill requires the Department of Corrections to amend its rules to accept any check, except a personal check, without placing the check on hold for a period of 14 days.

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LD 227      **An Act To Raise the Fee a Bail Commissioner May Charge**

**PUBLIC 23**

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

This bill raises the fee a bail commissioner is entitled to receive from \$40 to \$60.

**Enacted Law Summary**

Public Law 2009, chapter 23 raises the fee a bail commissioner is entitled to receive from \$40 to \$60.

LD 249      **An Act Regarding Bail Defaults and the Extradition Account**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P HASTINGS	OTP-AM	H-43

This bill raises the amount from \$20,000 to \$35,000 that a prosecutorial district is allowed to collect from forfeited bail.

**Committee Amendment "A" (H-43)**

This amendment incorporates a fiscal note.

LD 250      **An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana**

**PUBLIC 67**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P GERZOFSKY	OTP-AM	H-42

Current law makes it a civil violation to possess less than 1 1/4 ounces of marijuana, and there is no criminal possession statute for possession of greater quantities. This bill makes possession of up to 4 ounces a civil violation; possession of over 4 and up to 8 ounces a Class E crime; possession of over 8 and up to 16 ounces a Class D crime; possession of over one pound up to 20 pounds a Class C crime; and possession over 20 pounds a Class B crime.

The bill specifies that fines for civil possession, none of which may be suspended, are \$350 for possession of up to 1 1/4 ounces and \$700 for over 1 1/4 ounces up to 4 ounces. Current law which requires a fine of \$550 for persons with a prior violation of the civil possession statute remains the same for persons who possess 1 1/4 ounces but increases to \$1,000 for persons who possess over 1 1/4 ounces to 4 ounces.

**Committee Amendment "A" (H-42)**

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This amendment makes it a civil violation to possess up to 2 1/2 ounces of marijuana. The fines for possession of up to 1 1/4 ounces do not change, and fines for possession of up to 2 1/2 ounces must be not less than \$700 and not more than \$1,000. The amendment repeals penalties for prior civil violations, since the new fines are up to the same amount. The amendment also changes the permissible inference that a person is unlawfully furnishing marijuana by raising the amount from more than 1 1/4 ounces to more than 2 1/2 ounces to be consistent with the new criminal offense of possession of more than 2 1/2 ounces of marijuana.

### Enacted Law Summary

Public Law 2009, chapter 67 makes it a civil violation to possess up to 2 1/2 ounces of marijuana. The fines for possession of up to 1 1/4 ounces do not change, and fines for possession of up to 2 1/2 ounces must be not less than \$700 and not more than \$1,000. Public Law 2009, chapter 67 repeals penalties for prior civil violations, since the new fines are up to the same amount. Public Law 2009, chapter 67 also changes the permissible inference that a person is unlawfully furnishing marijuana by raising the amount from more than 1 1/4 ounces to more than 2 1/2 ounces to be consistent with the new criminal offense of possession of more than 2 1/2 ounces of marijuana.

### LD 282 An Act Regarding the Requirement That the Treatment of a Gunshot Wound Be Reported

PUBLIC 49

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	H-19

Current law requires a "licensed physician" who treats a person for a gunshot wound to report that wound to a law enforcement officer within 24 hours. This bill amends the reporting law to require an "attending medical provider" that treats a gunshot would to report the wound to law enforcement as soon as possible.

### Committee Amendment "A" (H-19)

This amendment replaces the bill and amends the existing requirement that treatment of a gunshot wound be reported. The amendment specifies that a health care practitioner or emergency medical services person report the treatment of a wound apparently caused by the discharge of a firearm to a law enforcement agency immediately by the quickest means of communication. This amendment recognizes that not all gunshot wounds are treated in an emergency room by a physician. The amendment will better ensure that all gunshot wounds are reported and that they are reported in a timely manner.

### Enacted Law Summary

Public Law 2009, chapter 49 amends the existing requirement that treatment of a gunshot wound be reported. The amendment specifies that a health care practitioner or emergency medical services person report the treatment of a wound apparently caused by the discharge of a firearm to a law enforcement agency immediately by the quickest means of communication. Public Law 2009, chapter 49 recognizes that not all gunshot wounds are treated in an emergency room by a physician. Public Law 2009, chapter 49 will better ensure that all gunshot wounds are reported and that they are reported in a timely manner.

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**LD 283      Resolve, Regarding the Cost of Telephone Calls Made by Incarcerated Persons      ONTP**

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

This bill directs the Commissioner of Corrections and the State Board of Corrections to study the feasibility of making the cost of long-distance telephone calls made by inmates at jails, prisons and correctional facilities less expensive.

**LD 284      An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time      ONTP**

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

This bill increases the amount of good time that may be deducted from a person's sentence for a crime committed on or after October 1, 2009. The bill applies deductions enacted by Public Law 1983, chapter 456 to persons who commit crimes on or after October 1, 2009. The bill makes no distinction as to the type of crime the person committed. The bill also includes a deduction of good time for a person's good conduct during detention, which was first enacted by Public Law 2003, chapter 711, but the bill doubles the maximum prior amount from 2 days to 4.

**LD 299      Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Office of the State Fire Marshal      RESOLVE 31 EMERGENCY**

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

This bill provides for legislative review of Chapter 4: Water-based fire protection systems, a major substantive rule of the Department of Public Safety, Office of the State Fire Marshal. The rule regulates installers of water-based fire protection systems and prescribes how sprinklers are to be installed, inspected, maintained and tested.

**Enacted Law Summary**

Resolve 2009, chapter 31 provides for legislative review of Chapter 4: Water-based fire protection systems, a major substantive rule of the Department of Public Safety, Office of the State Fire Marshal. The rule regulates installers of water-based fire protection systems and prescribes how sprinklers are to be installed, inspected, maintained and tested.

Resolve 2009, chapter 31 was enacted as an emergency measure effective May 8, 2009.

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**LD 309      Resolve, To Direct the Emergency Medical Services' Board To Examine  
the Licensure Procedures for Emergency Medical Services Persons**

**ONTP**

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

This bill directs the Emergency Medical Services' Board to examine the procedure by which the board releases information to the public when a licensure request is either accepted or denied to make certain that private and confidential information is not released pursuant to the freedom of access statutes. The board is to report to the Second Regular Session of the 124th Legislature on its findings.

**LD 325      An Act To Authorize the Resentencing of Certain Prisoners Who Have  
Served Consecutive Sentences of 20 or More Years**

**ONTP**

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

This bill authorizes a sentencing court to grant a petition for resentencing that is filed by a person who has served a term of imprisonment of 20 consecutive years or more. The sentencing court may resentence the person if the court finds that there is a release plan for the person and the person has demonstrated rehabilitation and possesses the ability to lead a positive and productive life. At the hearing for determining resentencing, the court may take testimony from the petitioner and hear from witnesses, including victims, personnel from the correctional facility and family. The sentencing court may grant the petition and suspend any part of the sentence not served, sentence the person to a period of probation or other type of supervised release or impose any conditions the court determines are appropriate. If the court denies the petition, the person may repetition the court for resentencing one year after the denial.

**LD 382      An Act To Clarify the Meaning of Prudent Speed**

**ONTP**

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

This bill requires a law enforcement officer who cites a driver for imprudent speed to briefly describe on the Uniform Summons and Complaint the reason the officer considered the driver's speed imprudent and what maximum speed the officer would consider prudent.

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**LD 384      An Act To Amend the Laws Governing the Cap on the Tax Assessment  
for Correctional Services in Lincoln County and Sagadahoc County**

**ONTP**

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

This bill combines the cap on the amount that Lincoln County and Sagadahoc County may collect from municipalities for administration of the jail that serves both counties.

**LD 385      An Act To Ensure a Uniform Comprehensive State Policy Regarding  
Residency Restrictions for Sex Offenders**

**PUBLIC 351**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL SHERMAN	OTP-AM A OTP-AM B ONTP C	H-474

This bill prohibits municipalities from adopting ordinances regarding residency restrictions for persons required to register as 10-year or lifetime registrants under the Sex Offender Registration and Notification Act of 1999.

**Committee Amendment "A" (H-474)**

This amendment is the majority report and replaces the bill. The amendment specifies that a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in Maine or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in Maine or in another jurisdiction. The purpose of this amendment is for the Legislature to preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction, except as provided in this amendment. If a municipality chooses to adopt an ordinance, it may not be based on a person's obligation to register under the Sex Offender Registration and Notification Act of 1999. A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, and the ordinance must be limited as follows. It may restrict only residence and may not impose additional restrictions or requirements, including, but not limited to, registration and fees. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned property where children are the primary users. An ordinance may not restrict the residence of a person who lived in an area restricted as provided by this amendment prior to the adoption or amendment of the ordinance.

**Committee Amendment "B" (H-475)**

This is one of 2 minority reports of the committee. The other minority report was ought not to pass. This amendment specifies that a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in Maine or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in Maine or in another jurisdiction. The purpose of this amendment is for the Legislature to preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction.

**Enacted Law Summary**

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Public Law 2009, chapter 351 specifies that a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in Maine or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in Maine or in another jurisdiction. The purpose of Public Law 2009, chapter 351 is for the Legislature to preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction, except as provided in this law. If a municipality chooses to adopt an ordinance, it may not be based on a person's obligation to register under the Sex Offender Registration and Notification Act of 1999. A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, and the ordinance must be limited as follows. It may restrict only residence and may not impose additional restrictions or requirements, including, but not limited to, registration and fees. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned property where children are the primary users. An ordinance may not restrict the residence of a person who lived in an area restricted as provided by this law prior to the adoption or amendment of the ordinance.

**LD 393      An Act Relating to Death Benefits for Certain Law Enforcement Officers and Amending the Definition of Emergency Vehicles**

**PUBLIC 421**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-132 S-325 DIAMOND

Under current law, a state benefit of \$50,000 is paid to the family of an eligible law enforcement officer who has died in the line of duty. This bill expands the list of eligible law enforcement officers to include forest rangers, Baxter State Park rangers, detectives employed by the Office of the Attorney General, investigative officers employed by the Department of Corrections, juvenile community corrections officers, probation officers, certain security officers appointed by the Commissioner of Public Safety and motor vehicle investigators appointed by the Secretary of State. This bill also removes an obsolete reference to liquor enforcement officers.

**Committee Amendment "A" (S-132)**

This amendment makes a number of changes to the bill.

1. It adds forest rangers, Baxter State Park rangers, detectives employed by the Office of the Attorney General, investigative officers employed by the Department of Corrections, juvenile community corrections officers, probation officers, certain security officers appointed by the Commissioner of Public Safety, motor vehicle investigators or supervisors appointed by the Secretary of State, military security police officers appointed by the Adjutant General and University of Maine System police officers to the definition of "law enforcement officer" in the Maine Revised Statutes, Title 20-A so that survivors would receive tuition benefits to Maine colleges and universities in the event that one of these officers died in the line of duty. It also removes liquor enforcement officers from the definition because they no longer exist.
2. It adds a University of Maine System police officer and a military security police officer appointed by the Adjutant General to the definition of "law enforcement officer" so that the families of those officers are eligible for death benefits in the event that an officer dies in the line of duty.
3. It clarifies that supervisors of motor vehicle investigators appointed by the Secretary of State are eligible for benefits.

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4. It adds University of Maine System vehicles operated by a University of Maine System police officer to the definition of "authorized emergency vehicle."

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

This amendment ensures that the death benefit for eligible law enforcement officers is paid as soon as a sufficient balance in the Maine Budget Stabilization Fund exists.

**Enacted Law Summary**

Public Law 2009, chapter 421 expands the definition of law enforcement officers whose families are eligible for a state benefit of \$50,000 and tuition benefits to Maine college and universities in the event that one of these officers dies in the line of duty. The definition of law enforcement officer is expanded to include the following: forest rangers; Baxter State Park rangers; detectives employed by the Office of the Attorney General; investigative officers employed by the Department of Corrections; juvenile community corrections officers; probation officers; certain security officers appointed by the Commissioner of Public Safety; motor vehicle investigators appointed by the Secretary of State and the supervisors of those motor vehicle investigators; University of Maine System police officers; and military security police officers appointed by the Adjutant General. If there is insufficient funds in the Maine Budget Stabilization Fund to pay the \$50,000 benefit, it is paid as soon as there is sufficient funding available. It also adds University of Maine System vehicles operated by a University of Maine System police officer to the definition of "authorized emergency vehicle."

**LD 401      An Act Creating a Probationary Period for County Corrections Officials**

**PUBLIC 106**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAGNAN DAVIS G	OTP-AM	H-81

This bill requires county corrections officials to serve a one-year period of probation after completion of the basic corrections training at the Maine Criminal Justice Academy.

**Committee Amendment "A" (H-81)**

This amendment changes the probationary period for county corrections officials from at least one year after completion of basic corrections training at the Maine Criminal Justice Academy to one year from the date of hire. The probationary period would go into effect for all new hires after October 1, 2009.

**Enacted Law Summary**

Public Law 2009, chapter 106 requires county corrections officials to serve a one-year probationary period from the date of hire. The probationary period would go into effect for all new hires after October 1, 2009.

**LD 433      An Act To Reinstate Rules Requiring Inspection of Chimneys upon the Sale or Transfer of Property**

**ONTP**

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

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Current law allows the Commissioner of Public Safety to adopt rules requiring the maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property. The rules of the Department of Public Safety, Office of the State Fire Marshal were recently amended to remove the requirement of inspection of existing chimneys upon the sale and transfer of property. This bill amends the law to require the adoption of rules requiring the inspection of chimneys upon the sale or transfer of property.

**LD 441      An Act To Establish the Civil Violation of Motor Vehicle Violation  
Resulting in Death**

**PUBLIC 182**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P	OTP-AM MAJ ONTP MIN	H-185 MAZUREK H-78

This bill creates the Class D strict liability crime of motor vehicle violation resulting in death. A person commits the crime if that person, while operating a motor vehicle and committing a traffic infraction, causes the death of another person. The State must plead and prove that the defendant's committing a traffic infraction while operating a motor vehicle caused the death, and the court shall apply the causation provision in Title 17-A, §33 to assess causation.

### **Committee Amendment "A" (H-78)**

This amendment is the majority report. Instead of creating a new crime, it establishes the civil violation of motor vehicle violation resulting in death. A person commits the civil violation if the person, while operating a motor vehicle and committing a traffic infraction, causes the death of another person. The penalty for this violation is a mandatory license suspension of up to 4 years and may also include a fine not to exceed \$5,000 and community service work.

### **House Amendment "A" To Committee Amendment "A" (H-185)**

This amendment imposes a minimum period of license suspension of 14 days.

### **House Amendment "B" To Committee Amendment "A" (H-207)**

Unlike Committee Amendment "A," which establishes the civil violation of motor vehicle violation resulting in death, this amendment retains the language of the bill, which establishes the crime of motor vehicle violation resulting in death. In addition, this amendment replaces the title of the bill to clarify that the new crime of motor vehicle violation resulting in death established in the bill applies only if the traffic infraction causes the death. This amendment also adds an appropriations and allocations section. This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2009, chapter 182 establishes the civil violation of motor vehicle violation resulting in death. A person commits the civil violation if the person, while operating a motor vehicle and committing a traffic infraction, causes the death of another person. The penalty for this violation is a mandatory license suspension for a minimum period of 14 days up to 4 years. Penalties may also include a fine not to exceed \$5,000 and community service work.

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**LD 442      An Act To Require Prisoners To Perform Community Service and To Require Jails, Prisons, Nonprofit Entities, Universities and Counties To Compost Food Waste**

**ONTP**

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

This bill requires the Department of Corrections and the county jails to establish community service programs for inmates and requires inmates to participate in those programs as determined appropriate. The community service programs may include any service, but must include a gardening program. The Department of Corrections and the county jails may seek the support of the State Board of Corrections in developing and implementing the community service programs.

The bill also requires the University of Maine System, the Maine Community College System, Maine Maritime Academy and all counties and nonprofit entities, including, but not limited to, hospitals, county jails and prisons that prepare and serve meals, to develop and implement food composting programs no later than December 30, 2009. Composted materials may be distributed to the Department of Corrections and to county jails as needed for the purpose of supporting their community service gardens.

**LD 468      An Act To Amend the Laws Concerning Terrorizing**

**ONTP**

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

This bill expands the scope of the criminal offense of terrorizing by eliminating the need for a crime of violence to be dangerous to human life and by broadening the effect of a communicated threat to not only putting the person to whom the threat is communicated or the person threatened but also any reasonable person in reasonable fear that the crime will be committed.

**LD 478      An Act To Ensure That the Membership of the State Board of Corrections Includes a Representative with Expertise in Issues Regarding Mental Illness**

**PUBLIC 89**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM MAJ ONTP MIN	S-76

This bill proposes to amend the membership of the State Board of Corrections by adding 2 mental health advocates to the board. One of the advocates would be selected from a list of 3 nominations submitted to the Governor by the President of the Senate, and one of the advocates would be selected from a list of 3 nominations submitted to the Governor by the Speaker of the House. The bill also changes the quorum from 3 to 4 members for subcommittee

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hearings held by the board that do not involve decision making.

### **Committee Amendment "A" (S-76)**

This amendment replaces the bill and is the majority report. The amendment changes the title and specifies that of the 9 members of the State Board of Corrections, one must be a person who has expertise in issues relating to mental illness. The amendment does not add additional members to the board.

### **Enacted Law Summary**

Public Law 2009, chapter 89 specifies that of the 9 members of the State Board of Corrections, one must be a person who has expertise in issues relating to mental illness.

### **LD 481      An Act To Allow the Department of Corrections To Certify Community Intervention Programs**

**PUBLIC 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-79

This bill defines the terms "community agency," "community intervention program," and "nonprofit" and authorizes the Department of Corrections to adopt routine technical rules that establish standards and procedures for the certification of community intervention programs. The department may review and certify programs that meet standards and may require certification of programs providing services to clients of the department whether or not the department disburses funds to the agency. Certification is intended to ensure that programs that provide intervention services are based on best practices and are proven to be effective in changing criminal behaviors.

### **Committee Amendment "A" (H-79)**

This amendment requires that the Department of Corrections consult other state agencies if adopting rules to establish standards and procedures for certification of community intervention programs. This amendment is proposed in recognition of the fact that other state agencies are already involved in the certification and licensing of various programs, services and professions and coordination of efforts makes sense.

### **Enacted Law Summary**

Public Law 2009, chapter 92 authorizes the Department of Corrections to adopt routine technical rules in consultation with other state agencies to establish standards and procedures for the certification of community intervention programs. The department may review and certify programs that meet standards and may require certification of programs providing services to clients of the department whether or not the department disburses funds to the agency. Certification is intended to ensure that programs that provide intervention services are based on best practices and are proven to be effective in changing criminal behaviors.

### **LD 483      An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections**

**PUBLIC 94**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-82

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This bill permits the Department of Corrections to serve protection from harassment and protection from abuse orders on defendants incarcerated in its facilities. The bill also clarifies that victim restitution must be paid through the Department of Corrections when it is owed by a client of the department and requires that the department determine the time and method of payment while the defendant is a departmental client, with a defendant having recourse to the court to avoid a default.

**Committee Amendment "A" (H-82)**

This amendment clarifies that the chief administrative officer or the officer's designee is authorized to serve protection from abuse or protection from harassment orders on persons who are incarcerated in a Department of Corrections facility. The amendment also clarifies that this service applies to both temporary and permanent orders.

**Enacted Law Summary**

Public Law 2009, chapter 94 permits the Department of Corrections to serve protection from harassment and protection from abuse orders on defendants incarcerated in its facilities. Specifically, the chief administrative officer or the officer's designee is authorized to serve protection from abuse or protection from harassment orders on persons who are incarcerated in a Department of Corrections facility. This service applies to both temporary and permanent orders.

Public Law 2009, chapter 94 also clarifies that victim restitution must be paid through the Department of Corrections when it is owed by a client of the department and requires that the department determine the time and method of payment while the defendant is a departmental client, with a defendant having recourse to the court to avoid a default.

**LD 492      An Act to More Accurately Reflect the Disposition of a Case in Criminal History Record Information      ONTP**

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

This bill requires that when a person is arrested and the law enforcement officer decides not to refer the case to the prosecutor or the prosecutor elects not to prosecute, that information must be included in the person's criminal history record along with the arrest record. This arrest information is available as public information until one year after the arrest. Arrest information without disposition becomes nonconviction data, which is available to law enforcement, if one year has lapsed from the date of the arrest and no active prosecution is pending.

**LD 550      An Act To Protect Maine Residents from Home Fires and Carbon Monoxide      PUBLIC 162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-98

This bill requires that all single-family dwellings and multi-apartment buildings sold in the State and newly constructed single-family dwellings have photoelectric-type smoke detectors and at least one carbon monoxide detector in an area within or giving access to a bedroom. The detectors in multi-family dwellings and newly constructed single-family dwellings must be powered by both the electrical service in the building and by battery.

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### **Committee Amendment "A" (S-98)**

This amendment makes the following changes to the bill.

1. It clarifies that smoke detectors are required in all single-family dwellings rather than in existing single-family dwellings.
2. It removes the requirement for smoke detectors in multi-family or newly constructed single-family buildings to be the photoelectric type although smoke detectors must be powered by both electricity and battery.
3. It requires tenants to notify landlords in writing that a smoke detector or carbon monoxide detector is not working.
4. It clarifies that tenants shall keep smoke detectors and carbon monoxide detectors in working order, test them periodically and refrain from disabling them.
5. It requires the buyer of a single-family dwelling or multi-apartment building to certify at closing that the building is provided with smoke detectors and carbon monoxide detectors, rather than the seller.
6. It clarifies that carbon monoxide detectors must be powered by electricity and battery and clarifies that electrical service means either a device plugged into an electrical outlet or hardwired.
7. It removes the requirement that carbon monoxide detectors must be on or near the ceiling or floor in each area and requires them only near or in bedrooms.
8. It removes the section requiring carbon monoxide detectors to be in corridors or hallways of multi-apartment buildings more than 3 stories in height because they are required in every apartment of a multi-apartment building.
9. It requires the Department of Public Safety, Office of the State Fire Marshal to spend \$100,000 to purchase carbon monoxide detectors to be distributed to organizations that promote the placement of carbon monoxide detectors in homes and have the ability to install them.
10. It requires the Office of the State Fire Marshal to develop standards for substantial compliance and a plan for an education program to achieve substantial compliance with the Maine Revised Statutes, Title 25, section 2468.

### **Enacted Law Summary**

Public Law 2009, chapter 162 requires that all single-family dwellings and multi-apartment buildings sold in the State and newly constructed single-family dwellings have smoke detectors and at least one carbon monoxide detector in an area within or giving access to a bedroom. The detectors must be powered by electricity and battery. Tenants shall keep smoke detectors and carbon monoxide detectors in working order, test them periodically and refrain from disabling them. Tenants must also notify landlords in writing if a smoke detector or carbon monoxide detector is not working. Buyers of single-family dwellings and multi-apartment buildings must certify at closing that the building is provided with smoke detectors and carbon monoxide detectors. The Department of Public Safety, Office of the State Fire Marshal shall spend \$100,000 to purchase carbon monoxide detectors to be distributed to organizations that promote the placement of carbon monoxide detectors in homes and have the ability to install them. The Office of the State Fire Marshal is also required to develop standards for substantial compliance and a plan for an education program to achieve substantial compliance with the Maine Revised Statutes, Title 25, section 2468.

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**LD 567      Resolve, To Establish a Working Group To Increase Protection for  
Victims of Domestic Violence**

**RESOLVE 61**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K ROSEN R	OTP-AM	H-172

This bill does the following:

1. Requires a person charged with a domestic violence crime or violation of a protective order to undergo a dangerousness assessment;
2. Allows a court to order as a condition of bail that a person charged with a domestic violence crime or a violation of a protective order wear an electronic monitoring device;
3. Requires a court to order as a condition of probation that a person convicted of a violation of a protective order wear an electronic monitoring device;
4. Sets a minimum fine of \$200 for any person convicted of a domestic violence crime or violation of a protective order to be paid to the Electronic Monitoring Fund;
5. Establishes the Electronic Monitoring Program under the Department of Corrections that requires a participant to wear a global positioning anklet or bracelet that alerts the program and the victim if the participant is violating restricted area boundaries; and
6. Establishes the Electronic Monitoring Fund, which uses the proceeds of fines from domestic violence and protective order offenders to help pay the expenses of the Electronic Monitoring Program.

**Committee Amendment "A" (H-172)**

This amendment replaces the bill with a resolve that requires the Department of Corrections to convene a working group to develop a process to assess dangerousness and more effectively monitor those who commit domestic violence crimes. The working group shall review other states' existing electronic monitoring and offender management programs, determine accurate costs and program management needs and identify possible pilot sites in the State. The department shall submit a report including the working group's recommendations by January 15, 2010, and the Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report.

**Enacted Law Summary**

Resolve 2009, chapter 61 requires the Department of Corrections to convene a working group to develop a process to assess dangerousness and more effectively monitor those who commit domestic violence crimes. The working group shall review other states' existing electronic monitoring and offender management programs, determine accurate costs and program management needs and identify possible pilot sites in the State. The department shall submit a report including the working group's recommendations by January 15, 2010, and the Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report.

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LD 568      **An Act To Amend the Sex Offender Registration Laws**

Carried Over

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

This bill implements recommendations for immediate legislative changes to the Sex Offender Registration and Notification Act of 1999, as recommended by the Joint Standing Committee on Criminal Justice and Public Safety in its Final Report of the Criminal Justice and Public Safety Committee Study of Sex Offender Registration Laws in November 2008.

The bill amends the crime of prohibited contact with a minor by repealing the element that the person has a duty to register under the Sex Offender Registration and Notification Act of 1999 and by making the law applicable only to those persons convicted on or after June 30, 1992. The fact that a person must previously have been convicted of a Maine Revised Statutes, Title 17-A, chapter 11 or chapter 12 offense against a victim who had not attained 14 years of age is material to the commission of the crime of prohibited contact with a minor. The bill also specifies that the person must initiate the direct or indirect contact with another person who has not attained 14 years of age.

The bill repeals from the sentencing provisions the directive that a court order a person convicted of a sex offense or a sexually violent offense to satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. This change clarifies that the Legislature determines that a duty to register exists based on the conviction and that the court's duty is only to notify the person of that duty.

The bill repeals from the probation provisions the directive that a court attach as a condition of probation that a person convicted of a sex offense or a sexually violent offense satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. The court has discretion to order any condition of probation reasonably related to the rehabilitation of the convicted person or the public safety or security, including satisfying registration requirements if appropriate.

The bill amends that part of the definition of "lifetime registrant" in the Sex Offender Registration and Notification Act of 1999 that pertains to persons classified as lifetime registrants because of having multiple convictions for sex offenses to clarify that the changes made by Public Law 2005, chapter 423 operate prospectively. For persons convicted and sentenced on or after September 17, 2005, the definition remains unchanged except for technical drafting changes. For persons convicted and sentenced before September 17, 2005, the amendment changes the definition of "another conviction" to mean an offense for which sentence was imposed prior to the occurrence of the new offense. This change would undo the expansion of 10-year registrants who became lifetime registrants with the 2005 change, including those registrants whose duty to register had ended prior to that change.

LD 568 was carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053.

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**LD 591 An Act Regarding the Granting of a Work-restricted Driver's License for Travel to and from Work for Certain Persons with Suspended Licenses**

**ONTP**

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

This bill proposes that the Secretary of State may issue a work-restricted license to a person who has been enrolled for at least 6 months in an alcohol and drug program administered by the Department of Health and Human Services, Office of Substance Abuse or has satisfactorily completed such a program, has installed a global positioning system approved by the Secretary of State in the motor vehicle the petitioner operates and has provided the Secretary of State with the petitioner's residential address and the petitioner's place of employment or the educational facility attended by the petitioner, whichever is applicable.

**LD 594 An Act To Require That Police Reports Be Filed in All Automobile Accidents**

**ONTP**

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

This bill amends the definition of "reportable accident" by removing the requirement that a traffic accident must have apparent property damage of \$1,000 or more to be reportable. As proposed, a "reportable accident" would mean an accident on a public way or a place where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage.

**LD 595 An Act To Prevent High-speed Chases**

**ONTP**

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

This bill creates a new motor vehicle infraction "unlawful use" that allows a law enforcement officer, rather than engaging in a high-speed chase, to issue a summons to an offender for an observed violation. If the operator is not determined, the owner of the registered vehicle may be summonsed for the observed violation. The registered owner of the vehicle may also be charged with the offense of allowing unlawful use, whether the owner was in the vehicle or not, that is subject to a fine of \$500.

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**LD 601 An Act To Require That the Proceeds from Property Seized through Drug Crime Forfeitures Go to the General Fund**

**ONTP**

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

This bill requires that all proceeds from the forfeiture of property relating to a conviction of a crime involving drugs, after paying the reasonable expenses of the forfeiture proceeding and related costs, go to the General Fund. Current law authorizes a court, to the extent that the court finds it reasonable, to order forfeiture of as much of the property as is appropriate, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, to a municipality, county or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case.

**LD 631 An Act To Amend the Laws Relating to the Department of Corrections**

**PUBLIC 142**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DAVIS G	OTP-AM	H-101

This bill makes changes to the laws relating to the Department of Corrections as follows.

Sections 1, 2, 9 and 12 of bill add adult probation supervisors to definitions of "law enforcement officer" for the purposes of the Maine Criminal Code and the State's liquor laws. Current law includes adult probation officers but not their supervisors; all are treated as probation officers for purposes of law enforcement training. Section 9 also clarifies Department of Corrections training: correctional investigators would have to complete the basic law enforcement training but the Department of Corrections would be exempt from writing policies and procedures for activities that the investigators are not involved in, like high speed pursuits.

Section 3 of the bill provides that pursuant to Title 17-A, §15, a law enforcement officer may make a warrantless arrest of a juvenile who violates a condition of release, as is presently provided in the Maine Juvenile Code and adds authority for law enforcement officers to arrest without a warrant other persons who violate conditions of supervision by the Department of Corrections, including violations of supervised community confinement, placement on community reintegration or furloughs.

Section 4 of the bill corrects an incorrect reference to the Department of Health and Human Services to the Department of Corrections, as the Department of Corrections grants prisoner furloughs and work releases.

Section 5 of the bill clarifies the provision requiring termination of probation for a person who has completed a certified batterers' intervention program; a person on probation must also satisfy all other conditions of probation and have paid any restitution ordered to the victim before a hearing on the probation termination may take place. Completing the batterers' intervention program alone is not enough to terminate probation.

Section 6 of the bill sets a default monthly probation supervision fee of \$10 when a court fails to specify an amount. Current law requires a supervision fee of between \$10 and \$50 per month as determined by the court.

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Section 7 of the bill adds prisoners on supervised community confinement to the laws governing multiple sentences of imprisonment, which is consistent with those who would be sentenced to intensive supervision. This provision addresses sentencing for those who commit new crimes while on supervised community confinement.

Section 8 repeals Title 17-A, §1266, which governs the sentence for a crime committed by a prisoner on intensive supervision, because it is no longer necessary due to changes in the language of Title 17-A, §1256 since §1266 was enacted.

Section 13 corrects an oversight by amending the definition of "prisoner" in the Department of Corrections statutes to include those on supervised community confinement.

Section 14 amends the provision permitting the Commissioner of Corrections to transfer prisoners between facilities, whether pending trial or other proceeding or sentenced, under the new unified correctional system.

Section 15 eliminates the prohibition on the Department of Corrections' investigative officers exercising power against other employees of the department, which is consistent with other law enforcement agencies in the State. Section 15 also expands the authority of correctional investigators to exercise law enforcement powers with respect to community corrections programs administered by the Department of Corrections.

Sections 10, 11 and 16-19 allow prisoners who are in the community working under the supervised community confinement program to be able to collect workers' compensation benefits. Current law provides this benefit only for those on intensive supervision.

### **Committee Amendment "A" (H-101)**

This amendment adds language to the definition of "contraband" in the crime of aiding escape, which is cross-referenced in the crime of trafficking in prison contraband, to address the problem of prisoners smuggling drugs that are prescribed to them in the community but that are not permitted in a county jail or Department of Corrections facility. The amendment ensures that a prisoner has only a drug that was validly prescribed to the prisoner and that the custodial agency has approved the use of the drug. The amendment also retains language referring to a probation officer's duty to perform intensive supervision functions, instead of striking the reference as proposed in the bill.

### **Enacted Law Summary**

Public Law 2009, chapter 142 makes a number of changes to the Department of Corrections statutes.

Public Law 2009, chapter 142 adds adult probation supervisors to definitions of "law enforcement officer" for the purposes of the Maine Criminal Code and the State's liquor laws and specifies that the training for correctional investigators requires completion of the basic law enforcement training course but the Department of Corrections is exempt from writing policies and procedures for activities in which the investigators are not involved.

Public Law 2009, chapter 142 specifies that a law enforcement officer may make a warrantless arrest of a juvenile who violates a condition of release, as is presently provided in the Maine Juvenile Code, and adds authority for law enforcement officers to arrest without a warrant other persons who violate conditions of supervision by the Department of Corrections, including violations of supervised community confinement, placement on community reintegration or furloughs.

Public Law 2009, chapter 142 corrects an incorrect reference to the Department of Health and Human Services to the Department of Corrections, as the Department of Corrections grants prisoner furloughs and work releases.

Public Law 2009, chapter 142 clarifies the provision requiring termination of probation for a person who has completed a certified batterers' intervention program; a person on probation must also satisfy all other conditions of probation and have paid any restitution ordered to the victim before a hearing on the probation termination may take

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place.

Public Law 2009, chapter 142 sets a default monthly probation supervision fee of \$10 when a court fails to specify an amount.

Public Law 2009, chapter 142 adds prisoners on supervised community confinement to the laws governing multiple sentences of imprisonment, which is consistent with those who would be sentenced to intensive supervision. This provision addresses sentencing for those who commit new crimes while on supervised community confinement.

Public Law 2009, chapter 142 repeals Title 17-A, §1266, which governs the sentence for a crime committed by a prisoner on intensive supervision, because it is no longer necessary due to changes in the language of Title 17-A, §1256 since §1266 was enacted.

Public Law 2009, chapter 142 corrects an oversight by amending the definition of "prisoner" in the Department of Corrections statutes to include those on supervised community confinement.

Public Law 2009, chapter 142 amends the provision permitting the Commissioner of Corrections to transfer prisoners between facilities, whether pending trial or other proceeding or sentenced, under the new unified correctional system.

Public Law 2009, chapter 142 eliminates the prohibition on the Department of Corrections' investigative officers exercising power against other employees of the department, which is consistent with other law enforcement agencies in the State. It also expands the authority of correctional investigators to exercise law enforcement powers with respect to community corrections programs administered by the Department of Corrections.

Public Law 2009, chapter 142 allows prisoners who are in the community working under the supervised community confinement program to be able to collect workers' compensation benefits.

Public Law 2009, chapter 142 also adds language to the definition of "contraband" in the crime of aiding escape, which is cross-referenced in the crime of trafficking in prison contraband, to address the problem of prisoners smuggling drugs that are prescribed to them in the community but that are not permitted in a county jail or Department of Corrections facility. It ensures that a prisoner has only a drug that was validly prescribed to the prisoner and that the custodial agency has approved the use of the drug.

**LD 632      An Act To Increase Payments to Victims of Crimes**

**PUBLIC 79**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS SIMPSON	OTP-AM	H-52

This bill amends the Victims' Compensation laws as follows.

1. It creates the definition of "catastrophic injury" for purposes of eligibility for Victims' Compensation Fund and gives the Victims' Compensation Board authority to award compensation for unreimbursed mental health treatment expenses directly related to a crime for the benefit of a surviving family or household member of a person who suffers "catastrophic injury" as a direct result of the crime.
2. It adds other homicide-related expenses, expenses incidental to obtaining care for personal injury, the cost of security deposits and the cost to install locks or security devices to the definition of "eligible expenses and losses."

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3. It also increases the payment for forensic examinations for alleged victims of gross sexual assault from \$500 to \$750, in order to better reflect the cost of performing the examinations.

**Committee Amendment "A" (H-52)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2009, chapter 79 creates the definition of "catastrophic injury" for purposes of eligibility for Victims' Compensation Fund and gives the Victims' Compensation Board authority to award compensation for unreimbursed mental health treatment expenses directly related to a crime for the benefit of a surviving family or household member of a person who suffers "catastrophic injury" as a direct result of the crime. It adds other homicide-related expenses, expenses incidental to obtaining care for personal injury, the cost of security deposits and the cost to install locks or security devices to the definition of "eligible expenses and losses." Public Law 2009, chapter 79 also increases the payment for forensic examinations for alleged victims of gross sexual assault from \$500 to \$750, in order to better reflect the cost of performing these examinations.

**LD 633 An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention**

**PUBLIC 449**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY MCCORMICK	OTP-AM	H-201 S-327 DIAMOND

Under current law, it is a Class D crime to refuse to submit to an arrest or detention if that person uses physical force against a law enforcement officer or creates a substantial risk of bodily injury to a law enforcement officer. This bill repeals that provision of law and enacts in its stead a provision that establishes that refusal to submit to arrest:

1. Is a Class E crime if the person performs an act of physical interference or resistance;
2. Is a Class D crime if the person uses physical force against the law enforcement officer; and
3. Is a Class D crime if the person creates a substantial risk of bodily injury to the law enforcement officer, resulting in the law enforcement officer's pursuing, chasing or attempting to pursue or chase the person.

**Committee Amendment "A" (H-201)**

This amendment redefines the offense of refusing to submit to arrest or detention as proposed in the bill. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person refuses to stop on request or signal of a law enforcement officer, which is a Class E crime; uses physical force against the law enforcement officer, which is a Class D crime; or creates a substantial risk of bodily injury to the law enforcement officer, which is a Class D crime. The amendment maintains the defense to prosecution that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer. The amendment also adds the defense that the law enforcement officer acted unlawfully in attempting to effect the arrest or detention for the offense of refusing to stop on request or signal of a law enforcement officer. It also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-327)**

This amendment appropriates funds for the county jail costs to the State Board of Corrections rather than the

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Department of Corrections.

### **Enacted Law Summary**

Public law 2009, chapter 449 redefines the offense of refusing to submit to arrest or detention. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person refuses to stop on request or signal of a law enforcement officer, which is a Class E crime; uses physical force against the law enforcement officer, which is a Class D crime; or creates a substantial risk of bodily injury to the law enforcement officer, which is a Class D crime. Public Law 2009, chapter 449 maintains the defense to prosecution that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer. It also adds the defense that the law enforcement officer acted unlawfully in attempting to effect the arrest or detention for the offense of refusing to stop on request or signal of a law enforcement officer.

**LD 634      An Act To Create a Mandatory Sentence for Repeat Offenders of Sex Offenses against Victims under 12 Years of Age      ONTP**

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

This bill requires a court to sentence a person convicted of committing any offense under Title 17-A, chapter 11 or 12 against a child under 12 years of age who has a prior conviction for committing a chapter 11 or 12 offense against a child under 12 years of age to a mandatory term of imprisonment of at least 25 years, none of which may be suspended.

**LD 653      An Act To Strengthen the Penalties for Leaving the Scene of an Accident      ONTP**

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

Under current law, a person who is involved in an accident and who fails to stop or leaves the scene of the accident commits a Class E crime for accidents involving damage to the vehicle, a Class D crime for accidents involving personal injury or death and a Class C crime if the person intentionally, knowingly or recklessly leaves the scene of an accident involving serious bodily injury or death. This bill increases the penalty class for each crime to a Class D, Class C and Class B crime, respectively.

**LD 668      An Act To Amend the Laws Concerning Disorderly Conduct      ONTP**

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

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This bill repeals the existing law governing disorderly conduct and enacts a new provision defining disorderly conduct. Under the new provision, disorderly conduct remains a Class E crime.

**LD 690      Resolve, To Establish a Working Group Concerning Domestic Violence  
and Firearms**

**RESOLVE 86**

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

This bill brings Maine law into conformity with federal law. The bill adds to state law the existing federal prohibition against possession of firearms by a person who has been convicted of a misdemeanor crime of domestic violence. A misdemeanor crime of domestic violence means an offense that is a misdemeanor under federal, state or tribal law and has as an element the use or attempted use of physical force or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

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

This amendment replaces the bill with a resolve and directs the Commissioner of Public Safety to convene a working group concerning domestic violence and firearms. The group shall look at incorporating into state law the prohibition of possession of firearms by a person convicted of a misdemeanor crime of domestic violence in order to conform to federal law. The working group must invite representatives from each of the following to participate: the Office of the Attorney General, the Maine Prosecutors Association, the Maine Coalition to End Domestic Violence, the Maine Association of Criminal Defense Lawyers, Maine Citizens Against Handgun Violence, the Sportsman's Alliance of Maine, the Maine Chiefs of Police Association, the Maine Sheriffs' Association and up to 3 other entities that the Commissioner of Public Safety determines appropriate. The Commissioner of Public Safety shall report the working group's recommendations, including recommended legislation, to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2010. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report.

**Enacted Law Summary**

Resolve 2009, chapter 86 directs the Commissioner of Public Safety to convene a working group concerning domestic violence and firearms. The group shall look at incorporating into state law the prohibition of possession of firearms by a person convicted of a misdemeanor crime of domestic violence in order to conform to federal law. The working group must invite representatives from each of the following to participate: the Office of the Attorney General, the Maine Prosecutors Association, the Maine Coalition to End Domestic Violence, the Maine Association of Criminal Defense Lawyers, Maine Citizens Against Handgun Violence, the Sportsman's Alliance of Maine, the Maine Chiefs of Police Association, the Maine Sheriffs' Association and up to 3 other entities that the Commissioner of Public Safety determines appropriate. The Commissioner of Public Safety shall report the working group's recommendations, including recommended legislation, to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2010. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report.

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

**LD 712     An Act To Require That Prior OUI Convictions Committed with a Motor Vehicle, Watercraft, Snowmobile or All-terrain Vehicle Are Treated as Previous OUI Convictions for Purposes of Sentencing**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN SCHNEIDER	OTP-AM MAJ ONTP MIN	H-363

This bill amends Title 12 §10701, the prohibition for hunting or operating watercraft, snowmobiles or ATVs while under the influence. The bill adds to the penalties that a court may impose for these violations the option to suspend, for a period of time to be determined by the court, the driver's license of the person who is convicted for an operating under the influence on a watercraft, ATV or snowmobile or for an operating under the influence while hunting.

**Committee Amendment "A" (H-363)**

This amendment is the majority report, replaces the bill and changes the bill's title. The amendment requires a court, when sentencing a person convicted for OUI committed with a motor vehicle, watercraft, snowmobile or all-terrain vehicle, to treat prior convictions for OUI committed with a motor vehicle, watercraft, snowmobile or all-terrain vehicle as a previous conviction. The amendment also adds appropriations and allocations sections.

**LD 713     An Act Regarding Assault on a Firefighter**

**ONTP**

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

Current law makes assault on a police officer or emergency medical services person a Class C crime. This bill extends the same penalty to assault on a firefighter while the firefighter is engaged in the firefighter's official duties at the scene of a fire or other emergency.

**LD 726     An Act To Improve the Process for Issuing Concealed Weapons Permits**

**ONTP**

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

This bill provides that any government agency with authority to issue a concealed weapons permit must, in the course of reviewing an application and considering the issue of the applicant's good moral character, request and receive copies of any abstract of any court ruling regarding the applicant's mental fitness. The abstracts are currently collected by the State Bureau of Identification within the Department of Public Safety.

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**LD 727     An Act To Protect Sports Officials**

**ONTP**

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

This bill creates the crime of assault on a sports official. A person is guilty of assault on a sports official if the person intentionally, knowingly or recklessly causes bodily injury or offensive physical contact to a sports official and that assault occurs within the confines of or immediate vicinity of an athletic facility at which the sports official is acting or was acting in the capacity of a sports official, except at a professional sporting event. The new crime is a Class D crime, the same as assault, except that the maximum fine that may be imposed is increased from \$2,000 to \$4,000.

**LD 730     An Act To Allow Bail Commissioners To Access Criminal Records**

**ONTP**

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

This bill adds a new subsection to Title 15, §1023, which allows a bail commissioner to consider a defendant's criminal history record information in setting preconviction bail for the defendant and requires the Chief of the State Police to make criminal history record information available to a bail commissioner to carry out this purpose. Currently, Title 15, §1023, sub-§4, C requires that bail commissioners in cases involving domestic violence may not set preconviction bail for a defendant before making a good faith effort to obtain from the arresting officer, the district attorney, a jail employee or other law enforcement officer: a brief history of the alleged abuser; the relationship of the parties; the name, address, phone number and date of birth of the victim; and existing conditions of protection from abuse orders, conditions of bail and conditions of probation.

**LD 747     An Act To Increase Split Sentencing Alternatives**

**ONTP**

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

This bill amends the sentencing alternative of split sentences. The bill specifies that the initial portion of imprisonment may not exceed 1/3 of the sentence imposed; however, if the court determines that imposing only 1/3 of the initial portion of imprisonment frustrates the general purposes of sentencing set forth in the Maine Revised Statutes, Title 17-A, section 1151, the court may impose a greater sentence of imprisonment but must state in writing its reasons for its findings and imposition of sentence.

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

**LD 748      An Act To Adjust the Assessment for Correctional Services from  
Sagadahoc County**

**ONTP**

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

Public Law 2007, chapter 653, the unified correctional plan, separated noncorrectional services from correctional services for purposes of preparation of the county budgets. The law sets a cap on tax assessments for correctional services for each county, so that the assessment to municipalities within each county may not be greater than the fiscal year 2008 county assessment for correctional related expenditures. The law also directs the counties to collect taxes from municipalities for the purpose of retiring the county jail debt in existence as of July 1, 2008 until the debt is finally retired. The counties may not collect taxes from the municipalities for the purpose of retiring any correctional services debt issued after July 1, 2008, nor may the state pay for future correctional services debt or other correctional services with revenue sources dedicated to the municipalities.

LD 748 is an emergency bill that amends the correctional related expenditures for Sagadahoc County from \$2,295,849, as enacted in Public Law 2007, chapter 653, to \$2,526,623. After the county made its correctional related expenditures report in the information gathering process of the development of the cap, the county became aware that alternative sentencing programs could be included, and Sagadahoc County's report omitted those costs. Without including these alternative sentencing program costs in the assessment amount, and therefore being able to expend them for this purpose, the county's number of prisoners will increase. By increasing the figure of the funds that the county is authorized to collect, Sagadahoc County can keep its alternative sentencing programs.

**LD 791      An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE		S-193

This bill prohibits the furnishing of a place for minors to use illegal drugs. A person is guilty of furnishing a minor a place to use scheduled drugs, imitation scheduled drugs or counterfeit drugs if that person knowingly furnishes a minor a place to use scheduled drugs, imitation scheduled drugs or counterfeit drugs. Violation of the offense would be a Class B crime if the violation involves a counterfeit drug or a schedule W drug, a Class C crime if the violation involves a schedule X, Y or Z drug and a Class D crime if the violation involves an imitation scheduled drug.

**Committee Amendment "A" (S-193)**

This amendment replaces the bill and mirrors the penalties for furnishing a place for a minor to consume alcohol in the Maine Revised Statutes, Title 28-A, section 2081. For purposes of this new crime, a minor is a person under 21 years of age. The amendment also adds an appropriations and allocations section.

LD 791 was carried over to the any special or regular session of the 124th Legislature by joint order, House Paper 1053.

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LD 793 An Act To Improve Juvenile Correctional Services

PUBLIC 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-80

This bill permits the interception of phone calls made by or to residents of juvenile correctional facilities on the same basis as the interception of phone calls made by or to residents of adult correctional facilities. It also makes willful failure to comply with the terms of any court order resulting from a juvenile adjudication of a juvenile crime involving drugs or liquor itself a juvenile crime consistent with other provisions that define a juvenile crime. The bill requires that a detainee under 18 years of age who has been convicted as an adult in another jurisdiction be detained with adults, as is presently the case for detainees under 18 years of age who have been convicted as an adult in the State. The bill also makes the provisions for the detention of juveniles in a jail consistent by allowing such detention to be for up to 48 hours.

**Committee Amendment "A" (H-80)**

This amendment repeals the provision in current law that establishes that a violation of a court order relating to drug and alcohol infractions constitutes a new and distinct juvenile crime. The provision is seldom used, and juveniles may be held accountable through the contempt powers of the court.

The amendment clarifies under what conditions a person who is over 18 years of age but is considered a juvenile because the offense was committed before the person attained 18 years of age may be detained in a jail. The amendment also specifies the conditions under which a person convicted of an adult offense in another jurisdiction that would be a juvenile offense here may be detained and housed with juveniles in the State and under what conditions a juvenile detained in the State for a new offense can be housed after previously being convicted as an adult in another jurisdiction.

Finally, the amendment specifies that a juvenile may be held for over 6 hours, but not more than 48 hours, in a separate juvenile section of a rural jail. The conditions of detention are consistent with the federal Juvenile Justice and Delinquency Prevention Act of 1974. The amendment also corrects cross-references.

**Enacted Law Summary**

Public Law 2009, chapter 93 permits the interception of phone calls made by or to residents of juvenile correctional facilities under the same circumstances as the interception of phone calls made by or to residents of adult correctional facilities. Monitoring prisoner phone calls is a permitted exception to Title 15, chapter 102, "Interception of Wire and Oral Communications."

Public Law 2009, chapter 93 clarifies under what conditions a person who is 18 years of age or older is considered a juvenile for purposes of being detained in jail for an offense committed when the person was less than 18 years of age. Public Law 2009, chapter 93 also addresses the conditions under which a person who has been convicted of an adult offense in another state can be detained and housed with juveniles. Public Law 2009, chapter 93 gives the court discretion to determine where to house a person who was adjudicated as an adult in another jurisdiction but was less than 18 years of age at the time of the crime and comes to Maine and commits a new offense. The court may determine the appropriate placement, unless the person reaches 18 years and 6 months, in which case the federal law requires that the person be housed in a jail.

Public Law 2009, chapter 93 permits detention of juveniles in a jail for up to 48 hours, instead of 24 hours, and it specifies the circumstances in which a juvenile can be held for more than 6 hours, but no more than 48 hours, in an

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adult jail; detention for this purpose must be pending an initial appearance in court.

**LD 814      An Act Regarding the Sale of Weapons at Gun Shows**

**ONTP**

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

This bill requires that a national instant criminal background check be performed prior to the sale or transfer of a firearm at a gun show. The bill makes a gun show operator responsible for any failure to perform a required background check and subject to a fine of up to \$10,000 for each such failure. The bill also requires gun show operators to post signs at gun shows and notify exhibitors of the background check requirement and to provide unlicensed sellers and transferors with access to licensed sellers and transferors who will undertake the required background checks. The licensed firearms dealer is required to maintain the paperwork for 10 years.

**LD 815      An Act To Require the Collection of DNA from a Person under Certain Circumstances**

**ACCEPTED ONTP  
REPORT**

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

This bill modifies the DNA Data Base and Data Bank Act by establishing a DNA Fund to pay for the reasonable expenses of the Chief of the State Police in administering the DNA Data Base and Data Bank Act. It would require a fee to be paid into the DNA Fund by persons required to submit DNA samples or requesting DNA searches.

**Committee Amendment "A" (H-495)**

This amendment, which is the minority report of the committee, removes the provision that would allow a fee to be charged to a relative of a missing person who has requested a DNA search in the state DNA data base and state DNA data bank for the purposes of finding the missing person.

**LD 847      An Act Authorizing Statewide Mutual Aid among First Responder Agencies**

**PUBLIC 175  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-157

This bill provides that the Maine First Responders State-wide Mutual Aid Agreement, drafted by the Maine Emergency Management Agency and dated November 2008, applies to all political subdivisions in the State. The agreement authorizes first responder agencies to provide emergency services, even if a political subdivision has not entered into a mutual aid agreement with the political subdivision sending the requested emergency management, fire, law enforcement, emergency medical, public works or other emergency services. The bill eliminates the necessity for political subdivisions to adopt local ordinances to participate in the agreement but they retain the right

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to withdraw from the agreement if they choose to do so.

### **Committee Amendment "A" (H-157)**

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

### **Enacted Law Summary**

Public Law 2009, chapter 175 provides that the Maine First Responders State-wide Mutual Aid Agreement, drafted by the Maine Emergency Management Agency and dated November 2008, applies to all political subdivisions in the State. The agreement authorizes first responder agencies to provide emergency services, even if a political subdivision has not entered into a mutual aid agreement with the political subdivision sending the requested emergency management, fire, law enforcement, emergency medical, public works or other emergency services. It eliminates the necessity for political subdivisions to adopt local ordinances to participate in the agreement but they retain the right to withdraw from the agreement if they choose to do so.

Public Law 2009, chapter 175 was enacted as an emergency measure effective May 19, 2009.

### **LD 915      An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety**

**PUBLIC 317**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-357

This bill makes changes to the statutes administered by the Department of Public Safety. The bill:

1. Updates the list of major policy-influencing positions of the Department of Public Safety;
2. Corrects the definition of "qualified person" in the Maine State Railroad Police Act;
3. Establishes the Bureau of Consolidated Emergency Communications;
4. Clarifies that the training standards and requirements of the Maine Revised Statutes, Title 25, section 2803-B do not apply to the Assistant State Fire Marshal;
5. Designates rules adopted by the Commissioner of Public Safety governing the security regarding use and occupancy of parks, grounds and buildings maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;
6. Designates rules adopted by the Commissioner of Public Safety governing the use of public ways and parking areas maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;
7. Authorizes the Commissioner of Public Safety to grant statewide power of enforcement of any law of this State to a capitol security officer if that officer has completed a basic training course at the Maine Criminal Justice Academy or equivalent training; and
8. Generally updates and corrects statutes relating to the organizational structure of the Department of Public Safety.

### **Committee Amendment "A" (H-357)**

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This amendment changes the name of the Bureau of Capitol Security to the Bureau of Capitol Police and the name of those security officers to police officers.

### **Enacted Law Summary**

Public Law 2009, chapter 317 makes changes to the statutes administered by the Department of Public Safety. The law:

1. Updates the list of major policy-influencing positions of the Department of Public Safety;
2. Corrects the definition of "qualified person" in the Maine State Railroad Police Act;
3. Establishes the Bureau of Consolidated Emergency Communications;
4. Clarifies that the training standards and requirements of the Maine Revised Statutes, Title 25, section 2803-B do not apply to the Assistant State Fire Marshal;
5. Designates rules adopted by the Commissioner of Public Safety governing the security regarding use and occupancy of parks, grounds and buildings maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;
6. Designates rules adopted by the Commissioner of Public Safety governing the use of public ways and parking areas maintained by the State at the capitol area or other state-controlled locations in Augusta as routine technical rules;
7. Authorizes the Commissioner of Public Safety to grant statewide power of enforcement of any law of this State to a capitol security officer if that officer has completed a basic training course at the Maine Criminal Justice Academy or equivalent training;
8. Changes the name of the Bureau of Capitol Security to the Bureau of Capitol Police and the name of those security officers to police officers; and
9. Generally updates and corrects statutes relating to the organizational structure of the Department of Public Safety.

**LD 985      An Act To Increase Public Safety by Requiring a Federally Licensed  
Firearms Dealer To Facilitate the Transfer of Firearms**

**ONTP**

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

This bill requires private transfers, sales or loans of firearms to be facilitated by a federally licensed firearms dealer, who must request a criminal history record check. A seller, transferor or person loaning a firearm shall deliver a firearm to a dealer who shall retain possession of that firearm and then do the record check. If a record check reveals that the buyer is prohibited from purchasing the firearm, the dealer shall notify the seller of that fact. The dealer may charge not more than \$10 per check.

The requirements of the bill do not apply to transactions in which the seller and buyer are family members, to transfers pursuant to operation of law or court order or to transfers in which a law enforcement officer is the seller or buyer.

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LD 995      **An Act To Improve Purchasing for the Department of Corrections**

ONTP

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

This bill authorizes the chief administrative officer of a correctional facility to enter into a contract for the purchase of materials used in the manufacture of products for sale to the public or through contract bids in a prison industries program at the correctional facility supervised by that chief administrative officer.

LD 1035      **An Act To Discourage Theft from and Destruction of Vending Machines**

ONTP

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

This bill provides a minimum fine of \$1,000 for a person who steals or vandalizes a vending machine or the contents of a vending machine and requires that such a person pay restitution to the owner of the vending machine.

LD 1066      **Resolve, Directing the Board of Trustees of the Maine Criminal Justice Academy To Amend Its Minimum Standards for the Law Enforcement Use of Force Policy**

RESOLVE 58

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

Title 5 gives the Office of the Attorney General exclusive responsibility for the direction and control of any criminal investigation of a law enforcement officer who, while acting in the performance of that law enforcement officer's duties, uses deadly force. Any law enforcement agency whose officer uses deadly force shall notify, as soon as practicable, the Attorney General of the event. The AG's review determines whether the officer actually and reasonably believed that there was an imminent threat of deadly force and that deadly force on the officer's part was necessary to meet or counter that threat. The AG's review does not include a determination of civil liability or consequences to employment or certification or whether the use of deadly force was avoidable. These issues fall to the agency employing the officer. Findings of investigations into an officer's conduct are public records.

This bill establishes the Independent Review Board for Police Involved in Fatal Shootings to review all incidents involving the use of a firearm by a law enforcement or corrections officer that results in the death of another person. The board shall conduct a review for the purpose of determining: the facts; whether relevant policy was understandable and effective for the particular circumstances; whether compliance with relevant policy occurred; whether the relevant current training curriculum was sufficient and effective for the particular circumstances; whether changes in the relevant current policy, practice, procedures or training are recommended; whether any remedial action should be recommended; and any other recommendations.

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The board would have access to the records and findings of the Attorney General, any internal or administrative investigation undertaken by the officer's department, the Board of Trustees of the Maine Criminal Justice Academy if action was contemplated or taken, and personnel records maintained by the department employing or any department that previously employed the law enforcement or corrections officer whose actions are under review. The board must also be granted access to similar records relating to prior incidents of the use of force that have been investigated by the Attorney General. Access to these records or findings does not constitute a public right to access that does not otherwise exist. The review and deliberations of the board do not constitute public proceedings.

At the conclusion of its review, the board shall issue a public report stating its determinations with respect to each of the factors identified and report to the joint standing committee of the Legislature having jurisdiction over public safety matters and to the law enforcement agency involved in the incident under review. This report is not admissible in any litigation arising out of the incident. The opinions and conclusions of the board or of individual board members are not discoverable or admissible under any circumstances. A person who illegally distributes confidential information under the new provisions commits a Class E crime.

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

This amendment replaces the bill with a resolve that directs the Board of Trustees of the Maine Criminal Justice Academy to amend its minimum standards for the use of force policy relative to the procedure for agency investigation and review of the use of deadly force. Amendments to the policy must include the convening of an incident review team consisting of members appointed by the chief executive officer of each law enforcement agency to review instances of the use of deadly force. Members appointed must include at least one member who is a commissioned officer of the Maine State Police and at least one member of the public who is not and has not previously served as a sworn law enforcement officer. The incident review team shall review the use of deadly force to determine the facts of an incident, whether relevant policy was clearly understandable and effective to cover the particular situation and whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety, whether training protocols should be reviewed or revised and whether equipment or other resources should be modified. The incident review team shall generate a written report of its findings, and that report is public. The amendment also directs the board to report on compliance, implementation and the results of the new policy change. That report is due to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 15, 2011.

### **Enacted Law Summary**

Resolve 2009, chapter 58 directs the Board of Trustees of the Maine Criminal Justice Academy to amend its minimum standards for the use of force policy relative to the procedure for agency investigation and review of the use of deadly force. Amendments to the policy must include the convening of an incident review team consisting of members appointed by the chief executive officer of each law enforcement agency to review instances of the use of deadly force. Members appointed must include at least one member who is a commissioned officer of the Maine State Police and at least one member of the public who is not and has not previously served as a sworn law enforcement officer. The incident review team shall review the use of deadly force to determine the facts of an incident, whether relevant policy was clearly understandable and effective to cover the particular situation and whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety, whether training protocols should be reviewed or revised and whether equipment or other resources should be modified. The incident review team shall generate a written report of its findings, and that report is public. Resolve 2009, chapter 58 also directs the board to report on compliance, implementation and the results of the new policy change. That report is due to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 15, 2011.

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**LD 1067      Resolve, To Establish a Blue Ribbon Commission To Study Methods of Protecting Emergency Medical Services Personnel during the Transportation of Persons with Mental Illness** **ONTP**

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

This bill establishes a blue ribbon commission to conduct a study and make recommendations on the issue of emergency medical services personnel and the transportation of people with mental illnesses and specifically address the best way to protect emergency medical services workers with established protocols for the occasions when attacks and threats occur to the personnel and when to use law enforcement intervention and arrest as opposed to using commitment to mental health facilities. The blue ribbon commission shall make a report and recommendations to the Joint Standing Committee on Criminal Justice and Public Safety, which is authorized to introduce a bill on this matter.

**LD 1076      An Act To Create a Statewide Training and Protocol for Responding to Mental Health Crises** **ONTP**

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

This bill requires the Maine Criminal Justice Academy Board of Trustees, the State Fire Marshal and the Emergency Medical Services' Board to establish statewide protocols and a training program for firefighters, law enforcement officers and first responders to ensure that they are trained in serving people with mental illness. Training must include 4 hours of initial training and periodic review, and programs and protocols must be reviewed annually.

**LD 1107      An Act To Promote Personal Financial Responsibility by Allowing a Person To Make Good on Dishonored Checks Prior to the Imposition of Criminal Penalties** **ONTP**

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

This bill creates a new category of the crime of negotiating a worthless instrument. If a person issues or negotiates a negotiable instrument that is not honored, and the intended recipient of the negotiable instrument sends written notice that the instrument was not honored, the person commits a crime if the person does not pay the intended recipient the full amount of the face value of the negotiable instrument, plus fees, within 30 days of receiving that written notice. The notice must be sent by certified mail, return receipt requested. The intent of this new category of the crime is to eliminate the need to prove that the person knew that the negotiable instrument would not be honored at the time it was written. Current law requires proof that the person intentionally issues or negotiates a negotiable instrument knowing that it will not be honored.

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**LD 1130 An Act To Clarify the Crime of Obstructing Government Administration**

**ONTP**

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

This bill provides that a person is guilty of obstructing government administration if the person intentionally or recklessly obstructs, resists, hinders or endangers any public servant performing or purporting to perform an official function. Current law provides that a person is guilty of obstructing government administration if the person intentionally interferes by force, violence or intimidation or by any physical act with a public servant performing or purporting to perform an official function.

**LD 1138 Resolve, To Provide Assistance to Private Sellers of Firearms**

**RESOLVE 53**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL BRYANT B	OTP-AM	H-180

This resolve directs the Department of Public Safety to assist private sellers of firearms by providing information about how to collect appropriate information about the purchasers of firearms and how to obtain criminal history record checks on those purchasers. In this effort, the Department of Public Safety shall invite the United States Attorney for the District of Maine to collaborate in order to educate and encourage access to the Project Safe Neighborhoods website where private sellers can obtain a gun seller's tool kit. The department shall also invite the United States Attorney to assist it in contacting Maine's federally licensed firearms dealers and compiling a list of those dealers who are willing to perform criminal history record checks of buyers purchasing firearms from private sellers. The department shall post that list on its website and shall publicize the information to educate the public. The department shall report its progress to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2010.

**Committee Amendment "A" (H-180)**

This amendment directs the Department of Public Safety to assist private sellers of firearms by providing information about how to collect appropriate information about the purchasers of firearms and how to obtain criminal history record checks on those purchasers. In this effort, the Department of Public Safety shall invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to collaborate in order to educate the public and private sellers and encourage access to the United States Department of Justice's Project Safe Neighborhoods website where private sellers can obtain a gun seller's tool kit. The department shall also invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to assist it in contacting Maine's federally licensed firearms dealers and compiling a list of those dealers who are willing to perform criminal history record checks of buyers purchasing firearms from private sellers. The department shall post that list on its website and shall invite both the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to include the list on their existing websites and shall publicize the information to educate the public. The department shall report its progress to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2010.

**Enacted Law Summary**

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Resolve 2009, chapter 53 directs the Department of Public Safety to assist private sellers of firearms by providing information about how to collect appropriate information about the purchasers of firearms and how to obtain criminal history record checks on those purchasers. In this effort, the Department of Public Safety shall invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to collaborate in order to educate the public and private sellers and encourage access to the United States Department of Justice's Project Safe Neighborhoods website where private sellers can obtain a gun seller's tool kit. The department shall also invite the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to assist it in contacting Maine's federally licensed firearms dealers and compiling a list of those dealers who are willing to perform criminal history record checks of buyers purchasing firearms from private sellers. The department shall post that list on its website and shall invite both the United States Attorney for the District of Maine and the Sportsman's Alliance of Maine to include the list on their existing websites and shall publicize the information to educate the public. The department shall report its progress to the Joint Standing Committee on Criminal Justice and Public Safety by February 1, 2010.

### **LD 1139 An Act To Require Internet Service Providers To Retain Records**

**Carried Over**

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

This bill requires that Internet service providers retain customer records for at least 180 days and directs the Attorney General to adopt routine technical rules governing the retention of those records. Failure to comply with the retention requirements is a civil violation for which a fine of up to \$10,000 per violation may be adjudged.

LD 1139 was carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053.

### **LD 1157 An Act To Improve the Use of Information Regarding Sex Offenders**

**PUBLIC 365**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-264

Part A of the bill makes the following changes to the Maine Criminal Code.

1. It amends the crime of prohibited contact with a minor by repealing the element that the person has a duty to register under the Sex Offender Registration and Notification Act of 1999 and by making the law applicable only to those persons convicted on or after June 30, 1992.
2. It repeals from the sentencing provisions the directive that a court order a person convicted of a sex offense or a sexually violent offense to satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. This change clarifies that the Legislature determines that a duty to register exists based on the conviction and that the court's duty is only to notify the person of that duty.
3. It repeals from the probation provisions the directive that a court attach as a condition of probation that a person convicted of a sex offense or a sexually violent offense satisfy all requirements of the Sex Offender Registration and

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Notification Act of 1999. The court has discretion to order any condition of probation reasonably related to the rehabilitation of the convicted person or the public safety or security, including satisfying registration requirements if appropriate.

Part B of the bill makes the following changes to the Sex Offender Registration and Notification Act of 1999.

1. It repeals and replaces the application section to specify that those persons sentenced in Maine as an adult or as a juvenile sentenced as an adult for a sex offense or sexually violent offense on or after January 1, 1982 but before June 30, 1992 must continue to register if they remained in execution of their sentence on September 1, 1998; if they have more than one conviction for a Class A sex offense or Class A sexually violent offense whether or not the convictions were on the same date; if, at the time of offense, they had been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense; or if, at the time of offense, they had been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense. The application section continues to require all persons sentenced on or after June 30, 1992 for a sex offense or a sexually violent offense to comply with the registration requirements.

2. It repeals and replaces the application section to specify that those persons sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult on or after January 1, 1982 but before June 30, 1992 must register for an offense that contains the essential elements of a sex offense or sexually violent offense if that person remained in execution of that sentence on September 1, 1998; if that person has more than one conviction for a Class A sex offense or sexually violent offense whether or not the conviction was on the same date; if, at the time of offense, they had been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense; or if, at the time of offense, they had been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense. The application section continues to require persons to register for a conviction, regardless of the date, if registration is required in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or would have been required pursuant to those laws had the person remained there. The statute continues to require registration for those convicted on or after June 30, 1992 for an offense that contains the essential elements of a sex offense or sexually violent offense. The amendment also clarifies that a person must register if the person was sentenced for a specified military, tribal or federal offense.

3. It defines the term "offender" as a person to whom the Sex Offender Registration and Notification Act of 1999 applies.

4. For purposes of establishing a standard for residence and for establishing that the name and birth date of the person notified of the duty to register are the same as those of a person convicted of an offense requiring registration, it identifies when specified instances of proof give rise to permissible inferences under the Maine Rules of Evidence, Rule 303.

5. It amends the definition of "sex offense" by removing criminal restraint and all forms of kidnapping except kidnapping for which the actor knowingly restrains another person with the intent to inflict bodily injury upon the other person or subject the other person to sexual assaults prohibited pursuant to the Maine Revised Statutes, Title 17-A, chapter 11.

6. It amends the definition of "lifetime registrant" that pertains to persons classified as lifetime registrants because of having multiple convictions for sex offenses to clarify that the changes made by Public Law 2005, chapter 423 operate prospectively. For persons convicted and sentenced on or after September 17, 2005, the definition remains unchanged except for technical drafting changes. As used in that definition, the term "another conviction" includes a conviction that occurred at any time. Convictions that occur on the same day may be counted as other offenses for the purposes of classifying a person as a lifetime registrant if there is more than one victim or the convictions are for offenses based on different conduct or arising from different criminal episodes. Multiple convictions that result

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from or are connected with the same act or that result from offenses committed at the same time against one person are considered one conviction. For persons convicted and sentenced before September 17, 2005, the amendment changes the definition of "another conviction" to mean an offense for which sentence was imposed prior to the occurrence of the new offense.

7. It clarifies that a duty to register is not triggered by a court determination, but by and upon notification by a court, the Department of Corrections, the State Bureau of Identification or a law enforcement agency that a person has a duty to register under the Sex Offender Registration and Notification Act of 1999. In response to *State v. Johnson*, 2005 ME 46, the amendment also specifies that the State Bureau of Identification may correct the term of a registration erroneously assigned to an offender or registrant, as registration is not part of a criminal sentence. In such instances, the bureau shall notify the offender or registrant, the district attorney and court in the jurisdiction where the conviction occurred and the law enforcement agency having jurisdiction where the offender or registrant is domiciled, resides, is employed or attends college or school, if applicable.

8. It clarifies that an affirmative defense provided in the Sex Offender Registration and Notification Act of 1999 may be raised for just cause, which may include that the offender was not aware of the duty to register.

9. It clarifies that a certification made by the record custodian also may be made by the record custodian's designee.

10. It makes these proposed changes retroactive to January 1, 1982.

### **Committee Amendment "A" (S-264)**

This amendment creates an exception to the application provision of the Sex Offender Registration and Notification Act of 1999. The amendment specifies that a person sentenced on or after January 1, 1982 and prior to June 30, 1992 is not required to register if that person submits to the Department of Public Safety, State Bureau of Identification, in a form to be determined by the bureau, documentation to establish the following: the person was finally discharged from the correctional system prior to September 1, 1998; the person's convictions do not include more than one Class A sex offense or sexually violent offense or more than one conviction in another jurisdiction for an offense that contains the essential elements of a Class A sex offense or sexually violent offense, whether or not the convictions occurred on the same date; at the time of the offense, the person had not been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense; at the time of the offense, the person had not been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense; subsequent to the commission of the offense, the person has not been convicted of a crime under the Maine Revised Statutes, Title 17 or Title 17-A in this State that is punishable by imprisonment for a term of one year or more; and, subsequent to the commission of the offense, the person has not been convicted under the laws of any other jurisdiction of a crime that is punishable by a term of imprisonment exceeding one year. This requirement does not include a crime under the laws of another jurisdiction that is classified by the laws of that jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2 years or less.

The amendment specifies that a person's duty to register continues until the bureau determines that documentation meets the requirements and any rules adopted by the bureau, and a person who submits documentation is responsible for the costs of any criminal history record checks required.

Finally, the registration obligation of a person sentenced on or after January 1, 1982 and prior to June 30, 1992 that is discharged pursuant to this amendment is restored by any subsequent conviction for a crime under Title 17 or Title 17-A in this State that is punishable by imprisonment for a term of one year or more or a subsequent conviction under the laws of any other jurisdiction of a crime that is punishable by a term of imprisonment exceeding one year.

### **Enacted Law Summary**

Public Law 2009, chapter 365 makes number of changes to the Maine Criminal Code. Specifically, it amends the crime of prohibited contact with a minor by repealing the element that the person has a duty to register under the Sex

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Offender Registration and Notification Act of 1999 and by making the law applicable only to those persons convicted on or after June 30, 1992. It repeals from the sentencing provisions the directive that a court order a person convicted of a sex offense or a sexually violent offense to satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. This change clarifies that the Legislature determines that a duty to register exists based on the conviction and that the court's duty is only to notify the person of that duty. Public Law 2009, chapter 365 also repeals from the probation provisions the directive that a court attach as a condition of probation that a person convicted of a sex offense or a sexually violent offense satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. The court has discretion to order any condition of probation reasonably related to the rehabilitation of the convicted person or the public safety or security, including satisfying registration requirements if appropriate.

Public Law 2009, chapter 365 also makes changes to the Sex Offender Registration and Notification Act of 1999. It creates an exception to the application provision of the SORNA of 1999 by specifying that a person sentenced on or after January 1, 1982 and prior to June 30, 1992 is not required to register if that person submits to the Department of Public Safety, State Bureau of Identification, in a form to be determined by the bureau, documentation to establish the following: the person was finally discharged from the correctional system prior to September 1, 1998; the person's convictions do not include more than one Class A sex offense or sexually violent offense or more than one conviction in another jurisdiction for an offense that contains the essential elements of a Class A sex offense or sexually violent offense, whether or not the convictions occurred on the same date; at the time of the offense, the person had not been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense; at the time of the offense, the person had not been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense; subsequent to the commission of the offense, the person has not been convicted of a crime under the Maine Revised Statutes, Title 17 or Title 17-A in this State that is punishable by imprisonment for a term of one year or more; and, subsequent to the commission of the offense, the person has not been convicted under the laws of any other jurisdiction of a crime that is punishable by a term of imprisonment exceeding one year. This requirement does not include a crime under the laws of another jurisdiction that is classified by the laws of that jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2 years or less. A person's duty to register continues until the bureau determines that documentation meets the requirements and any rules adopted by the bureau, and a person who submits documentation is responsible for the costs of any criminal history record checks required. The registration obligation of a person sentenced on or after January 1, 1982 and prior to June 30, 1992 that is discharged is restored by any subsequent conviction for a crime under Title 17 or Title 17-A in this State that is punishable by imprisonment for a term of one year or more or a subsequent conviction under the laws of any other jurisdiction of a crime that is punishable by a term of imprisonment exceeding one year.

Public Law 2009, chapter 365 also amends the SORNA of 1999 by: defining the term "offender" as a person to whom the Sex Offender Registration and Notification Act of 1999 applies; identifying when specified instances of proof give rise to permissible inferences under the Maine Rules of Evidence, Rule 303; amending the definition of "sex offense" by removing criminal restraint and all forms of kidnapping except kidnapping for which the actor knowingly restrains another person with the intent to inflict bodily injury upon the other person or subject the other person to sexual assaults prohibited pursuant to the Maine Revised Statutes, Title 17-A, chapter 11; amending the definition of "lifetime registrant" that pertains to persons classified as lifetime registrants because of having multiple convictions for sex offenses to clarify that the changes made by Public Law 2005, chapter 423 operate prospectively. For persons convicted and sentenced on or after September 17, 2005, the definition remains unchanged except for technical drafting changes. As used in that definition, the term "another conviction" includes a conviction that occurred at any time. Convictions that occur on the same day may be counted as other offenses for the purposes of classifying a person as a lifetime registrant if there is more than one victim or the convictions are for offenses based on different conduct or arising from different criminal episodes. Multiple convictions that result from or are connected with the same act or that result from offenses committed at the same time against one person are considered one conviction. For persons convicted and sentenced before September 17, 2005, the amendment changes the definition of "another conviction" to mean an offense for which sentence was imposed prior to the

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occurrence of the new offense.

It also clarifies that a duty to register is not triggered by a court determination, but by and upon notification by a court, the Department of Corrections, the State Bureau of Identification or a law enforcement agency that a person has a duty to register under the Sex Offender Registration and Notification Act of 1999. In response to *State v. Johnson*, 2005 ME 46, the amendment also specifies that the State Bureau of Identification may correct the term of a registration erroneously assigned to an offender or registrant, as registration is not part of a criminal sentence. In such instances, the bureau shall notify the offender or registrant, the district attorney and court in the jurisdiction where the conviction occurred and the law enforcement agency having jurisdiction where the offender or registrant is domiciled, resides, is employed or attends college or school, if applicable. Public Law 2009, chapter 365 clarifies that an affirmative defense provided in the Sex Offender Registration and Notification Act of 1999 may be raised for just cause, which may include that the offender was not aware of the duty to register, and clarifies that a certification made by the record custodian also may be made by the record custodian's designee. Finally, it makes these changes retroactive to January 1, 1982.

**LD 1166    An Act To Implement the Recommendations of the Ad Hoc Task Force  
on the Use of Deadly Force by Law Enforcement Officers Against  
Individuals Suffering From Mental Illness**

**PUBLIC 451**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST GERZOFKY	OTP-AM	H-413 S-337 DIAMOND

This bill implements legislative recommendations from the Attorney General's Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness. The bill includes recommendations for increased law enforcement training and awareness of mental illness and the involuntary commitment process, increased sharing of mental health patients' information by mental health professionals to law enforcement consistent with Health Insurance Portability and Accountability Act of 1996 standards and increased education and awareness on the part of mental health providers regarding prohibitions of access to firearms by persons who are to be discharged from commitment.

### **Committee Amendment "A" (H-413)**

This amendment amends language in the bill to reflect the fact that when a person is first taken by law enforcement to a hospital for a psychiatric examination, it may be any hospital and not necessarily a psychiatric hospital.

### **Senate Amendment "A" To Committee Amendment "A" (S-337)**

This amendment provides that when the Board of Trustees of the Maine Criminal Justice Academy incorporates specific training on mental illness as a component of the police tactical team certification process, it does not have to provide an electronic version of the training. The amendment also strikes the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 451 implements legislative recommendations from the Attorney General's Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness. Public Law 2009, chapter 451 includes recommendations for increased law enforcement training and awareness of mental illness and the involuntary commitment process, increased sharing of mental health patients' information by mental health professionals to law enforcement consistent with Health Insurance Portability and Accountability Act of 1996 standards and increased education and awareness on the part of mental health providers regarding prohibitions of access to firearms by persons who are to be discharged from commitment.

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LD 1177 An Act To Establish the Maine Emergency Services Institute

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	JT. RULE 309	

This bill establishes the Maine Emergency Services Institute to provide core and specialized training to first responders in multiple areas related to fire safety, public safety and emergency management. The Board of Directors of the Maine Emergency Services Institute is charged with developing a plan for the physical establishment of institute facilities by December 31, 2014, developing a funding plan including application for federal funds and developing training programs. The institute is partially funded by 20¢ from the E-9-1-1 surcharge and the redirection of funding that currently goes to the Maine Fire Training and Education Program.

Permission to carry over LD 1177 was denied. Pursuant to Joint Rule 309, the bill was taken from committee without a vote.

LD 1187 An Act To Allow the Sale and Use of Consumer Fireworks

DIED IN  
CONCURRENCE

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

This bill removes the prohibition on the sale and use of consumer fireworks and establishes a licensing protocol for sellers of consumer fireworks. A seller of consumer fireworks must have a federal and state license and a permit from a municipality. A municipality may adopt an ordinance that allows or prohibits the sale, use or possession of consumer fireworks. A seller of consumer fireworks must be 21 years of age or older and may not have been convicted or found in violation of any state, federal or municipal law, rule or ordinance concerning fireworks or explosives. Consumer fireworks must be stored in a building exclusively used for the storage and sale of fireworks that has met all applicable fire safety, building and zoning codes and municipal ordinances. The Commissioner of Public Safety may adopt rules relative to the use, storage, transportation and display of consumer fireworks. A seller of consumer fireworks may not use misleading advertising and must warn consumers in any advertising to check with the local fire department to see if consumer fireworks are allowed in the community. A person who violates the provisions of this bill is liable for any bodily injury or property damage that results and cannot use certain civil defenses. A violation of the provisions of this bill may result in the seizure of and suspension of a license to sell consumer fireworks and is a Class E crime.

**Committee Amendment "A" (S-244)**

This amendment, which is the minority report of the committee, clarifies that a law enforcement officer as defined by the Maine Revised Statutes, Title 25, section 2801-A, subsection 5 may enforce any violation of the law related to consumer fireworks rather than only a state or municipal law enforcement officer.

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LD 1224 **An Act Regarding the Operation of County Jails and the State Board of Corrections**

PUBLIC 391

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P JACKSON	OTP-AM	H-439

This bill makes 2 changes to the laws governing the State Board of Corrections as follows.

1. It requires the Commissioner of Corrections to submit the Department of Corrections' adult correctional and adult probation services budget proposals to the State Board of Corrections and requires the board to review those budget proposals and submit recommendations regarding them to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.
2. It clarifies that a public or private correctional construction project may not proceed without a certificate of need issued by the board.

**Committee Amendment "A" (H-439)**

This amendment replaces the bill and implements recommendations of the State Board of Corrections as reported to the Joint Standing Committee on Criminal Justice and Public Safety pursuant to the Maine Revised Statutes, Title 34-A, section 1803, subsection 11. The amendment expands victim notification of a prisoner's release to include notice to victims of the release of those convicted of Class D crimes under chapter 9, 11 or 12 of the Maine Criminal Code.

It clarifies that counties adopting a July 1st to June 30th fiscal year may, as one option to transition to a 12-month fiscal year, adopt a fiscal year of no more than 18 months and collect one or 2 tax assessments during that period; specifies that counties may use unencumbered surplus funds from corrections operations to fund a corrections services capital reserve account; clarifies that county corrections unencumbered surplus funds remain as the correctional services fund balance separate from the county's noncorrectional fund balance; authorizes counties that adopt a July 1st to June 30th fiscal year to adopt a 6-month transitional budget. Counties may borrow to fund this transitional budget. A municipality may chose to pay its share of the transitional budget in one, 2, 3, 4 or 5 annual increments. This language allows counties to borrow annually a nontaxable tax anticipation note to fund the cost of the 6-month transitional budget.

The amendment repeals the Home Release Monitoring Program and enacts a new community confinement monitoring program. The community confinement monitoring program is established to permit inmates in a county jail to serve a portion of their sentence of imprisonment in an approved community confinement program.

It repeals the definition of "holding facility" and replaces it with a new and more comprehensive definition.

It clarifies the responsibility of the Commissioner of Correction to provide the departmental budgets for adult prison and probation services to the Board of Corrections in a timely fashion.

It amends the duties of the State Board of Corrections to include the review of the Department of Corrections' biennial and supplemental budget proposals affecting adult correctional and probation services and to submit its recommendations regarding these budgets to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and appropriations and financial affairs.

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It clarifies that a certificate of need must be approved by the board before a public or private construction project can be undertaken.

It amends a provision in the State Board of Corrections Investment Fund to specify that any net revenue in excess of county or regional jail expenditures resulting from efficiencies generated by the independent actions of a county or regional jail remains with the county's or regional jail authority's correctional services fund balance.

It amends the statutes that currently allow the Department of Corrections to transfer a terminally ill prisoner to supervised community confinement and the sheriff to transfer a terminally ill prisoner to home release monitoring by adding similar authority to transfer a prisoner with a severely incapacitating medical condition.

It makes explicit the discretion of the commissioner to revoke supervised community confinement.

It also eliminates the requirement for the warden of the Maine State Prison and the superintendent of the Maine Correctional Center to cause a copy of the warrant of commitment to be filed in the court from which it was issued. This filing is unnecessary.

### **Senate Amendment "A" To Committee Amendment "A" (S-282)**

Current law requires that the county tax assessment for correctional services-related expenditures in Somerset County be set at the fiscal year 2009-10 level. This amendment lowers that assessment to \$4,400,000. The amendment also adds an appropriations and allocations section. This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2009, chapter 391 implements recommendations of the State Board of Corrections as reported to the Joint Standing Committee on Criminal Justice and Public Safety pursuant to the Maine Revised Statutes, Title 34-A, section 1803, subsection 11. Public Law 2009, chapter 391 does the following.

It expands victim notification of a prisoner's release to include notice to victims of the release of those convicted of Class D crimes under chapter 9, 11 or 12 of the Maine Criminal Code.

It clarifies that counties adopting a July 1st to June 30th fiscal year may, as one option to transition to a 12-month fiscal year, adopt a fiscal year of no more than 18 months and collect one or 2 tax assessments during that period; specifies that counties may use unencumbered surplus funds from corrections operations to fund a corrections services capital reserve account; clarifies that county corrections unencumbered surplus funds remain as the correctional services fund balance separate from the county's noncorrectional fund balance; authorizes counties that adopt a July 1st to June 30th fiscal year to adopt a 6-month transitional budget. Counties may borrow to fund this transitional budget. A municipality may choose to pay its share of the transitional budget in one, 2, 3, 4 or 5 annual increments. This language allows counties to borrow annually a nontaxable tax anticipation note to fund the cost of the 6-month transitional budget.

It repeals the Home Release Monitoring Program and enacts a new community confinement monitoring program. The community confinement monitoring program is established to permit inmates in a county jail to serve a portion of their sentence of imprisonment in an approved community confinement program.

It repeals the definition of "holding facility" and replaces it with a new and more comprehensive definition.

It clarifies the responsibility of the Commissioner of Correction to provide the departmental budgets for adult prison and probation services to the Board of Corrections in a timely fashion.

It amends the duties of the State Board of Corrections to include the review of the Department of Corrections' biennial and supplemental budget proposals affecting adult correctional and probation services and to submit its recommendations regarding these budgets to the joint standing committees of the Legislature having jurisdiction

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over criminal justice and public safety matters and appropriations and financial affairs.

It clarifies that a certificate of need must be approved by the board before a public or private construction project can be undertaken.

It amends a provision in the State Board of Corrections Investment Fund to specify that any net revenue in excess of county or regional jail expenditures resulting from efficiencies generated by the independent actions of a county or regional jail remains with the county's or regional jail authority's correctional services fund balance.

It amends the statutes that currently allow the Department of Corrections to transfer a terminally ill prisoner to supervised community confinement and the sheriff to transfer a terminally ill prisoner to home release monitoring by adding similar authority to transfer a prisoner with a severely incapacitating medical condition.

It makes explicit the discretion of the commissioner to revoke supervised community confinement.

It also eliminates the requirement for the warden of the Maine State Prison and the superintendent of the Maine Correctional Center to cause a copy of the warrant of commitment to be filed in the court from which it was issued. This filing is unnecessary.

### **LD 1242 An Act To Streamline the Regulatory Process for Commercial Building Construction Projects**

**PUBLIC 364  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-368

This bill provides for the delegation of fire code permitting authority from the Department of Public Safety, Office of the State Fire Marshal to municipalities. It amends the law concerning certain public building projects for which the Department of Public Safety provides plan reviews and allows the option for municipal review for those projects. It creates a new section of law that outlines the circumstances that need to be satisfied before the Commissioner of Public Safety may delegate permitting authority to a municipality. It adjusts the payment of the current 5¢ plan review fee that is paid to the Department of Public Safety so if a municipality issues the permit, the municipality receives the 4¢ fee per square foot and the Department of Public Safety receives the 1¢ fee per square foot of the proposed project.

#### **Committee Amendment "A" (H-368)**

This amendment allows a municipality to review projects that are public buildings that constitute a mercantile occupancy over 3,000 square feet, hotel, motel or business occupancy of 2 or more stories rather than public buildings less than 3,000 square feet, as in the bill. This change matches the definition of "public building" in the Maine Revised Statutes, Title 25, section 2448.

#### **Enacted Law Summary**

Public Law 2009, chapter 364 provides for the delegation of fire code permitting authority from the Department of Public Safety, Office of the State Fire Marshal to municipalities. It amends the law to allow a municipality, under certain conditions, the option to review projects that are public buildings that constitute a mercantile occupancy over 3,000 square feet, hotel, motel or business occupancy of 2 or more stories. It adjusts the payment of the current 5¢ plan review fee that is paid to the Department of Public Safety so if a municipality issues the permit, the municipality receives the 4¢ fee per square foot and the Department of Public Safety receives the 1¢ fee per square foot of the proposed project.

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Public Law 2009, chapter 364 was enacted as an emergency measure effective June 11, 2009.

**LD 1243 An Act To Amend Operating After Suspension Laws by Creating an  
Infraction Alternative for Certain Kinds of Operating After Suspension**

**PUBLIC 297**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-412

This bill creates a two-tiered structure to the offense of operating while license suspended or revoked, making the offense a traffic infraction if the offense was a first offense and the sole basis for the suspension is for a dishonored check or the failure to pay a fine, appear in court, comply with a child support order or pay a license reinstatement fee. Effect of this change would be to take these specific offenses out of the criminal justice system and redirect them through the Judicial Branch's Violations Bureau where infractions are processed.

Under this bill, operating while license suspended or revoked when the underlying offense requiring the suspension or revocation involved the operation of a motor vehicle remains a Class E crime.

**Committee Amendment "A" (H-412)**

This amendment narrows the scope of the bill by eliminating the option to allow certain operating after suspension offenses to be considered traffic infractions in the case of a license that has been revoked and provides that certain operating after suspension infractions exist only in the case of license suspensions. The amendment also clarifies that the bill looks at prior adjudications as well as convictions for operating after suspension. The amendment removes from the bill the offenses of failure to appear in court and failure to comply with a child support order from the types of operating after suspension offenses that may be considered traffic infractions instead of crimes. Finally, the amendment specifies that the 3 operating after suspension offenses that are identified as traffic infractions are not included under the list of offenses for which a person is considered a habitual offender.

**Enacted Law Summary**

Public Law 2009, chapter 297 creates a two-tiered structure to the offense of operating while license suspended or revoked, making the offense a traffic infraction if the offense was a first offense and the sole basis for the suspension is for a dishonored check, for failure to pay a fine or for failure to pay a license reinstatement fee. These 3 operating after suspension offenses that are identified as traffic infractions are not included under the list of offenses for which a person is considered a habitual offender. Effect of this change would be to take these specific offenses out of the criminal justice system and redirect them through the Judicial Branch's Violations Bureau where infractions are processed.

**LD 1258 An Act To Create a Duty To Report Serious Injuries**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEOD RAYE	ONTP MAJ OTP-AM MIN	

This bill creates a legal duty for a person who is 18 years of age or older and who observes that another person has received a serious injury to immediately report that injury and request first aid by the quickest means of communication available from any police department, emergency dispatch center, licensed medical facility or

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licensed medical provider. This duty applies regardless of whether the injury was self-inflicted intentionally, recklessly, negligently or accidentally. The duty does not include the actual provision of first aid or other medical treatment, and the duty is satisfied if another person has already made or agreed to make the initial report and request for first aid.

A person who is injured by the failure of another person to report a serious injury may bring a civil action against the person alleged to have breached the duty to report the injury. A person who brings a civil action must prove by a preponderance of the evidence (more likely or more probable than not) that the extent to which the alleged breach of the duty to report was a substantial factor in causing an aggravation of the person's injury.

The bill creates the affirmative defense that the person did not report the serious injury because that person was providing first aid to the injured person. Also, any amount of damages awarded may not be reduced as a result of any intentional act or negligence committed by the injured person, as long as the recoverable damages are limited to the aggravation of the injury proximately caused by the failure to report the injury.

The civil cause of action created must be applied to any claim that is not otherwise barred by the existing statutes of limitations and also must be applied to any lawsuits pending as of the effective date of this section in any court of competent jurisdiction.

The bill also creates the new Class E crime of failure to make a report. A person commits the new crime if the person intentionally, knowingly or recklessly fails to make a report required by the bill.

The bill does not apply to a governmental entity or government employee acting in the course and scope of that entity's or employee's duties.

### **Committee Amendment "A" (H-488)**

This amendment incorporates a fiscal note and is the minority report. This amendment was not adopted.

### **LD 1275 An Act To Implement the Recommendations of the Criminal Law Advisory Commission**

**PUBLIC 336**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-376

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

1. It repeals Title 5, section 3360, subsection 3, paragraph I because it is redundant; the forms of kidnapping and criminal restraint that constitute a "human trafficking offense" as defined in Title 5, section 4701, subsection 1, paragraph C are already included within section 3360, subsection 3, paragraph C.
2. It amends Title 17-A, section 106, subsections 1 and 1-A to make clear that the parent or surrogate parent's right to use physical force to prevent or punish misconduct applies to children and only so long as the child is a minor who has not been ordered emancipated by a court. Subsections 1 and 1-A have no application once the child reaches adulthood. The bill also makes technical changes to subsections 2, 3 and 4 of Title 17-A, section 106 to enhance clarity and adds the mental state of "knowing" to subsection 4.
3. It eliminates a current inconsistency between the meaning of "another jurisdiction" and "prior conviction" in the crime of stalking. The latter includes a qualifying conviction from any Indian tribe and not simply a conviction of

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the Passamaquoddy Tribe or the Penobscot Nation. Non-Maine tribes do not constitute "another jurisdiction" under the general definitions of the Maine Criminal Code.

4. It amends Title 17-A, section 1004, subsection 4, paragraph B by deleting that portion characterizing a person's use of an electronic weapon as "using deadly force." A person's lawful use of an electronic weapon is limited to certain specific circumstances in which the law allows the person to use deadly force pursuant to Title 17-A, section 104, subsections 3 and 4 and section 108, subsection 1, paragraph A, subparagraph (1).

5. It adds a new paragraph C to subsection 1 of Title 17-A, section 1158-A providing that, in addition to a court-ordered forfeiture to the State, a court must also order the firearm forfeited to the State if, with the approval of the State, the defendant consents to such forfeiture. This change is important in the circumstance in which a defendant seeks to avoid the elevation of a Class D to a Class C crime, pursuant to Title 17-A, section 1252, subsection 4, if the State pleads and proves that the firearm is used by the defendant during the commission of any Class D crime defined in chapter 9, 11 or 13.

6. It clarifies that any justice or judge, in addition to the justice or judge who originally imposed probation, may initiate and hear a motion to modify or discharge probation and may hear any motion brought by the probation officer or by the person on probation to modify or discharge probation.

7. It amends deferred disposition in 4 ways. First, it broadens eligibility for a deferred disposition both by adding Class B crimes and by including a person who has pled nolo contendere to a qualifying class crime. Second, it allows a court to make a final disposition at the conclusion of the period of deferment and prior to sentence imposition without the necessity of a hearing or the personal appearance of the person in cases where the attorney for the State moves the court in writing to allow the person to withdraw the plea and the person in writing agrees to such withdrawal. Third, it clarifies that until the person is actually sentenced by the court, the person is not deemed to have been convicted. Fourth, it makes reference to the fact that if the attorney for the State has probable cause to believe that a person who was granted a deferred disposition has violated a court-imposed deferment requirement, in addition to the option of applying for an arrest warrant, the attorney for the State may request a warrantless arrest of the person by a law enforcement officer.

8. It amends the administrative release provision to make reference to the fact that if the attorney for the State has probable cause to believe that the person placed on administrative release has violated an administrative release requirement, in addition to the option of applying for an arrest warrant, the attorney for the State may request a warrantless arrest of the person by a law enforcement officer.

9. It addresses the use of less-than-lethal munitions discharged from a firearm by law enforcement officers, corrections officers and corrections supervisors by amending 3 separate statutory provisions. First, it amends Title 17-A, section 101, subsection 5 to provide that the use of a less-than-lethal munition by those state agents constitutes, as a matter of law, the use of nondeadly force and defines "less-than-lethal munition" as "a low-kinetic energy projectile designed to be discharged from a firearm that is approved by the Board of Trustees of the Maine Criminal Justice Academy." Second, the bill amends the definition of "deadly force" in Title 17-A, section 2, subsection 8 to exclude the intentional, knowing or reckless discharge of a firearm in the direction of another person using a less-than-lethal munition and adds the mental state of "knowingly." Third, it amends Title 25, section 2803-B to require that all law enforcement agencies adopt a written policy on the use of physical force, including the use of an electronic weapon and less-than-lethal munitions and certify the same to the board by April 1, 2010; that the board establish policies for the expanded use of physical force by October 1, 2009; and all law enforcement agencies certify to the board that they have provided orientation and training for its members with respect to policies regarding expanded use of physical force by October 1, 2010.

10. It also specifies that, notwithstanding any other law or rule of evidence, a certificate by the custodian of the records of the Board of Trustees of the Maine Criminal Justice Academy, when signed and sworn to by that custodian, or the custodian's designee, is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate.

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### **Committee Amendment "A" (H-376)**

This amendment strikes from the bill the eligibility of persons for deferred disposition who plead guilty to Class B crimes or persons who plead nolo contendere to a Class B, C, D or E crime. Deferred disposition will continue to be a sentencing alternative for those persons who plead guilty to Class C, D or E crimes.

The amendment also makes changes to the dates in provisions regarding policy development, adoption and training to allow the Maine Criminal Justice Academy to effectively implement requirements of the bill.

### **Enacted Law Summary**

Public Law 2009, chapter 336 makes technical and substantive changes as proposed by the Criminal Law Advisory Commission, pursuant to the Maine Revised Statutes, Title 17-A, chapter 55. Public Law 2009, chapter 336 does the following.

1. It repeals Title 5, section 3360, subsection 3, paragraph I because it is redundant; the forms of kidnapping and criminal restraint that constitute a "human trafficking offense" as defined in Title 5, section 4701, subsection 1, paragraph C are already included within section 3360, subsection 3, paragraph C.
2. It amends Title 17-A, section 106, subsections 1 and 1-A to make clear that the parent or surrogate parent's right to use physical force to prevent or punish misconduct applies to children and only so long as the child is a minor who has not been ordered emancipated by a court. Subsections 1 and 1-A have no application once the child reaches adulthood. It also makes technical changes to subsections 2, 3 and 4 of Title 17-A, section 106 to enhance clarity and adds the mental state of "knowing" to subsection 4.
3. It eliminates a current inconsistency between the meaning of "another jurisdiction" and "prior conviction" in the crime of stalking. The latter includes a qualifying conviction from any Indian tribe and not simply a conviction of the Passamaquoddy Tribe or the Penobscot Nation. Non-Maine tribes do not constitute "another jurisdiction" under the general definitions of the Maine Criminal Code.
4. It amends Title 17-A, section 1004, subsection 4, paragraph B by deleting that portion characterizing a person's use of an electronic weapon as "using deadly force." A person's lawful use of an electronic weapon is limited to certain specific circumstances in which the law allows the person to use deadly force pursuant to Title 17-A, section 104, subsections 3 and 4 and section 108, subsection 1, paragraph A, subparagraph (1).
5. It adds a new paragraph C to subsection 1 of Title 17-A, section 1158-A providing that, in addition to a court-ordered forfeiture to the State, a court must also order the firearm forfeited to the State if, with the approval of the State, the defendant consents to such forfeiture. This change is important in the circumstance in which a defendant seeks to avoid the elevation of a Class D to a Class C crime, pursuant to Title 17-A, section 1252, subsection 4, if the State pleads and proves that the firearm is used by the defendant during the commission of any Class D crime defined in chapter 9, 11 or 13.
6. It clarifies that any justice or judge, in addition to the justice or judge who originally imposed probation, may initiate and hear a motion to modify or discharge probation and may hear any motion brought by the probation officer or by the person on probation to modify or discharge probation.
7. It amends deferred disposition by allowing a court to make a final disposition at the conclusion of the period of deferment and prior to sentence imposition without the necessity of a hearing or the personal appearance of the person in cases where the attorney for the State moves the court in writing to allow the person to withdraw the plea and the person in writing agrees to such withdrawal and clarifies that until the person is actually sentenced by the court, the person is not deemed to have been convicted. It also makes reference to the fact that if the attorney for the State has probable cause to believe that a person who was granted a deferred disposition has violated a court-imposed deferment requirement, in addition to the option of applying for an arrest warrant, the attorney for the

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State may request a warrantless arrest of the person by a law enforcement officer.

8. It amends the administrative release provision to make reference to the fact that if the attorney for the State has probable cause to believe that the person placed on administrative release has violated an administrative release requirement, in addition to the option of applying for an arrest warrant, the attorney for the State may request a warrantless arrest of the person by a law enforcement officer.

9. It addresses the use of less-than-lethal munitions discharged from a firearm by law enforcement officers, corrections officers and corrections supervisors by amending 3 separate statutory provisions. First, it amends Title 17-A, section 101, subsection 5 to provide that the use of a less-than-lethal munition by those state agents constitutes, as a matter of law, the use of nondeadly force and defines "less-than-lethal munition" as "a low-kinetic energy projectile designed to be discharged from a firearm that is approved by the Board of Trustees of the Maine Criminal Justice Academy." Second, it amends the definition of "deadly force" in Title 17-A, section 2, subsection 8 to exclude the intentional, knowing or reckless discharge of a firearm in the direction of another person using a less-than-lethal munition and adds the mental state of "knowingly." Third, it amends Title 25, section 2803-B to require that all law enforcement agencies adopt a written policy on the use of physical force, including the use of an electronic weapon and less-than-lethal munitions and certify the same to the board; that the board establish policies for the expanded use of physical force; and all law enforcement agencies certify to the board that they have provided orientation and training for its members with respect to policies regarding expanded use of physical force.

10. It also specifies that, notwithstanding any other law or rule of evidence, a certificate by the custodian of the records of the Board of Trustees of the Maine Criminal Justice Academy, when signed and sworn to by that custodian, or the custodian's designee, is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or in any documents attached to the certificate.

**LD 1338 An Act To Deter Graffiti**

**ONTP**

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

This bill creates new civil offenses of applying graffiti on private or public property without permission from the owner, possessing graffiti implements by minors on or near a school or by persons near private or public property without permission of the property owner and furnishing graffiti implements to a minor, unless the person furnishing is the minor's parent or guardian. The penalties for these violations are a fine of up to \$250 for a first offense and a fine of up to \$500 for a 2nd or subsequent offense. Each day a violation occurs or remains is considered a separate violation, and a person who violates this section also shall pay restitution for all costs of removal of the graffiti. The bill also defines "graffiti," "graffiti implement," and "property" for purpose of the new violations.

**LD 1342 Resolve, To Direct the Commissioner of Health and Human Services To Establish a Blue Ribbon Task Force To Examine the Attorney General's Report Regarding Police Shootings as It Relates to Deaths of Persons with Mental Illness**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEWIN NUTTING J	ONTP MAJ OTP-AM MIN	

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This resolve requires the Commissioner of Health and Human Services to establish a blue ribbon task force to examine the Attorney General's recent task force report on the issue of police shootings in confrontations with people with mental illness and to recommend protocols to avoid lethal confrontations. The proposed task force must include members who represent public safety, mental health care and judicial services and members of the public. The blue ribbon task force is also directed to review the findings of the recent report of the Mental Health Homicide, Suicide and Aggravated Assault Review Board and ways that the public safety, judicial system and mental health fields interrelate in order to improve communication. The task force shall look at other states' procedures and protocols and review information from the National Alliance on Mental Illness. Finally, the task force shall make a recommendation about having a specially trained State Police tactical team respond to a dangerous situation involving a person with a mental illness. The commissioner will report to the Joint Standing Committee on Criminal Justice and Public Safety by March 1, 2010 with recommendations and suggested legislation of the blue ribbon task force. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature to implement the recommendations.

### **Committee Amendment "A" (H-414)**

This amendment is the minority report and it replaces the resolve and renames it. The amendment directs the Department of Corrections, the Department of Health and Human Services, the Department of Public Safety and the Judicial Department to work together to convene the Blue Ribbon Task Force on Law Enforcement, the Courts, the Correctional System and Persons with Mental Illness. The blue ribbon task force must review information from this State and other states regarding the costs, outcomes and effectiveness of the following issues: services to persons with mental illness, including but not limited to crisis services and community-based and facility-based mental health and substance abuse services, and the costs and delivery systems for those services; training for providers of mental health services regarding and procedures for coordination with law enforcement, the courts and the correctional system; training for law enforcement, the courts and correctional personnel regarding mental illness, working with persons with mental illness, working with persons with mental illness who also require substance abuse services, working with providers of services to persons with mental illness including providers of crisis services and substance abuse services and coordination with providers of services to persons with mental illness; any available information from the Mental Health Homicide, Suicide and Aggravated Assault Review Board established pursuant to the Maine Revised Statutes, Title 34-B, section 1931; and best practices for interactions between persons with mental illness, law enforcement, the courts, the corrections system and providers of services to persons with mental illness.

The amendment also requires a report from the agencies on the work of the blue ribbon task force by January 15, 2010 to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety. This amendment was not adopted.

### **LD 1373 An Act To Increase the Safety of Maine State Troopers**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN BOWMAN	OTP-AM MAJ ONTP MIN	H-322

This bill includes a one-time General Fund appropriation of \$35,700 and a one-time Highway Fund allocation of \$34,300 to equip a limited number of state troopers with semi-automatic rifles.

### **Committee Amendment "A" (H-322)**

This amendment incorporates a fiscal note and is the majority report.

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LD 1374 **An Act To Ensure the Effectiveness of Critical Incident Stress Management Teams**

PUBLIC 289

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS	OTP	H-448 HASKELL

Maine State Police's Critical Incident Debriefing Team (CIDT) is a confidential program, unless failure to disclose any information learned in a CIDT session could cause a clear and present danger to the safety or security of an individual, the public or the Bureau. The same confidentiality and mandatory disclosure that govern the existing MSP program are codified in this bill. This bill establishes statutory guidelines for Critical Incident Stress Management Teams. A "critical incident" is a work-related incident that causes or has the potential to cause a law enforcement officer emotional or physical stress. A "critical incident stress management team" is a team composed of members of a State, county or municipal law enforcement agency that is trained in accordance with rules established by the Commissioner of Public Safety to assist and provide support to any law enforcement officer involved in a critical incident that has affected or may affect that law enforcement officer's work performance or general well-being.

All proceedings, communications and records connected with the work of a critical incident stress management team are confidential and not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless confidentiality is waived by the affected person. The exceptions to this confidentiality that require mandatory disclosure are: an admission of the commission of a crime by the person seeking assistance; information that would lead one to reasonably believe that the person is a danger to himself or herself or to another, and information that must otherwise be reported pursuant to law.

LD 1374 was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

**House Amendment "A" (H-448)**

This amendment makes 2 changes to the bill. The first change specifies that statistical data not identifying a person seeking the assistance of a critical incident stress management team must be made available for statistical evaluation and may not be made available for any other purpose. The second change specifies that any information required to be disclosed under the Maine Revised Statutes, Title 25, section 4202, subsection 2 is no longer confidential unless it is otherwise designated confidential by statute.

This amendment incorporates the recommendations of the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records:

**Enacted Law Summary**

Public Law 2009, chapter 289 establishes statutory guidelines for Critical Incident Stress Management Teams. A "critical incident" is a work-related incident that causes or has the potential to cause a law enforcement officer emotional or physical stress. A "critical incident stress management team" is a team composed of members of a State, county or municipal law enforcement agency that is trained in accordance with rules established by the Commissioner of Public Safety to assist and provide support to any law enforcement officer involved in a critical incident that has affected or may affect that law enforcement officer's work performance or general well-being.

Public Law 2009, chapter 289 specifies that all proceedings, communications and records connected with the work

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of a critical incident stress management team are confidential and not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless confidentiality is waived by the affected person. The exceptions to this confidentiality that require mandatory disclosure are: an admission of the commission of a crime by the person seeking assistance; information that would lead one to reasonably believe that the person is a danger to himself or herself or to another, and information that must otherwise be reported pursuant to law.

It also specifies that statistical data not identifying a person seeking the assistance of a critical incident stress management team must be made available for statistical evaluation and may not be made available for any other purpose. Any information required to be disclosed under the Maine Revised Statutes, Title 25, section 4202, subsection 2 is no longer confidential unless it is otherwise designated confidential by statute.

**LD 1391 An Act To Amend the Laws Governing Emergency Management**

**PUBLIC 252**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFKY	OTP-AM	S-182

This bill amends the laws governing the Disaster Relief Fund to allow for reimbursed costs to be deposited back into the fund, to list uses of the fund and to adjust the fund's maximum allowable balance annually for inflation. It also revises language relating to chemical inventory reporting. It amends statutory language to reflect the administrative change that has phased out paper chemical inventory reporting forms in favor of electronic reports containing the same information. It repeals the Interstate Civil Defense and Disaster Compact, which has been superseded by the Emergency Management Assistance Compact.

**Committee Amendment "A" (S-182)**

This amendment clarifies that the Disaster Relief Fund may be used for any of the purposes outlined in the bill at the discretion of the Governor or Governor's designee. The amendment allows for flexibility of prioritization according to the unmet need during a disaster.

**Enacted Law Summary**

Public Law 2009, chapter 252 amends the laws governing the Disaster Relief Fund to allow for reimbursed costs to be deposited back into the fund, to list uses of the fund, to allow flexibility of prioritization according to the unmet need during a disaster and to adjust the fund's maximum allowable balance annually for inflation. It also revises language relating to chemical inventory reporting. It amends statutory language to reflect the administrative change that has phased out paper chemical inventory reporting forms in favor of electronic reports containing the same information. It repeals the Interstate Civil Defense and Disaster Compact, which has been superseded by the Emergency Management Assistance Compact.

**LD 1442 An Act To Create the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies**

**PUBLIC 353**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ OTP-AM MIN	S-265

This bill prohibits law enforcement officers from using racial profiling. This bill also adds a prohibition on racial profiling by law enforcement officers to the Maine Civil Rights Act and the Maine Human Rights Act. The bill

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further requires the Board of Trustees of the Maine Criminal Justice Academy to develop mandatory law enforcement agency minimum policy standards regarding racial profiling and requires all law enforcement agencies to adopt policies and provide all officers with training regarding racial profiling. It also establishes the Advisory Committee on Racial Profiling to provide research and advice to the Commissioner of Public Safety and report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding racial profiling.

### **Committee Amendment "A" (S-265)**

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety, and it changes the title and replaces the bill. The amendment creates the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies whose membership includes the Commissioner of Public Safety, the Attorney General, representatives of law enforcement groups, representatives of civil rights groups and a representative from a federally recognized Indian tribe in the State. The duties of the committee include: working with the Board of Trustees of the Maine Criminal Justice Academy to develop a model policy on bias-based profiling; working with law enforcement across the State on a voluntary basis to assess whether or not bias-based profiling occurs in Maine and, if it does, to what extent and making recommendations to address the matter; making recommendations to the Board of Trustees of the Maine Criminal Justice Academy on curricula for basic and in-service law enforcement training on the subject of bias-based profiling; establishing a mechanism for outreach and public awareness campaigns to educate advocacy organizations and the general public about modern law enforcement practices and procedures; and advising the Legislature on matters involving bias-based profiling on its own initiative and when requested.

The amendment also specifies that the committee is required to report annually to the Joint Standing Committee on Criminal Justice and Public Safety and to the Board of Trustees of the Maine Criminal Justice Academy. The Joint Standing Committee on Criminal Justice and Public Safety has authority to report out legislation each year upon receiving the report. The amendment creates a nonlapsing Other Special Revenue Funds account for the deposit of funds from outside sources. The Commissioner of Public Safety shall administer the fund and may use the fund only to support the administrative costs associated with the committee and educational and training materials regarding bias-based profiling.

The laws governing the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies and its Other Special Revenue Funds account are repealed on November 1, 2012.

### **Enacted Law Summary**

Public Law 2009, chapter 353 creates the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies whose membership includes the Commissioner of Public Safety, the Attorney General, representatives of law enforcement groups, representatives of civil rights groups and a representative from a federally recognized Indian tribe in the State. The duties of the committee include: working with the Board of Trustees of the Maine Criminal Justice Academy to develop a model policy on bias-based profiling; working with law enforcement across the State on a voluntary basis to assess whether or not bias-based profiling occurs in Maine and, if it does, to what extent and making recommendations to address the matter; making recommendations to the Board of Trustees of the Maine Criminal Justice Academy on curricula for basic and in-service law enforcement training on the subject of bias-based profiling; establishing a mechanism for outreach and public awareness campaigns to educate advocacy organizations and the general public about modern law enforcement practices and procedures; and advising the Legislature on matters involving bias-based profiling on its own initiative and when requested.

Public Law 2009, chapter 353 also specifies that the committee is required to report annually to the Joint Standing Committee on Criminal Justice and Public Safety and to the Board of Trustees of the Maine Criminal Justice Academy. The Joint Standing Committee on Criminal Justice and Public Safety has authority to report out legislation each year upon receiving the report. Public Law 2009, chapter 353 creates a nonlapsing Other Special Revenue Funds account for the deposit of funds from outside sources. The Commissioner of Public Safety shall

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administer the fund and may use the fund only to support the administrative costs associated with the committee and educational and training materials regarding bias-based profiling.

The laws governing the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies and its Other Special Revenue Funds account are repealed on November 1, 2012.

**LD 1447     An Act Clarifying the Manner in Which a Person's Alcohol Level Is Determined under Maine Law**

**PUBLIC 447**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	H-521 HASKELL S-202

Maine prohibits driving while under the influence of alcohol or driving impaired, which is a subjective determination made by law enforcement, courts and juries based on all factors, including speech, driving, smell and test results. Maine also prohibits driving with a blood alcohol level of .08% or greater, whether or not a person is impaired. Current law regarding operating while under the influence of alcohol specifies, in most occurrences, a blood-alcohol level. Maine uses the value of only blood alcohol to determine intoxication using both breath and blood samples. This bill clarifies that the presence and level of alcohol may be determined by using breath or blood testing; it provides a new method: .08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.

**Committee Amendment "A" (S-202)**

This amendment adds an appropriations and allocations section to the bill.

**House Amendment "A" To Committee Amendment "A" (H-521)**

This amendment removes the appropriations and allocations section and requires the Department of Public Safety and the Secretary of State to implement the provisions of the legislation within existing budgeted resources.

**Enacted Law Summary**

Current law regarding operating while under the influence of alcohol specifies, in most occurrences, a blood-alcohol level. Maine uses the value of only blood alcohol to determine intoxication using both breath and blood samples. Public Law 2009, chapter 447 clarifies that the presence and level of alcohol may be determined by using breath or blood testing; it codifies this method of determining intoxication: .08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.

**LD 1466     An Act To Establish the Maine Fire Protection Services Commission Length of Service Award Program**

**ACCEPTED ONTP  
REPORT**

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

This bill establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. The term "qualified services" is defined under the United States Internal Revenue Code, Section 457 (e)

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(11) to mean "firefighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution as of the end of each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Fire Protection Services Commission. Upon the attainment of 60 years of age or after having earned 20 years of service credit before 60 years of age, a volunteer who had attained a vested status in the program by having earned 5 years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those contributions. The program account balance of a participating volunteer must be paid before 60 years of age after the volunteer ceases to perform qualified services for 36 consecutive months after attaining a vested status in the program. The program account balance of a participating volunteer is also payable before 60 years of age upon death or total and permanent disablement. LD 1466 authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well. The Maine Fire Protection Services Commission contracts with private sector firms to provide administration and investment services for the program. Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

### **Committee Amendment "A" (H-348)**

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

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SUBJECT INDEX

*Criminal History Record Information Act*

Not Enacted

LD 492      An Act to More Accurately Reflect the Disposition of a Case in      ONTP  
Criminal History Record Information

*Criminal Law*

Enacted

LD 282      An Act Regarding the Requirement That the Treatment of a      PUBLIC 49  
Gunshot Wound Be Reported

LD 633      An Act To Amend the Laws Pertaining to Refusing To Submit to      PUBLIC 449  
Arrest or Detention

Not Enacted

LD 14      An Act To Prohibit Air Bag Fraud      ONTP

LD 186      An Act Pertaining to the Possession of Animal Fighting      DIED BETWEEN  
Paraphernalia      HOUSES

LD 468      An Act To Amend the Laws Concerning Terrorizing      ONTP

LD 668      An Act To Amend the Laws Concerning Disorderly Conduct      ONTP

LD 727      An Act To Protect Sports Officials      ONTP

LD 1035      An Act To Discourage Theft from and Destruction of Vending      ONTP  
Machines

LD 1107      An Act To Promote Personal Financial Responsibility by      ONTP  
Allowing a Person To Make Good on Dishonored Checks Prior to  
the Imposition of Criminal Penalties

LD 1130      An Act To Clarify the Crime of Obstructing Government      ONTP  
Administration

LD 1139      An Act To Require Internet Service Providers To Retain Records

LD 1258      An Act To Create a Duty To Report Serious Injuries      ACCEPTED ONTP  
REPORT

LD 1338 An Act To Deter Graffiti ONTP

*Criminal Procedure/Bail/Sentencing*

Enacted

LD 227 An Act To Raise the Fee a Bail Commissioner May Charge PUBLIC 23

LD 483 An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections PUBLIC 94

LD 1275 An Act To Implement the Recommendations of the Criminal Law Advisory Commission PUBLIC 336

Not Enacted

LD 249 An Act Regarding Bail Defaults and the Extradition Account DIED ON ADJOURNMENT

LD 284 An Act Regarding the Period of Time for Which an Incarcerated Person Is Eligible To Earn Good Time ONTP

LD 325 An Act To Authorize the Resentencing of Certain Prisoners Who Have Served Consecutive Sentences of 20 or More Years ONTP

LD 442 An Act To Require Prisoners To Perform Community Service and To Require Jails, Prisons, Nonprofit Entities, Universities and Counties To Compost Food Waste ONTP

LD 730 An Act To Allow Bail Commissioners To Access Criminal Records ONTP

LD 747 An Act To Increase Split Sentencing Alternatives ONTP

*Domestic Violence*

Enacted

LD 567 Resolve, To Establish a Working Group To Increase Protection for Victims of Domestic Violence RESOLVE 61

LD 690 Resolve, To Establish a Working Group Concerning Domestic Violence and Firearms RESOLVE 86

*Drugs*

Enacted

LD 250 An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana PUBLIC 67

Not Enacted

LD 601	An Act To Require That the Proceeds from Property Seized through Drug Crime Forfeitures Go to the General Fund	ONTP
LD 791	An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs	

*Juveniles*

Enacted

LD 793	An Act To Improve Juvenile Correctional Services	PUBLIC 93
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*Law Enforcement*

Enacted

LD 393	An Act Relating to Death Benefits for Certain Law Enforcement Officers and Amending the Definition of Emergency Vehicles	PUBLIC 421
LD 1066	Resolve, Directing the Board of Trustees of the Maine Criminal Justice Academy To Amend Its Minimum Standards for the Law Enforcement Use of Force Policy	RESOLVE 58
LD 1166	An Act To Implement the Recommendations of the Ad Hoc Task Force on the Use of Deadly Force by Law Enforcement Officers Against Individuals Suffering From Mental Illness	PUBLIC 451
LD 1374	An Act To Ensure the Effectiveness of Critical Incident Stress Management Teams	PUBLIC 289
LD 1442	An Act To Create the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies	PUBLIC 353

Not Enacted

LD 69	An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer	ONTP
LD 185	An Act To Ensure Public Safety during High-speed Chases by Law Enforcement Officers	ONTP
LD 595	An Act To Prevent High-speed Chases	ONTP
LD 1076	An Act To Create a Statewide Training and Protocol for Responding to Mental Health Crises	ONTP
LD 1342	Resolve, To Direct the Commissioner of Health and Human Services To Establish a Blue Ribbon Task Force To Examine the Attorney General's Report Regarding Police Shootings as It Relates to Deaths of Persons with Mental Illness	ACCEPTED ONTP REPORT

*Maine Emergency Management Agency*

Enacted

LD 847	An Act Authorizing Statewide Mutual Aid among First Responder Agencies	PUBLIC 175 EMERGENCY
LD 1391	An Act To Amend the Laws Governing Emergency Management	PUBLIC 252

*OUI/OAS/Other MV Violations*

Enacted

LD 180	An Act To Make Technical Corrections to the Operating Under the Influence Laws	PUBLIC 54 EMERGENCY
LD 441	An Act To Establish the Civil Violation of Motor Vehicle Violation Resulting in Death	PUBLIC 182
LD 1243	An Act To Amend Operating After Suspension Laws by Creating an Infraction Alternative for Certain Kinds of Operating After Suspension	PUBLIC 297
LD 1447	An Act Clarifying the Manner in Which a Person's Alcohol Level Is Determined under Maine Law	PUBLIC 447

Not Enacted

LD 187	An Act To Require a Test for Operating Under the Influence for a Driver Involved in an Accident That Caused Bodily Injury	ACCEPTED ONTP REPORT
LD 382	An Act To Clarify the Meaning of Prudent Speed	ONTP
LD 591	An Act Regarding the Granting of a Work-restricted Driver's License for Travel to and from Work for Certain Persons with Suspended Licenses	ONTP
LD 594	An Act To Require That Police Reports Be Filed in All Automobile Accidents	ONTP
LD 653	An Act To Strengthen the Penalties for Leaving the Scene of an Accident	ONTP
LD 712	An Act To Require That Prior OUI Convictions Committed with a Motor Vehicle, Watercraft, Snowmobile or All-terrain Vehicle Are Treated as Previous OUI Convictions for Purposes of Sentencing	DIED BETWEEN HOUSES

*Public Safety/Fire Safety/EMS*

Enacted

LD 53	An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment	PUBLIC 250
LD 122	An Act To Correct the Law Concerning Private Investigators' License Qualifications	PUBLIC 20

LD 299	Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Office of the State Fire Marshal	RESOLVE 31 EMERGENCY
LD 550	An Act To Protect Maine Residents from Home Fires and Carbon Monoxide	PUBLIC 162
LD 915	An Act To Update and Clarify Statutes Related to or Administered by the Department of Public Safety	PUBLIC 317
LD 1242	An Act To Streamline the Regulatory Process for Commercial Building Construction Projects	PUBLIC 364 EMERGENCY

Not Enacted

LD 309	Resolve, To Direct the Emergency Medical Services' Board To Examine the Licensure Procedures for Emergency Medical Services Persons	ONTP
LD 433	An Act To Reinstate Rules Requiring Inspection of Chimneys upon the Sale or Transfer of Property	ONTP
LD 713	An Act Regarding Assault on a Firefighter	ONTP
LD 815	An Act To Require the Collection of DNA from a Person under Certain Circumstances	ACCEPTED ONTP REPORT
LD 1067	Resolve, To Establish a Blue Ribbon Commission To Study Methods of Protecting Emergency Medical Services Personnel during the Transportation of Persons with Mental Illness	ONTP
LD 1177	An Act To Establish the Maine Emergency Services Institute	INDEF PP
LD 1187	An Act To Allow the Sale and Use of Consumer Fireworks	DIED IN CONCURRENCE
LD 1373	An Act To Increase the Safety of Maine State Troopers	DIED ON ADJOURNMENT
LD 1466	An Act To Establish the Maine Fire Protection Services Commission Length of Service Award Program	ACCEPTED ONTP REPORT

*Sex Offender Registration and Notification*

Enacted

LD 1157	An Act To Improve the Use of Information Regarding Sex Offenders	PUBLIC 365
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Not Enacted

LD 568	An Act To Amend the Sex Offender Registration Laws	
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*Sex Offenses -- Criminal*

Enacted

LD 385      An Act To Ensure a Uniform Comprehensive State Policy  
Regarding Residency Restrictions for Sex Offenders      PUBLIC 351

Not Enacted

LD 634      An Act To Create a Mandatory Sentence for Repeat Offenders of  
Sex Offenses against Victims under 12 Years of Age      ONTP

*State and County Corrections & State Board of Corrections*

Enacted

LD 59      An Act To Amend the Laws Governing the Confidentiality of  
Correctional Facility Plans      PUBLIC 339

LD 401      An Act Creating a Probationary Period for County Corrections  
Officials      PUBLIC 106

LD 478      An Act To Ensure That the Membership of the State Board of  
Corrections Includes a Representative with Expertise in Issues  
Regarding Mental Illness      PUBLIC 89

LD 481      An Act To Allow the Department of Corrections To Certify  
Community Intervention Programs      PUBLIC 92

LD 631      An Act To Amend the Laws Relating to the Department of  
Corrections      PUBLIC 142

LD 1224      An Act Regarding the Operation of County Jails and the State  
Board of Corrections      PUBLIC 391

Not Enacted

LD 202      Resolve, Directing the Department of Corrections To Accept  
Bank Checks for Inmates      ONTP

LD 283      Resolve, Regarding the Cost of Telephone Calls Made by  
Incarcerated Persons      ONTP

LD 384      An Act To Amend the Laws Governing the Cap on the Tax  
Assessment for Correctional Services in Lincoln County and  
Sagadahoc County      ONTP

LD 748      An Act To Adjust the Assessment for Correctional Services from  
Sagadahoc County      ONTP

LD 995      An Act To Improve Purchasing for the Department of  
Corrections      ONTP

*Victim Rights*

Enacted

LD 632      An Act To Increase Payments to Victims of Crimes      PUBLIC 79

*Weapons/Firearms/Concealed Firearms Permits*

**Enacted**

LD 1138      **Resolve, To Provide Assistance to Private Sellers of Firearms**      **RESOLVE 53**

**Not Enacted**

LD 726      **An Act To Improve the Process for Issuing Concealed Weapons Permits**      **ONTP**

LD 814      **An Act Regarding the Sale of Weapons at Gun Shows**      **ONTP**

LD 985      **An Act To Increase Public Safety by Requiring a Federally Licensed Firearms Dealer To Facilitate the Transfer of Firearms**      **ONTP**

*Joint Standing Committee on Education and Cultural Affairs*

**LD 2      An Act To Provide Rule-making Authority to the Maine Library  
Commission**

**PUBLIC 2**

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

This bill gives the Maine Library Commission the authority to adopt routine technical rules to carry out its responsibilities.

**Enacted Law Summary**

Public Law 2009, chapter 2 gives the Maine Library Commission the authority to adopt routine technical rules to carry out its responsibilities.

**LD 76      Resolve, To Study the Feasibility of Expanding the Curriculum of the  
Maine School of Science and Mathematics**

**ONTP**

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

This resolve directs the Board of Trustees of the Maine School of Science and Mathematics to conduct a study on the feasibility of including agricultural studies in the Maine School of Science and Mathematics' curriculum. The resolve also directs the Board of Trustees of the Maine School of Science and Mathematics to present study findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2010. Finally, the resolve gives the Joint Standing Committee on Education and Cultural Affairs the authority to submit a bill relating to the subject matter of the report to the Second Regular Session of the 124th Legislature.

**LD 77      Resolve, Regarding Legislative Review of Portions of Chapter 181:  
Child Development Services System: Regional Provider Advisory  
Boards, a Major Substantive Rule of the Department of Education**

**RESOLVE 2  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a major substantive rule of the Department of Education.

**Enacted Law Summary**

Resolve 2009, chapter 2 authorizes final adoption of portions of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a major substantive rule of the Department of Education.

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Resolve 2009, chapter 2 was enacted as an emergency measure effective March 6, 2009.

**LD 78      Resolve, Regarding Legislative Review of Portions of Chapter 182:  
Formula for Distribution of Funds to Child Development Services  
Regional Sites, a Major Substantive Rule of the Department of  
Education**

**RESOLVE 87  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-374

This resolve provides for legislative review of portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a major substantive rule of the Department of Education.

**Committee Amendment "B" (H-374)**

This amendment provides that final adoption of the provisionally adopted rule is not authorized by the Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 87 provides that final adoption of portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a provisionally adopted major substantive rule of the Department of Education is not authorized by the Legislature.

Resolve 2009, chapter 87 was enacted as an emergency measure effective June 4, 2009.

**LD 79      Resolve, Regarding Legislative Review of Portions of Chapter 61: State  
Board of Education Rules for Major Capital School Construction  
Projects, a Major Substantive Rule of the Department of Education**

**RESOLVE 142  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-49

This resolve provides for legislative review of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-49)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It authorizes final adoption of the provisionally adopted rule if certain revisions are made. It requires a revision to the definition of "One Campus" and to elements of Section 15 that outline the criteria with which projects are rated. It requires that each of the 4 educational components, the regional high school, the career and technical high school, the higher education center and the industry training center, have a physical presence on the campus. It precludes any one component from offering only distance learning opportunities on campus. It declares the emergency rule authorized and adopted under Resolve 2007, chapter 223 to be invalid.

**Enacted Law Summary**

Resolve 2009, chapter 142 authorizes final adoption of the provisionally adopted revisions to Chapter 61 of the

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State Board of Education rules but only if certain changes are made. It requires a revision to the definition of "One Campus" and to elements of Section 15 that outline the criteria with which projects are rated. It requires that each of the 4 educational components, the regional high school, the career and technical high school, the higher education center and the industry training center, have a physical presence on the campus. It precludes any one component from offering only distance learning opportunities on campus. It declares the emergency rule authorized and adopted under Resolve 2007, chapter 223 to be invalid.

Resolve 2009, chapter 142 was finally passed as an emergency measure effective June 22, 2009.

**LD 92      An Act Pertaining to the Quality Child Care Education Scholarship Fund**

**PUBLIC 22  
EMERGENCY**

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

This bill repeals Public Law 2007, chapter 683, Part B, section 3, which directed the Finance Authority of Maine to increase the annual maximum disbursement amount of quality child care education scholarships established in Chapter 613 of the authority's rules. Without additional funding, the increase in the amount of scholarships would result in fewer scholarships being awarded.

**Enacted Law Summary**

Public Law 2009, chapter 22 repeals the directive to the Finance Authority of Maine to increase the annual maximum disbursement amount of quality child care education scholarships from \$2,000 to \$3,000. Without additional funding, the increase in the amount of scholarships would result in fewer scholarships being awarded.

Public Law 2009, chapter 22 was enacted as an emergency measure effective April 9, 2009.

**LD 95      An Act To Eliminate Penalties for Nonconforming School Administrative Units**

**INDEF PP**

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

This bill amends the laws governing school administrative unit reorganization to eliminate the penalties set forth for nonconforming school administrative units.

**LD 96      An Act To Authorize the Implementation of Modified School Year Calendars**

**ONTP**

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

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This bill authorizes a school administrative unit to use an alternative school calendar, such as a calendar of 4 days of student instruction per week, if that calendar provides for an amount of student instruction equivalent to that provided by a traditional school calendar.

**LD 97      Resolve, Directing the Maine Community College System, the University of Maine System and the Department of Education To Develop a Plan To Enable High School Students To Achieve a Seamless Transition to Higher Education**

**ONTP**

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

This resolve directs the Maine Community College System, the University of Maine System and the Department of Education to collaborate in a review and assessment of the opportunities available to high school students to enroll in college courses at public higher education institutions in the State and other initiatives established to support high school students in their transition from high school to higher education. The resolve directs the review panel to develop a plan to enable high school students, including youth between 16 years of age and 20 years of age who are enrolled in an adult education program to prepare for a Maine high school equivalency diploma, to achieve a seamless transition to public higher education institutions in the State. The review panel plan must be presented in a report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2010. The Joint Standing Committee on Education and Cultural Affairs may submit legislation based on the review panel report to the Second Regular Session of the 124th Legislature.

**LD 98      Resolve, To Direct the Department of Education and the Department of Health and Human Services To Require the Teaching of Mental Health Awareness in Middle Schools Based on a National Curriculum**

**ONTP**

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

This resolve directs the Commissioner of Education and the Commissioner of Health and Human Services to convene a planning team to develop a plan to teach mental health awareness in middle schools by the 2010-2011 school year. It requires that the planning team report to the joint standing committee of the Legislature having jurisdiction over education matters no later than December 31, 2009. It authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill to the Second Regular Session of the 124th Legislature.

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**LD 100      Resolve, To Direct the Department of Education and the Department of Health and Human Services To Implement Strategies To Increase the Provision of Oral Health Screenings to Preschool Children and Children Entering School**

**RESOLVE 67**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM MAJ ONTP MIN	H-255

This bill expands health screening in schools to include oral health screening. The bill requires oral health screening for students prior to entering kindergarten and for new students to a school district entering grades 1 to 6 and periodically thereafter. The bill provides for coordination between oral health screening done under the new requirement and oral health screening done through a grant program with the Department of Health and Human Services under the Maine Revised Statutes, Title 20-A, section 6454 and Title 22, section 2128.

**Committee Amendment "A" (H-255)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It replaces the bill with a resolve.

**Enacted Law Summary**

Resolve 2009, chapter 67 directs the Commissioner of Health and Human Services, in consultation with the Commissioner of Education, to establish pilot programs for oral health screenings at 3 sites. It authorizes the Department of Health and Human Services to use the Maine School Oral Health Fund as a funding source for the pilot programs.

**LD 115      An Act To Repeal the Laws Governing Consolidation of School Administrative Units**

**INDEF PP**

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

This bill repeals the laws related to the consolidation of school administrative units that were enacted by the First Regular Session of the 123rd Legislature in Public Law 2007, chapter 240, Part XXXX and repeals changes made by Public Law 2007, chapter 668. The bill also restores the laws that were amended or repealed to accommodate the consolidation.

***Joint Standing Committee on Education and Cultural Affairs***

**LD 118      An Act To Further Facilitate the Provision of Educational Loans for  
Maine Students and Families**

**PUBLIC 83  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	H-92 SUTHERLAND S-19

This bill extends the date after which the Finance Authority of Maine may not create or establish any capital reserve fund for the provision of educational loans for Maine students and families from June 30, 2009 to June 30, 2010.

**Committee Amendment "A" (S-19)**

This amendment incorporates a fiscal note.

**House Amendment "A" (H-92)**

This amendment resolves a conflict between laws to make clear the Finance Authority of Maine is authorized to originate federally guaranteed student loans.

**Enacted Law Summary**

Public Law 2009, chapter 83 extends the date after which the Finance Authority of Maine may not create or establish a capital reserve fund for the provision of educational loans for Maine students and families from June 30, 2009 to June 30, 2010. It also clarifies FAME's authority to originate federally guaranteed student loans.

**LD 128      An Act To Require the Teaching of Agricultural Studies in Maine's  
Schools**

**ONTP**

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

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to section 18 of Public Law 2007, chapter 660, An Act to Promote the Agricultural Economy. It requires that agricultural studies be included in the system of learning results. The bill also provides that the Maine Agriculture in the Classroom Council and the Department of Education develop a plan for instruction and present the plan to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 15, 2010. The plan must be established by July 30, 2012 and implemented during the 2012-2013 school year. A school administrative unit is not required to implement instruction of agricultural studies if implementation cannot be achieved within existing local resources.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 136 An Act To Require the Provision of Unstructured Recess Time for Elementary School Students**

ONTP

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

This bill requires that each elementary school shall provide daily physical activity for its students, which may include the use of recess. This bill requires that each elementary school provide for 2 periods of unstructured recess time daily.

**LD 158 An Act To Allow an Alternative Organizational Structure To Act as a Fiscal Agent for Each Member or Municipality in That Alternative Organizational Structure**

ONTP

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

This bill provides that a reorganization plan to form an alternative organizational structure must designate a fiscal agent or agents for each of the member entities and municipalities of the alternative organizational structure. The bill also provides that the reorganization plan may designate the alternative organizational structure as the fiscal agent for its member entities and municipalities.

**LD 159 An Act To Provide an Administrative Structure for a School Administrative Unit That Does Not Join a Regional School Unit or an Alternative Organizational Structure**

ONTP

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

This bill provides an administrative structure for a school administrative unit that does not join a regional school unit or an alternative organizational structure by July 1, 2009 in accordance with the Maine Revised Statutes, Title 20-A, chapter 103-A and Public Law 2007, chapter 240, Part XXXX, section 36, as amended by Public Law 2007, chapter 668.

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**LD 160      An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure**

Carried Over

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

Current law requires the Commissioner of Education to notify school boards of the amount of school subsidy to be allocated to school administrative units. This bill requires the Commissioner of Education to also provide the governing bodies of regional school units and alternative organizational structures with the computation and the amount of the allocation of school subsidy that the commissioner has estimated for the regional school units and each member municipality in the regional school unit or for the alternative organizational structure and each member entity in the alternative organizational structure.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 161      An Act To Amend the Special Education, School Health and School Nutrition Laws Regarding Scoliosis Screening, the School Lunch Program, Transitional Services, Gifted and Talented Education Programs and the Maine Mentoring Partnership Grant Program**

PUBLIC 147

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER MILLS P	OTP-AM	H-199

This bill makes the following changes to the education laws.

1. It repeals the requirement for scoliosis screening of students in schools.
2. It aligns foods outside of the school meal program with school nutrition standards and school lunch and milk program statutes and rules. It changes the rule-making provisions, allowing but not requiring the Department of Education to adopt rules in order to complete alignment with current Department of Education rules Chapter 51.
3. It changes references to "handicapped youths" to "students with disabilities" in statutes pertaining to transitional services for students with disabilities.
4. It repeals outdated funding provisions and timelines for implementation of gifted and talented provisions.
5. It repeals the Maine Mentoring Partnership Grant Program since there have been no appropriations for the program for several years and the program no longer is operational.

**Committee Amendment "A" (H-199)**

This amendment makes the following changes to the bill.

1. It strikes the section of the bill that changed the requirement that the Department of Education adopt major substantive rules to establish standards for food and beverages sold or distributed on school grounds but outside of

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school meal programs to an optional adoption of routine technical rules.

2. It directs the Department of Education to submit to the Legislature provisionally adopted rules necessary to implement the requirements of the Maine Revised Statutes, Title 20-A, section 6662, subsection 2 for the 2010-2011 school year. Rules provisionally adopted by the department must align the standards for food and beverages sold or distributed on school grounds but outside of school meal programs with the nutritional standards established for the total food service program as defined in Department of Education rules Chapter 51.

3. It changes a reference to "mentally retarded persons" to "individuals with developmental disabilities" in the law pertaining to transitional services for students with disabilities.

### **Enacted Law Summary**

Public Law 2009, chapter 147 makes the following changes to the education laws.

1. It repeals the requirement for scoliosis screening of students in schools.

2. It aligns foods outside of the school meal program with school nutrition standards and school lunch and milk program statutes and rules. It also directs the Department of Education to submit to the Legislature provisionally adopted rules necessary to implement the requirements of the Maine Revised Statutes, Title 20-A, section 6662, subsection 2 for the 2010-2011 school year. Rules provisionally adopted by the department must align the standards for food and beverages sold or distributed on school grounds but outside of school meal programs with the nutritional standards established for the total food service program as defined in Department of Education rules Chapter 51.

3. It changes references to "handicapped youths" to "students with disabilities" in statutes pertaining to transitional services for students with disabilities; and it changes references to "mentally retarded persons" to "individuals with developmental disabilities" to in the law pertaining to transitional services for students with disabilities.

4. It repeals outdated funding provisions and timelines for implementation of gifted and talented provisions.

5. It repeals the Maine Mentoring Partnership Grant Program since there have been no appropriations for the program for several years and the program no longer is operational.

**LD 174      An Act Regarding School Consolidation**

**ONTP**

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

This bill allows school administrative units to count students who reside in the unorganized territories and attend schools within those school administrative units when submitting a plan for a regional school unit.

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LD 177     **An Act To Modify the Maine Dental Education Loan Program**

**PUBLIC 8  
EMERGENCY**

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

This bill allows the Finance Authority of Maine to make more than 3 loans or loan repayment agreements annually under the Maine Dental Education Loan Program if funds permit.

**Enacted Law Summary**

Public Law 2009, chapter 8 allows the Finance Authority of Maine to make more than 3 loans or loan repayment agreements annually under the Maine Dental Education Loan Program if funds permit.

Public Law 2009, chapter 8 was enacted as an emergency measure effective March 18, 2009.

LD 188     **An Act To Establish a Moratorium on School Administrative Regionalization**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCFADDEN WESTON	ONTP MAJ OTP-AM MIN	

This bill allows school administrative units an additional year to come into compliance with the Maine Revised Statutes, Title 20-A, chapter 103-A, which contains the provisions for regional school units.

LD 189     **An Act To Exempt School Union No. 60 from the Laws Requiring School Administrative Unit Consolidation**

**ONTP**

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

This bill exempts Beaver Cove, Greenville, Kingsbury Plantation, Shirley and Willimantic from minimum student enrollments established in statute for regional school units. The Commissioner of Education is required to treat the communities in a manner similar to the treatment of coastal islands.

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**LD 190      Resolve, Directing the Department of Education To Convene a Stakeholders Group To Analyze the School Funding Formula**

**ONTP**

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

This resolve directs the Department of Education to convene a stakeholders group to analyze the school funding formula. The department must present a plan and timeline to the Joint Standing Committee on Education and Cultural Affairs by May 1, 2009 and a report with its recommendations by November 1, 2009. The Joint Standing Committee on Education and Cultural Affairs may submit legislation to the Second Regular Session of the 124th Legislature.

**LD 206      Resolve, To Fund the Nursing Education Loan Repayment Program**

**RESOLVE 11  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL TRAHAN	OTP-AM	H-46

This resolve directs the Department of Health and Human Services, the Department of Labor and the Department of Education to research federal funding sources to fund the nursing education loan repayment program and report to the Joint Standing Committee on Health and Human Services with suggested plans to obtain federal funding.

### **Committee Amendment "A" (H-46)**

This amendment requires the departments to report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor as well as the Joint Standing Committee on Health and Human Services.

### **Enacted Law Summary**

Resolve 2009, chapter 11 directs the Department of Health and Human Services, the Department of Labor and the Department of Education to research federal funding sources for the nursing education loan repayment program. It directs the departments to report to the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Education and Cultural Affairs, and the Joint Standing Committee on Labor with suggested plans to obtain federal funding.

Resolve 2009, chapter 11 was finally passed as an emergency measure effective April 17, 2009.

***Joint Standing Committee on Education and Cultural Affairs***

**LD 231      Resolve, Directing the Chancellor of the University of Maine System and the President of the Maine Community College System To Develop Recommendations To Address the Professional Needs of State Employees**

**ONTP**

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

This resolve requires the Chancellor of the University of Maine System and the President of the Maine Community College System to convene a stakeholders group in order to present recommendations to the Legislature and the Executive Department on the role that the University of Maine System and the Maine Community College System can play in addressing the professional development needs of state employees.

**LD 245      An Act To Calculate the School Year by Number of Hours**

**PUBLIC 87  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM A OTP-AM B ONTP C	S-32

This bill directs the Department of Education to provide by rule for a school calendar that is based upon a minimum annual number of hours that is equivalent to the current 180-day school calendar.

**Committee Amendment "A" (S-31)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It establishes criteria required for the approval of an alternative school calendar. It directs the Commissioner of Education to provisionally adopt rules no later than December 1, 2009. It authorizes the commissioner to approve requests for the school year 2009-2010 prior to adoption of the rules as long as statutory criteria are met. It also allows the commissioner to authorize a school operating on a calendar based on days to substitute equivalent hours for days for a limited time period upon application of the school board.

**Committee Amendment "B" (S-32)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It allows the Commissioner of Education to authorize a school to substitute equivalent hours for days for a limited time period upon application of the school board.

**Enacted Law Summary**

Public Law 2009, chapter 87 authorizes the Commissioner of Education to grant a request by a school board to substitute equivalent hours for instruction days for a limited time period. Public Law 2009, chapter 87 was enacted as an emergency measure effective May 8, 2009.

Pulic Law 2009, chaper 87 was enacted as an emergency measure effective May 8, 2009.

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LD 248      **An Act To Transfer Authority for School Food Service Programs to the  
Department of Agriculture, Food and Rural Resources**

ONTP

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

This bill transfers responsibilities for administering school food service programs from the Department of Education to the Department of Agriculture, Food and Rural Resources upon approval of the United States Department of Agriculture. It provides for a transition period until the department has the necessary rules and procedures in place to implement the transfer.

LD 266      **An Act To Preserve Statewide Public Broadcasting**

PUBLIC 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-33

This bill requires, as a condition of receiving state funding, that the Maine Public Broadcasting Network operate all of its existing radio towers and television transmitters or an equivalent network providing equal or better broadcast coverage. If the condition is violated, the Maine Public Broadcasting Network must return the state funding.

**Committee Amendment "A" (S-33)**

This amendment eliminates the use of the terms "towers" and "transmitters." It specifies that facilities used to provide signals must be maintained to provide broadcast coverage that equals or exceeds the coverage in place on February 1, 2009. It specifies that the corporation operating the statewide public broadcasting network has not failed to meet the broadcast requirements if the reason for a signal being off the air is outside the control of the corporation or if all signals in the network are off the air for an equal period of time.

**Enacted Law Summary**

Public Law 2009, chapter 62 requires, as a condition of receiving state funding, that the Maine Public Broadcasting Network operate and maintain facilities to provide broadcast coverage that equals or exceeds the coverage in place on February 1, 2009. It specifies that the corporation operating the statewide public broadcasting network has not failed to meet the broadcast requirements if the reason for a signal being off the air is outside the control of the corporation or if all signals in the network are off the air for an equal period of time.

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**LD 268      Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization, and Approval of Education Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education**

**RESOLVE 12  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-47

This resolve provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Part I and Part II, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-47)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2009, chapter 12 authorizes final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Part I and Part II, a major substantive rule of the Department of Education.

Resolve 2009, chapter 12 was finally passed as an emergency measure effective April 17, 2009.

**LD 285      An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for One Year**

**PUBLIC 455  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ SHERMAN	ONTP MAJ OTP-AM MIN	H-352

This bill delays any financial penalties imposed on a school administrative unit for nonconformance with the laws governing the reorganization of school administrative units until the fiscal year that begins on July 1, 2011.

**Committee Amendment "A" (H-352)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment delays any financial penalties imposed on a school administrative unit for nonconformance with the laws governing the reorganization of school administrative units until the fiscal year that begins on July 1, 2010. The bill proposed to delay penalties for nonconforming school units for 2 years, or until the fiscal year beginning on July 1, 2011. The amendment also amends the title of the bill and adds an emergency preamble and an emergency clause to the bill.

This amendment allows school administrative units that have formed a regional school unit that has been approved at referendum and received a certificate of organization from the State Board of Education but is not yet operational to delay operation as a regional school unit for one year until July 1, 2010. The delay is only available if the approved budget of the regional school unit would result in an increase in the budget of at least 1/2 of the member school administrative units and the delay is approved by both the regional school unit board and the boards of the member school administrative units.

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This amendment also allows a school administrative unit that is granted a delay until July 1, 2010 to continue to function as a school administrative unit, including entering into contracts and incurring bonding obligations. Upon commencement of operation as a regional school unit, the regional school unit must assume the outstanding indebtedness of all the member school administrative units in accordance with its revised reorganization plan.

### Enacted Law Summary

Public Law 2009, chapter 455 delays any financial penalties imposed on a school administrative unit for nonconformance with the laws governing the reorganization of school administrative units until the fiscal year that begins on July 1, 2010.

Public Law 2009, chapter 455 was enacted as an emergency measure effective June 19, 2009.

### LD 318 An Act Regarding Rockport College

P & S 9  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH RECTOR	OTP-AM	H-48

This bill renames Rockport College Maine Media College and authorizes it to confer the degree of Master of Fine Arts upon students in accordance with the Maine Revised Statutes, Title 20-A, section 10704 based on the recommendation of the State Board of Education.

### Committee Amendment "A" (H-48)

This amendment authorizes Rockport College, which was renamed Maine Media College in the bill, to confer degrees until June 30, 2010. Additional legislation is likely to be introduced to the Second Regular Session of the 124th Legislature to continue the college's degree-granting authority beyond the June 2010 date. The bill is an emergency because the school needs authorization to grant current students degrees from a state-approved institution. State authorization is also needed for students to receive federal financial aid.

### Enacted Law Summary

Private and Special Law 2009, chapter 9 renames Rockport College Maine Media College. It authorizes Rockport College to confer degrees until June 30, 2010.

Private and Special Law 2009, chapter 9 was enacted as an emergency measure effective April 17, 2009.

### LD 352 An Act To Encourage Veterinary Practice in Maine

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E		S-258

This bill establishes the Maine School of Veterinary Medicine Loan Program, similar to the Maine Dental Education Loan Program. The program would create 3 slots per year for veterinary students or persons eligible for licensure as a veterinarian to apply for a loan repayment program through the Finance Authority of Maine. The program would promote veterinarian practice for large animals. The bill creates the Advisory Committee on Veterinary Medical Education to work with the Chief Executive Officer of the Finance Authority of Maine to evaluate and improve the

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program.

**Committee Amendment "A" (S-258)**

This amendment replaces the bill while preserving its intent. It establishes the Maine Veterinary Medicine Loan Program. The program would establish 2 forgivable loans per year for veterinary students through the Finance Authority of Maine. The program would promote veterinarian practice for livestock in areas that are insufficiently served. The amendment deletes references to veterinarian positions in the Access to Medical Education Program. The amendment also adds an appropriations and allocations section.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 357 An Act To Require the Teaching of Acadian History as Part of Maine History**

**ACCEPTED ONTP  
REPORT**

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

This bill amends the law governing instruction in history in public schools to require the inclusion of Acadian history as a component of Maine history.

**Committee Amendment "A" (S-199)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It requires the study of Franco-American history instead of Acadian history. The amendment also adds an appropriations and allocations section to the bill.

**LD 358 Resolve, Requiring the Department of Education To Amend Rules Relating to School Construction**

**ONTP**

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

This resolve requires the Department of Education to amend its rules relating to school construction eligibility and approval process for state funding.

**LD 364 An Act To Eliminate Schools' Responsibility for Transportation of Preschool Students**

**DIED IN  
CONCURRENCE**

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

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This bill removes the requirement that municipal school units, school administrative districts and community school districts provide transportation for public preschool students.

While this bill died in concurrence, Part C of Public Law 2009, chapter 213, the biennial budget bill, authorizes the Commissioner of Education to waive the requirement that school administrative units provide transportation for public preschool students.

**LD 422      An Act To Include the Study of Franco-American History in the System of Learning Results      ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLDUC MARRACHE	ONTP MAJ OTP-AM MIN	

This bill amends the law governing instruction in history in schools to require the inclusion of Franco-American history and the study of the influence of French intellectual thought on American history.

**Committee Amendment "A" (H-219)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It replaces the bill with a resolve directing the Commissioner of Education to include Franco-American studies in the content standards and performance indicators for teaching social studies in Maine schools and adds an appropriations and allocation section.

**LD 465      An Act To Amend Maine's School Construction Laws To Reduce the Percentage for Art to 0.5%      ONTP**

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

This bill decreases from 1% to 0.5% the percentage of the cost of a school construction project that must be spent on art.

**LD 467      An Act To Exempt School Administrative District 12, School Union 37 and School Union 60 from the Laws Requiring School Administration Consolidation      P & S 19 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-186

This bill exempts the towns of Jackman and Moose River, Union 60 and Union 37 from minimum student enrollments established in statute for regional school units. The Commissioner of Education is required to treat the towns in a manner similar to the treatment of coastal islands.

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**Committee Amendment "A" (S-186)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2009, chapter 19 exempts the towns of Jackman and Moose River, Union 60 and Union 37 from minimum student enrollments established in statute for regional school units. The Commissioner of Education is required to treat the towns in a manner similar to the treatment of coastal islands.

Private and Special Law 2009, chapter 19 was enacted as an emergency measure effective June 2, 2009.

**LD 470      An Act To Sustain Nursing Education in Lincoln County      Carried Over**

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

This bill provides ongoing General Fund appropriations of \$500,000 per year beginning in fiscal year 2009-10 for Central Maine Community College's Lincoln County nursing program in Damariscotta, Maine.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 475      An Act Regarding the Reorganization of Regional School Units and Allowing a Municipality To Opt Out of an Existing School Structure      ONTP**

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

This bill enacts into law provisions regarding the reorganization of regional school units. The new provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 and allow the withdrawal from a regional school unit of a municipality and the transfer of a municipality out of one regional school unit into another. The bill also includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education and to make rules concerning the reorganization of the regional school units.

**LD 489      Resolve, Regarding Continuity of Care in the Child Development Services System      RESOLVE 113 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	H-487 SUTHERLAND S-232

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This resolve directs the Department of Education to amend its rules governing special education to align reimbursement of collateral contact with the MaineCare program; to require each Individualized Educational Program Team to make a determination regarding extended school year services at every Individualized Educational Program Team meeting; to clarify that the Individualized Education Program Team may make a determination about extended school year services based on available data, including information about a child's disability, even if an interruption in service has not occurred; to clarify that a Child Development Services System regional site may not unilaterally limit the duration of extended school year services; and to adjust the timeline for special education evaluation to 60 calendar days for the Child Development Services System while leaving it at the current state standard of 45 school days for public school districts.

### **Committee Amendment "A" (S-232)**

This amendment strikes the provision in the resolve that proposes to direct the Department of Education to amend its rules governing special education to align reimbursement of collateral contact with the MaineCare program.

### **House Amendment "A" (H-487)**

This amendment adds an emergency preamble and emergency clause and requires the Department of Education to engage in emergency rulemaking.

### **Enacted Law Summary**

Resolve 2009, chapter 113 directs the Department of Education to amend its rules governing special education to require each Individualized Educational Program Team to make a determination regarding extended school year services at every Individualized Educational Program Team meeting; to clarify that the Individualized Education Program Team may make a determination about extended school year services based on available data, including information about a child's disability, even if an interruption in service has not occurred; to clarify that a Child Development Services System regional site may not unilaterally limit the duration of extended school year services; and to adjust the timeline for special education evaluation to 60 calendar days for the Child Development Services System while leaving it at the current state standard of 45 school days for public school districts.

Resolve 2009, chapter 113 was finally passed as an emergency measure effective June 9, 2009.

## **LD 520 An Act Authorizing Colleges and Universities To Regulate Public Safety on Their Campuses**

**PUBLIC 170**

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

This bill authorizes colleges and universities to regulate the possession of firearms on their campuses.

### **Enacted Law Summary**

Public Law 2009, chapter 170 authorizes colleges and universities to regulate the possession of firearms on their campuses.

***Joint Standing Committee on Education and Cultural Affairs***

**LD 521      An Act To Ensure Continued Support for Local Adult Education Programs**

**ONTP**

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

This bill directs that the state subsidy for secondary school-age students enrolled in adult education courses is, in fact, used to support those courses.

**LD 522      Resolve, To Establish the Study Commission Regarding Teachers' Compensation**

**RESOLVE 138  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND	OTP-AM MAJ ONTP MIN	H-420 S-317 BARTLETT

This resolve establishes the Study Commission Regarding Teachers' Salaries to investigate conditions affecting teachers' salaries in this State, which despite the enactment of a minimum teachers' salary law and substantial increases in general purpose aid for local schools in recent years have not kept pace with inflation and have declined in rank relative to other states in the nation. The resolve authorizes the commission to make findings and recommendations and to submit suggested legislation to ensure that all teachers are paid at rates that are commensurate with their experience, education, professional responsibilities and essential role in the development of the State's economy and human capital.

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

This amendment makes several revisions to the resolve pertaining to the membership of the proposed study commission. The amendment clarifies that the scope of the study commission review is teacher compensation, including teachers' salaries and benefits. The amendment also revises the duties of the study commission to reflect the broadened focus on teacher compensation systems and also includes an examination of the following items in the duties of the study commission:

1. Alternatives to the existing method of recognizing the costs of teachers' salaries based on education and experience;
2. Collective bargaining alternatives in determining salaries and benefits at the school administrative unit level; and
3. Any other factors that the commission members consider relevant to the examination of teachers' compensation.

**Senate Amendment "A" To Committee Amendment "A" (S-317)**

This amendment increases the number of members on the commission from 7 to 8 by increasing the number of Senators from one to 2. The amendment also requires that 2 members from the Senate and the House of Representatives represent the 2 political parties that have the greatest number of members in the Senate and the House of Representatives.

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## Enacted Law Summary

Resolve 2009, chapter 138 establishes the Study Commission Regarding Teachers' Compensation to investigate conditions affecting teachers' compensation in this State, including teachers' salaries and benefits. In conducting its review, the commission is authorized to examine:

1. The effects on teachers' salaries and benefits of the essential programs and services funding system; and alternatives to this funding system;
2. The effects on teachers' salaries of the minimum teachers' salary law;
3. The relationship between and among teachers' salaries and benefits in school administrative units;
4. The relationship between teachers' salaries and benefits in this State and in other states;
5. The relationship between teachers' salaries and benefits and salaries and benefits paid to practitioners in other comparable professions;
6. The effects of inflation on the real value of teachers' salaries and the minimum salary amount required by law;
7. Practices in other states that mandate payment of minimum salaries based on experience and education to all teachers;
8. Factors relating to the age, experience, recruitment, retention and mobility of the State's corps of professional teachers;
9. Alternatives to salary systems based on college credits or degrees earned and experience;
10. Collective bargaining alternatives in determination of salaries and benefits at the local level; and
11. Any other factors that the commission considers relevant to teachers' compensation.

The 8 member study commission is authorized to make findings and recommendations and to submit suggested legislation. The Joint Standing Committee on Education and Cultural Affairs is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 138 was enacted as an emergency measure effective June 18, 2009.

**LD 523      Resolve, Directing the Department of Health and Human Services and  
the Department of Education To Enter into a Memorandum of  
Understanding Regarding Early Childhood Intervention**

**ACCEPTED ONTP  
REPORT**

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

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This resolve directs the Department of Health and Human Services and the Department of Education to enter into a memorandum of understanding regarding early childhood intervention. This resolve also directs the Department of Health and Human Services and the Department of Education to report to the joint standing committee of the Legislature having jurisdiction over education matters regarding the implementation of the memorandum of understanding by January 15, 2010.

**LD 551      An Act To Improve the Essential Programs and Services Funding Formula** **Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve the essential programs and services funding formula.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 569      An Act Concerning the Maine School of Science and Mathematics** **LEAVE TO WITHDRAW**

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

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

This bill proposes to amend the laws governing the Maine School of Science and Mathematics.

**LD 570      An Act To Improve the Laws Governing the Consolidation of School Administrative Units** **Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve the laws governing the consolidation of school administrative units.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

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**LD 571      An Act To Protect College Students from Predatory Marketing and Lending Practices      ONTP**

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

This bill requires colleges and universities in the State to adopt policies regulating the marketing of credit cards to students on their campuses.

**LD 610      An Act To Add 10 Days to the School Year and To Require Daily Physical Exercise for All School Children      ONTP**

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

This bill:

1. Requires that schools provide physical education to students daily;
2. Requires that schools provide a program of physical evaluation of each student; and
3. Increases by 10 days the required annual number of school days.

**LD 635      An Act To Provide Additional Time to Certain School Administrative Units To Comply with School Administrative Unit Reorganization Laws      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS MARRACHE	OTP-AM	H-256

This bill provides additional time for a school administrative unit to comply with the reorganization law if it approved a reorganization plan at a referendum prior to January 30, 2009 but is unable to implement the plan because the plan was rejected by one or more of its proposed partners. The school administrative unit would be allowed to restart the process to form a regional school unit with the same or other school administrative units.

Although this bill was indefinitely postponed, the proposed initiative was incorporated into Public Law 2009, chapter 213, the biennial budget bill, as Part KKKK (see LD 353).

**Committee Amendment "A" (H-256)**

This amendment incorporates a fiscal note.

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**LD 636      An Act To Control Education Administrative Costs**

**ONTP**

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

This bill changes the ratio of students to school administrative staff used to calculate salary and benefit costs to 500:1. It defines "school administrative staff" as principals, assistant principals and special education coordinators.

**LD 677      An Act To Lower the Cost of State Government in the Departments  
under the Purview of the Joint Standing Committee on Education and  
Cultural Affairs**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	ONTP MAJ OTP-AM MIN	

This bill eliminates one Regional Education Representative position and one Public Service Executive II position within the Department of Education effective October 1, 2009.

**Committee Amendment "A" (S-103)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It removes the proposed elimination of a Public Service Executive II position.

**LD 678      An Act To Provide Middle School Students with Access to Innovative  
Science Education**

**ONTP**

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

This bill provides ongoing General Fund appropriations of \$251,000 per year beginning in fiscal year 2009-10 for the Gulf of Maine Research Institute's Sam L. Cohen Center for Interactive Learning.

While the initiative in this bill was not enacted, Public Law 2009, chapter 414 includes a provision to provide \$1,500,000 in bond proceeds to rebuild a bulkhead and a wharf at the Gulf of Maine Research Institute.

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LD 697     **An Act To Stabilize School Heating Costs**

ONTP

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

This bill requires the Commissioner of Education to develop and administer a program for the bulk purchase of heating oil for every school facility that uses heating oil, with each participating school administrative unit paying for the unit's consumption of oil and a pro rata share of the expenses to administer the program.

LD 698     **An Act To Allow School Budget Validation Referenda To Be Held on a Saturday**

**PUBLIC 98  
EMERGENCY**

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

This bill allows school budget validation referendum votes for regional school units to be held on Saturday.

**Enacted Law Summary**

Public Law 2009, chapter 98 allows school budget validation referendum votes for regional school units to be held on Saturday.

Public Law 2009, chapter 98 was enacted as an emergency measure effective May 8, 2009.

LD 711     **An Act To Authorize the Social Work Education Loan Repayment Program**

**PUBLIC 427**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT BRANNIGAN	OTP-AM	H-218

This bill establishes the Social Work Education Loan Repayment Program.

**Committee Amendment "A" (H-218)**

This amendment amends the criteria that apply to social workers who may be eligible for the Social Work Education Loan Repayment Program. The amendment also strikes the provision in the bill that authorized the Finance Authority of Maine to borrow money on behalf of the program and clarifies that the Finance Authority of Maine is authorized to receive, invest and expend any federal funds received by the State for the benefit of social workers who have outstanding education loans.

**Enacted Law Summary**

Public Law 2009, chapter 427 establishes the Social Work Education Loan Repayment Program and provides that

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social workers who meet the following criteria may be eligible for the loan repayment program:

1. Holds a social worker license under Maine Revised Statutes, Title 32, chapter 83;
2. Has completed a bachelor's, master's or doctoral degree in social work from an accredited school of social work within 3 years prior to the date the applicant's application is received by the Finance Authority of Maine;
3. Possesses an outstanding education loan relating to the degree;
4. Practices social work in an underserved practice area; and
5. Signs a statement of intent in a form acceptable to the authority to work as a social worker in the State for a minimum of 3 years after acceptance into the program.

The law also establishes the Social Work Education Loan Repayment Fund and authorizes the Finance Authority of Maine to receive, invest and expend on behalf of the fund money from gifts, grants, bequests and donations in addition to money appropriated or allocated by the State and any federal funds received by the State for the benefit of social workers who have outstanding education loans.

**LD 725      An Act To Protect Student Privacy while Complying with Federal Law**

**ONTP**

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

This bill prohibits the disclosure of the name of a student unless required by state or federal law and directs the Department of Education to work with schools to conform to this prohibition. This bill also allows a student or parent of a student whose name has been disclosed or a school official or school administrative unit in which the student attends school to enforce this provision by a civil action.

**LD 735      An Act To Allow Unimmunized Children to Attend School Upon Parental Waiver**

**ONTP**

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

This bill allows a student who has not been immunized to attend school if the student's parent or legal guardian signs a waiver acknowledging and accepting the risk of allowing the student to attend school without the proper immunization.

**Joint Standing Committee on Education and Cultural Affairs**

**LD 749      Resolve, Directing the Department of Education To Take Measures To Assist Blind and Visually Impaired Students**

**RESOLVE 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM	H-95

This resolve directs the Department of Education to develop a proposal to create a position of Braille transcriber and assistant and to submit its proposal to the Joint Standing Committee on Appropriations and Financial Affairs no later than December 3, 2009.

**Committee Amendment "A" (H-95)**

This amendment directs the Department of Education to establish standards for credentialing Braille transcribers and assistants and to allow employment of assistants receiving training in Braille to be considered an approved special education cost. It also corrects the committee to receive the report. The report is to be submitted to the Joint Standing Committee on Education and Cultural Affairs.

**Enacted Law Summary**

Resolve 2009, chapter 29 directs the Department of Education to develop a proposal to establish standards for credentialing Braille transcribers and assistants and to allow employment of assistants receiving training in Braille to be considered an approved special education cost. It requires the department to submit its proposal to the Joint Standing Committee on Education and Cultural Affairs no later than December 3, 2009 and authorizes the committee to report out legislation to the Second Regular Session of the 124th Legislature.

**LD 750      An Act To Exempt Certain Municipalities from the Requirement To Hold Referenda on School Budgets**

**ONTP**

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

This bill provides an exemption from the budget validation referendum voting requirements for municipal school units where the municipal charter provides that the municipal legislative body and the school committee are elected bodies and where the municipal charter requires that a public hearing and one or more budget meetings are held on the proposed school budget before the municipal legislative body votes to adopt the school budget.

**LD 773      An Act To Increase Funding for Higher Education**

**DIED IN  
CONCURRENCE**

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

## Joint Standing Committee on Education and Cultural Affairs

This bill requires the State to contribute 55% of the total operating costs of the State's public higher educational institutions by fiscal year 2011-12 and provides funding to Maine Maritime Academy, the Maine Community College System and the University of Maine System in order for the percentage contributed by the State to be equal to 45% of the operating costs in fiscal year 2009-10 and 50% in fiscal year 2010-11.

**LD 778      An Act To Exempt Certain Isolated Rural Communities from the  
Minimum Student Enrollment Requirements in the Laws Governing the  
Reorganization of School Administrative Units**

ONTP

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

This bill amends the laws governing the reorganization of school administrative units to provide that school administrative units located in isolated rural communities may be eligible for an exception to the minimum student enrollment requirements by entering into a collaborative agreement for administrative, instructional and noninstructional functions with another school administrative unit prior to July 1, 2009.

**LD 806      An Act To Authorize Fuel Cost Stabilization Funds To Be Established  
in School Administrative Units**

PUBLIC 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-92

This bill permits a school administrative unit to establish a fuel cost stabilization fund for unexpected heating and transportation fuel costs. The appropriations and transfers into the fund may not exceed the highest annual cost for fuel that the school administrative unit has experienced in its 3 most recent fiscal years.

**Committee Amendment "A" (S-92)**

This amendment clarifies the method for a new or reorganized school administrative unit to determine the limit of the amount that may be transferred to a fuel cost stabilization fund. The amendment also removes cross-references to the provision that states that investment of the fund will be subject to the laws applicable to school reserve funds.

**Enacted Law Summary**

Public Law 2009, chapter 104 permits a school administrative unit to establish a fuel cost stabilization fund for unexpected heating and transportation fuel costs. The appropriations and transfers into the fund may not exceed the highest annual cost for fuel that the school administrative unit has experienced in its 3 most recent fiscal years.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 816 An Act To Authorize the Commissioner of Education To Issue Separate Subsidy Checks to Each Municipality in an Alternative Organizational Structure**

**ONTP**

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

Current law requires the Commissioner of Education to notify school boards of the estimated amount of state subsidy to be allocated to school administrative units. This bill requires the Commissioner of Education to also provide the governing bodies and the superintendent of each alternative organizational structure with the computation and the amount of the allocation of state subsidy that the commissioner has calculated for the alternative organizational structure and each member entity in the alternative organizational structure and requires that the commissioner issue separate subsidy checks to each of the member entities within the alternative organizational structure.

**LD 817 An Act Concerning Teacher Salaries**

**ONTP**

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

This bill prohibits basing teachers' salaries upon the measurable performance or productivity of the teacher or the students of the teacher.

**LD 818 An Act To Improve Transparency in the School Funding Formula**

**ONTP**

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

Current law requires the Commissioner of Education to notify school boards of the estimated amount of state subsidy to be allocated to school administrative units. This bill requires the Commissioner of Education to also provide the governing bodies and the superintendent of each alternative organizational structure with the computation and the amount of the allocation of state subsidy that the commissioner has calculated for the alternative organizational structure and each member entity in the alternative organizational structure.

*Joint Standing Committee on Education and Cultural Affairs*

LD 853      **An Act To Encourage Maine Residents To Attend Medical School and Practice in Maine**

**PUBLIC 410  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-178

This bill requires that, beginning September 1, 2009, the positions for students of allopathic medicine in the Access to Medical Education Program be placed in a school of allopathic medical education located in the State. This bill also requires a student of allopathic medicine who participates in the Access to Medical Education Program to inform the Finance Authority of Maine of the location of the student's medical residency and employment for 5 years after graduating from the school of allopathic medical education.

**Committee Amendment "A" (S-178)**

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill to accomplish the following.

1. It establishes the Doctors for Maine's Future Scholarship Program to provide a tuition subsidy of 50% of the cost of attendance annually, up to a maximum of \$25,000 per student annually, for eligible students who enter qualifying Maine-based medical school programs, for the purpose of increasing the number of physicians in the State who practice in primary care, underserved specialties or underserved areas of the State.
2. It defines "qualifying Maine-based medical school program" as an allopathic or osteopathic medical school program in which an educational or health care institution located in the State participates in curriculum development, selects no fewer than 10 students for admission per class year, requires that all students complete not less than one academic year of the medical school curriculum at facilities located in the State, raises funds through philanthropic resources and the private sector to match 100% of those funds appropriated or allocated by the State for scholarships and includes a required clerkship experience and a curriculum that focuses on rural health care and primary care.
3. It establishes the Doctors for Maine's Future Scholarship Fund as a nonlapsing, interest-earning, revolving fund under the jurisdiction of the Finance Authority of Maine. The authority is authorized to receive, invest and expend money from gifts, grants, bequests and donations or other sources in addition to funds appropriated or allocated by the State to the Doctors for Maine's Future Scholarship Program.
4. It provides for the gradual phase-out of the Access to Medical Education Program by establishing that, beginning January 1, 2010, the Chief Executive Officer of the Finance Authority of Maine may not secure any additional new positions at schools of allopathic or osteopathic medicine under this program and shall secure only the number of positions necessary to allow students already occupying such positions as of January 1, 2010 to complete their remaining one to 3 years of medical education at their respective institutions. It also provides that, beginning July 1, 2013, the Chief Executive Officer of the Finance Authority of Maine may not secure any further positions at schools of allopathic or osteopathic medicine under the Access to Medical Education Program.
5. It provides that students occupying positions at schools of osteopathic or allopathic medicine through the Access to Medical Education Program on or before September 30, 2009 remain eligible for loans through the Health Professions Loan Program through June 30, 2012. It further provides that the existing revolving fund that supports the Access to Medical Education Program and the Health Professions Loan Program must continue to support students eligible for these programs through June 30, 2012.

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While the provisions of this amendment were enacted, Part A, Sec. A-27 of Public Law 2009, chapter 213, the biennial budget bill, included one-time State General Fund appropriations of \$1,500,000 in fiscal year 2009-10 and \$1,500,000 in fiscal year 2010-11 to the Finance Authority of Maine as startup funding to implement this initiative (see LD 353).

### Enacted Law Summary

Public Law 2009, chapter 410 establishes the Doctors for Maine's Future Scholarship Program to provide a tuition subsidy of 50% of the cost of attendance annually, up to a maximum of \$25,000 per student annually, for eligible students who enter qualifying Maine-based medical school programs, for the purpose of increasing the number of physicians in the State who practice in primary care, underserved specialties or underserved areas of the State. The law accomplishes the following.

1. It defines "qualifying Maine-based medical school program" as an allopathic or osteopathic medical school program in which an educational or health care institution located in the State participates in curriculum development, selects no fewer than 10 students for admission per class year, requires that all students complete not less than one academic year of the medical school curriculum at facilities located in the State, raises funds through philanthropic resources and the private sector to match 100% of those funds appropriated or allocated by the State for scholarships and includes a required clerkship experience and a curriculum that focuses on rural health care and primary care.
2. It establishes the Doctors for Maine's Future Scholarship Fund as a nonlapsing, interest-earning, revolving fund under the jurisdiction of the Finance Authority of Maine. The authority is authorized to receive, invest and expend money from gifts, grants, bequests and donations or other sources in addition to funds appropriated or allocated by the State to the Doctors for Maine's Future Scholarship Program.
3. It provides for the gradual phase-out of the Access to Medical Education Program by establishing that, beginning January 1, 2010, the Chief Executive Officer of the Finance Authority of Maine may not secure any additional new positions at schools of allopathic or osteopathic medicine under this program and shall secure only the number of positions necessary to allow students already occupying such positions as of January 1, 2010 to complete their remaining one to 3 years of medical education at their respective institutions. It also provides that, beginning July 1, 2013, the Chief Executive Officer of the Finance Authority of Maine may not secure any further positions at schools of allopathic or osteopathic medicine under the Access to Medical Education Program.
4. It provides that students occupying positions at schools of osteopathic or allopathic medicine through the Access to Medical Education Program on or before September 30, 2009 remain eligible for loans through the Health Professions Loan Program through June 30, 2012. It further provides that the existing revolving fund that supports the Access to Medical Education Program and the Health Professions Loan Program must continue to support students eligible for these programs through June 30, 2012.

Public Law 2009, chapter 410 was enacted as an emergency measure effective June 16, 2009.

LD 856      **An Act To Ensure the Availability of Supplemental Educational Loans**

**PUBLIC 40  
EMERGENCY**

Sponsor(s)

RAYE

Committee Report

OTP-AM

Amendments Adopted

H-115 SUTHERLAND

S-62

## *Joint Standing Committee on Education and Cultural Affairs*

This bill allows the Maine Educational Loan Authority to establish a capital reserve fund to secure student loan revenue bonds in the principal amount necessary to help meet the supplemental educational financing needs of Maine students and families. It also removes language that places a limit on the principal amount of a certain type of bond that the authority may have outstanding at any one time.

### **Committee Amendment "A" (S-62)**

This amendment increases the limit on the principal amount for certain types of bonds issued by the Maine Educational Loan Authority to \$300,000,000. It requires the authority to report to the Joint Standing Committee on Education and Cultural Affairs no later than April 2, 2010 with an account of tax exempt bonds issued and student loan rates.

### **House Amendment "A" (H-115)**

This amendment eliminates, after June 30, 2011 the authority for the Maine Educational Loan Authority to establish any capital reserve fund.

### **Enacted Law Summary**

Public Law 2009, chapter 40 authorizes the Maine Educational Loan Authority to establish a capital reserve fund to secure student loan revenue bonds to help meet the supplemental educational financing needs of Maine students and families. The authority to establish a capital reserve fund expires July 1, 2011. It increases the limit on the principal amount for certain types of bonds issued by the Maine Educational Loan Authority to \$300,000,000. It requires the authority to report to the Joint Standing Committee on Education and Cultural Affairs no later than April 2, 2010 with an account of tax exempt bonds issued, student loan rates and any fees in excess of \$50,000 paid to entities outside the authority.

Public Law 2009, chapter 40 was enacted as an emergency measure effective April 17, 2009.

### **LD 857      An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 32**

**P & S 4  
EMERGENCY**

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

This bill corrects a defect in a bond for school construction approved on December 12, 2007 by the State Board of Education for School Administrative District No. 32 by authorizing the district to issue bonds for the construction retroactive to December 12, 2007.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 4 corrects a defect in a bond for school construction approved on December 12, 2007 by the State Board of Education for School Administrative District No. 32 by authorizing the district to issue bonds for the construction retroactive to December 12, 2007.

Private and Special Law 2009, chapter 4 was enacted as an emergency measure effective April 13, 2009.

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**LD 864      An Act To Provide for the Certification of Teachers in a Critical Teacher Shortage Area**

**ONTP**

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

This bill provides that a superintendent may certify a teacher for a period not to exceed one year when there is a critical teacher shortage need in the school administrative unit that meets criteria established by rules adopted by the State Board of Education. The critical teacher shortage need certificate may be renewed by the superintendent if the superintendent determines that the critical teacher shortage need in the school administrative unit still exists after the expiration of the certificate and upon a positive recommendation of the teacher from a peer review team of teachers within the school administrative unit.

**LD 866      Resolve, To Examine Data Discrepancies and Adequately Identify and Serve Children with Brain Injuries**

**RESOLVE 112**

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

This resolve requires the Department of Education to review the discrepancy in information available in data from MaineCare and the Office of Special Services regarding the number of children in the State identified with brain injuries. The department shall also investigate the availability of testing and screening that is available to develop a plan to institute annual health screening of children and youth in schools for brain injury. The department shall report to the Legislature by February 15, 2010 with its findings, recommendations and suggested legislation.

**Enacted Law Summary**

Resolve 2009, chapter 112 requires the Department of Education to review the discrepancy in information available in data from MaineCare and the Office of Special Services regarding the number of children in the State identified with brain injuries. The department shall also investigate the availability of testing and screening that is available to develop a plan to institute annual health screening of children and youth in schools for brain injury. The department shall report to the Legislature by February 15, 2010 with its findings, recommendations and suggested legislation.

**LD 933      An Act To Prohibit Cyberbullying**

**ONTP**

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

This bill amends the current law covering the prohibition of hazing in public schools to specifically cover cyberbullying. Current law requires each school board to adopt a policy that addresses injurious hazing. This bill defines "cyberbullying" as injurious hazing by any verbal, textual or graphic communication of any kind effected, created or transmitted by the use of any electronic device, including but not limited to a computer, telephone,

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cellular telephone, text messaging device and personal digital assistant.

**LD 963      Resolve, Directing the University of Maine System To Self-transition Its Educational Broadband Service from Analog to Digital**

**ONTP**

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

This resolve requires the University of Maine System to notify the Secretary of the Federal Communications Commission on or before April 21, 2009 that the University of Maine System will self-transition its Educational Broadband Service by relocating to its default channel locations specified in federal regulations.

**LD 977      An Act To Repeal the School District Consolidation Laws**

**DIED BETWEEN HOUSES**

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

This initiated bill repeals the laws related to the consolidation of school administrative units that were enacted by the First Regular Session of the 123rd Legislature in Public Law 2007, chapter 240, Part XXXX. It restores the laws that were amended or repealed to accommodate the consolidation.

Since this initiated bill was not enacted by the Legislature without change, the bill must be submitted to the voters at the next statewide election to be held on November 3, 2009.

**LD 984      Resolve, To Establish a Pilot Program To Provide Greater Cooperation and Coordination between the University of Maine System and the Maine Community College System**

**RESOLVE 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-93

This resolve establishes a pilot program between the University of Maine System and the Maine Community College System, more specifically between the University of Southern Maine and Southern Maine Community College and between the University of Maine at Augusta and Kennebec Valley Community College, to provide a seamless process of going from an associate degree program at the community college onto a baccalaureate degree program at the university. The pilot program will be established after consultation with faculty from all 4 schools, along with a review of the majors at the schools. The program will be composed of students who take prescribed courses along with electives. After the first participating class graduates, the University of Maine System and the Maine Community College System will report back to the joint standing committee of the Legislature having jurisdiction over education matters on its assessment of the program and any recommendations.

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### **Committee Amendment "A" (S-93)**

This amendment strikes and replaces the resolve to clarify that the goals of the pilot program to be established by the Maine Community College System and the University of Maine System are to ensure that the pilot program is a student-centered model that provides a seamless pathway that supports student completion of an associate degree at a participating community college and a baccalaureate degree at a participating university. The amendment also provides that the Maine Community College System and the University of Maine System shall provide an interim report on the progress of the pilot program no later than January 1, 2010 to the Joint Standing Committee on Education and Cultural Affairs.

### **Enacted Law Summary**

Resolve 2009, chapter 28 establishes a pilot program between the Maine Community College System and the University of Maine System that provides a student-centered model that leads to a seamless pathway that supports student completion of an associate degree at a participating community college and a baccalaureate degree at a participating university. The Maine Community College System and the University of Maine System shall provide an interim report on the progress of the pilot program no later than January 1, 2010 to the Joint Standing Committee on Education and Cultural Affairs. Following the completion and graduation of the first participating class, the Maine Community College System and the University of Maine System will report back to the joint standing committee of the Legislature having jurisdiction over education matters on its assessment of the program and any recommendations.

**LD 1027      Resolve, To Examine Concepts and Competencies from Family and  
Consumer Science for Achieving Educational Goals**

**RESOLVE 105**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS J MARRACHE	ONTP MAJ OTP-AM MIN	H-462

This resolve directs the Department of Education to amend its rules concerning the system of learning results to add family and consumer science to be incorporated into the curriculum. The curriculum must include the subjects of foods and nutrition, consumer economics and resource management and family and human development. The Department of Education shall seek all available outside funding, including grants, to incorporate the requirements of this resolve.

### **Committee Amendment "A" (H-462)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It revises the directive to the Department of Education in the resolve, removing the requirement that the department's rules be amended to include family and consumer sciences in the system of learning results. Instead it directs the Commissioner of Education to bring together a working group to develop recommendations for the inclusion of family and consumer science concepts as performance indicators within the system of learning results.

### **Enacted Law Summary**

Resolve 2009, chapter 105 directs the Commissioner of Education to bring together a working group to develop recommendations for the inclusion of family and consumer science concepts as performance indicators within the system of learning results. The commissioner is directed to report to the Joint Standing Committee of Education and Cultural Affairs by letter or in person no later than April 1, 2010 to provide the names of people invited to participate in the working group and a brief work plan and timeline for the group.

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LD 1036    **An Act To Amend the Education Laws Regarding the State Board of  
Education's Degree-granting Authority, the Telecommunications  
Education Access Fund and Certain Definitions and Programs**

PUBLIC 274

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND ALFOND	OTP-AM	H-373

This bill accomplishes the following.

1. It repeals the definition of "financial definitions," "local allocation," "state allocation" and "state and local allocation" in the laws governing education.
2. It repeals a reference to the Maine State Commission for Higher Education Facilities.
3. It establishes the authority of the Commissioner of Education and the State Librarian to enter into contracts or order services on behalf of schools and libraries participating in the telecommunications education access fund and to take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.
4. It repeals the provision of law that provides that a superintendent of schools may appeal a school board's decision to discharge that superintendent and that requires the commissioner to hold a hearing as part of this appeal.
5. It clarifies that students in public preschool programs are included in the laws governing tuition charges for elementary school students.
6. It amends the definition of "degree" to include first professional and adds a definition of "coordinated program."
7. It provides that exemptions from degree-granting requirements granted to degree-granting institutions do not apply to those educational institutions that have specific undergraduate and graduate levels of degree-granting authority granted to them by the Legislature or the State Board of Education prior to September 18, 1981.
8. It provides clarification that the provision of law governing the merger, consolidation or reorganization of a degree-granting institution applies to a merger or consolidation of an educational institution with another external entity and that the provisions do not apply to the consolidation or reorganization of internal program entities within an educational institution.
9. It repeals the chapter of law that provides for teacher recognition grants, which no longer exist.
10. It repeals a definition of "teaching positions" that is no longer used.
11. It repeals the chapter of law that provides for innovative educational grants, which no longer exist as described in that chapter.

**Committee Amendment "A" (H-373)**

This amendment clarifies provisions regarding the authority of the State Board of Education to authorize additional degree-granting authority to an educational institution granted initial authority by the Legislature. It also removes the section of the bill that proposed repealing provisions for a superintendent to appeal a school board's decision to discharge the superintendent.

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## Enacted Law Summary

Public Law 2009, chapter 274 repeals several definitions in the laws governing education and a reference to the Maine State Commission for Higher Education Facilities. It establishes the authority of the Commissioner of Education and the State Librarian to enter into contracts or order services on behalf of schools and libraries participating in the telecommunications education access fund and to take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.

It clarifies that students in public preschool programs are included in the laws governing tuition charges for elementary school students. It clarifies provisions pertaining to degree-granting authority and the authority of the State Board of Education to authorize additional degree-granting authority to an educational institution granted initial authority by the Legislature. It clarifies that the provisions governing the merger, consolidation or reorganization of a degree-granting institution apply to a merger or consolidation of an educational institution with another external entity and that the provisions do not apply to the consolidation or reorganization of internal program entities within an educational institution for those educational institutions that have specific undergraduate and graduate levels of degree-granting authority granted to them by the Legislature or the State Board of Education prior to September 18, 1981.

It repeals the chapter of law that provides for teacher recognition grants, which no longer exist and repeals the chapter of law that provides for innovative educational grants, which no longer exist as described in that chapter.

**LD 1037     An Act To Require the Department of Education To Provide Certain Information to Individual Communities of Alternative Organizational Structures**

**ONTP**

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

This bill requires the Department of Education to provide a detailed accounting of the amount of subsidy that a municipality in an alternative organizational structure qualifies for under the Essential Programs and Services Funding Act to each municipality in the alternative organizational structure.

**LD 1049     An Act To Encourage Cooperation among School Administrative Units**

**PUBLIC 154  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND	OTP-AM	H-166

This bill provides for the formation of 20 regional education cooperatives. School administrative units established as of July 1, 2009 may voluntarily join a regional education cooperative of their choice, and each participating school administrative unit has a single representative to the cooperative board. The educational functions and support services to be provided by regional education cooperatives may include, but are not limited to:

1. Alternative education programs;
2. Special education programs or support services;

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3. Public preschool programs or 2-year kindergartens;
4. Gifted and talented education programs;
5. Online learning and distance education programs;
6. Postsecondary education options;
7. Adult education programs;
8. Purchasing or contracting for goods or services;
9. Staff training or professional development;
10. Technology or technology support services;
11. Accounting, payroll and financial management;
12. Transportation routing and vehicle maintenance;
13. Food service planning and purchasing; and
14. Energy management and facilities maintenance.

Participating school administrative units voluntarily choose which educational functions or support services they purchase from the regional education cooperative and contribute only for the costs of those educational functions or support services that they use. Savings achieved through the regional education cooperative accrue to the participating school administrative units, with a portion reserved for administrative costs of the regional education cooperative.

### **Committee Amendment "A" (H-166)**

This amendment removes the provisions in the bill that establish a limit of 20 cooperative agreements that may be in operation at any time. The amendment also provides that, if the Commissioner of Education finds that an application for a cooperative agreement contains the information required to be included in the application, the commissioner shall notify the school administrative units participating in the cooperative agreement that the application is approved, pending a ratification vote by each of the school boards of the participating school administrative units. The amendment further provides that, instead of requiring reapplication to the commissioner in addition to the vote as proposed in the bill, a cooperative agreement may be renewed upon a ratification vote to renew the cooperative agreement by each of the school boards of the participating school administrative units.

### **Enacted Law Summary**

Public Law 2009, chapter 154 provides for the formation of regional education cooperatives. School administrative units established as of July 1, 2009 may voluntary join a regional education cooperative of their choice, and each participating school administrative unit has a single representative to the cooperative board. The educational functions and support services to be provided by regional education cooperatives may include, but are not limited to:

1. Alternative education programs;
2. Special education programs or support services;
3. Public preschool programs or 2-year kindergartens;

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4. Gifted and talented education programs;
5. Online learning and distance education programs;
6. Postsecondary education options;
7. Adult education programs;
8. Purchasing or contracting for goods or services;
9. Staff training or professional development;
10. Technology or technology support services;
11. Accounting, payroll and financial management;
12. Transportation routing and vehicle maintenance;
13. Food service planning and purchasing; and
14. Energy management and facilities maintenance.

Participating school administrative units voluntarily choose which educational functions or support services they purchase from the regional education cooperative and contribute only for the costs of those educational functions or support services that they use. Savings achieved through the regional education cooperative accrue to the participating school administrative units, with a portion reserved for administrative costs of the regional education cooperative.

Public Law 2009, chapter 154 was enacted as an emergency measure effective May 18, 2009.

**LD 1068    An Act To Extend the Summer Tourism Season and Thereby Increase Sales Tax Revenues by Requiring that the School Year in Maine Begin After Labor Day**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	ONTP MAJ OTP-AM MIN	

This bill requires that the school year for Maine public schools and the fall semester for state universities and colleges not begin until after Labor Day of each year.

**Committee Amendment "A" (H-220)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It allows the Maine Maritime Academy to begin the fall semester before Labor Day. It also authorizes the Commissioner of Education to allow a school administrative unit to begin school before Labor Day if a harvest recess is proposed in that school administrative unit's school calendar. The amendment adds an appropriations and allocations section to the bill.

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**LD 1077      Resolve, To Establish the Commission To Establish The Maine Academy of Living Treasures**

**ONTP**

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

This resolve establishes the Commission To Study Establishing The Maine Academy of Living Treasures to review and establish the groundwork to institute the Maine Academy of Living Treasures to be composed of citizens from the State who exemplify the highest levels of skill and craft in the arts and humanities. The commission shall issue a report describing the types of recognition to be given to each member of the academy and academy member responsibilities to the Second Regular Session of the 124th Legislature.

**LD 1090      An Act To Provide a Waiver of the Tuition Remaining after the Application of Federal Department of Veterans Affairs Payments to Veterans Eligible for Benefits under the Post-9/11 Veterans Educational Assistance Act of 2008**

**PUBLIC 443**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX ALFOND	OTP-AM MAJ ONTP MIN	H-372 H-421 CORNELL DU HOUX

This bill qualifies a student who is an active member or veteran of the Armed Forces of the United States, regardless of the state of residence, for in-state tuition rates for first-time enrollment at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, including an enrollee who transfers from a postsecondary institution in another state with a similar provision.

**Committee Amendment "A" (H-372)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment incorporates a fiscal note.

**House Amendment "A" (H-421)**

This amendment provides the opportunity for the University of Maine System, the Maine Community College System and Maine Maritime Academy to receive the maximum possible funding from the federal Department of Veterans Affairs in support of the veterans who are eligible for benefits under the new Post-9/11 Veterans Educational Assistance Act of 2008.

**Enacted Law Summary**

Public Law 2009, chapter 443 qualifies a student who is an active member or veteran of the Armed Forces of the United States, regardless of the state of residence, for in-state tuition rates for first-time enrollment at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, including an enrollee who transfers from a postsecondary institution in another state with a similar provision. The law provides the opportunity for the University of Maine System, the Maine Community College System and Maine Maritime Academy to receive the maximum possible funding from the federal Department of Veterans Affairs in support of the veterans who are eligible for benefits under the new Post-9/11 Veterans Educational Assistance Act of

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2008.

**LD 1096 An Act To Protect School Children from Dangerous or Abusive Restraint and Seclusion**

**ACCEPTED ONTP  
REPORT**

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

This bill addresses the use of physical restraint or isolation. The bill amends the law that suspends civil liability for anyone in the educational system entrusted with the care or supervision of a person for special or limited purposes using a reasonable degree of force. The bill adds a provision that allows civil liability for an unreasonable degree of force evidenced by a violation of rules of the Department of Education regulating the use of time-out rooms, therapeutic restraints and aversive therapy. The bill also establishes a violation of such a rule as grounds for a due process hearing if the action is against a child with a disability. The bill further prohibits a physical restraint against a child with a disability in which the child's face contacts the floor while a person applies pressure to the child's back.

**LD 1097 An Act To Improve Alternative Organizational Structures by Requiring the Department of Education To Provide Them with Estimated Allocations**

**ONTP**

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

Current law requires the Commissioner of Education to notify a school board of the amount of school subsidy to be allocated to the school administrative unit. This bill requires the Commissioner of Education to also provide the governing body of alternative organizational structures with the computation and the amount of the allocation of school subsidy that the commissioner has estimated for the alternative organizational structure and each member entity in the alternative organizational structure.

**LD 1101 Resolve, To Understand and Assist in Efforts To Promote Science, Technology, Engineering and Math Education**

**RESOLVE 98**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-208

This resolve directs the Department of Education to collect information on science, technology, engineering and math initiatives in consultation with public and private partnerships, businesses, pilot projects and nonprofit and other organizations that are already working with science, technology, engineering and math issues by November 1, 2009. The department shall focus on finding ways to inspire young people in prekindergarten to grade 12 to become interested in the science, technology, engineering and math areas of education; to find funding sources; to encourage students to enter into the fields of science, technology, engineering and math; to raise the level of education in

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science, technology, engineering and math areas; and to integrate the information that the department collects into current curricula to avoid additional work for all involved. The Joint Standing Committee on Education and Cultural Affairs may submit legislation based on the Department of Education's report to the Second Regular Session of the 124th Legislature by February 1, 2010.

### **Committee Amendment "A" (S-208)**

This amendment provides the addition of the University of Maine System to assist the Department of Education in the collection of information on science, technology, engineering and math initiatives in consultation with public and private partnerships, businesses, pilot projects and nonprofit and other organizations that are already working with science, technology, engineering and math issues by November 1, 2009.

### **Enacted Law Summary**

Resolve 2009, chapter 98 directs the Department of Education, with the assistance of the University of Maine System, to collect information on science, technology, engineering and math initiatives in consultation with public and private partnerships, businesses, pilot projects and nonprofit and other organizations that are already working with science, technology, engineering and math issues by November 1, 2009. The department shall focus on finding ways to inspire young people in prekindergarten to grade 12 to become interested in the science, technology, engineering and math areas of education; to find funding sources; to encourage students to enter into the fields of science, technology, engineering and math; to raise the level of education in science, technology, engineering and math areas; and to integrate the information that the department collects into current curricula to avoid additional work for all involved. The Joint Standing Committee on Education and Cultural Affairs may submit legislation based on the Department of Education's report to the Second Regular Session of the 124th Legislature by February 1, 2010.

**LD 1104 An Act To Require the Convening of the Professional Standards Board**

**PUBLIC 157  
EMERGENCY**

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

The Professional Standards Board was established in 2005. The board has not met and the need for an advisory board for the State Board of Education has grown. This bill establishes a date for the board to be appointed by and a date for the board to convene.

### **Enacted Law Summary**

Public Law 2009, chapter 157 provides that all appointments to the Professional Standards Board established in the Maine Revised Statutes, Title 20-A, section 13101, subsection 1 must be made by July 1, 2009. The law further provides that the board shall convene no later than September 1, 2009.

Public Law 2009, chapter 157 was enacted as an emergency measure effective May 18, 2009.

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**LD 1105      Resolve, To Facilitate Training and Education on Dating Violence Prevention**

**RESOLVE 99**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER J ALFOND	OTP-AM MAJ ONTP MIN	H-323

This bill requires school administrative units, with the help of the Department of Education's model dating violence policy, to implement dating violence policies and provide dating violence training to school personnel and dating violence education to students from the 7th to the 12th grade. This bill also requires school administrative units to provide a copy of the unit's dating violence policy to school personnel and 7th to 12th grade students and to send notice of the policy to parents and legal guardians of 7th to 12th grade students and a copy of the policy upon request.

**Committee Amendment "A" (H-323)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. This amendment replaces the bill with a resolve. It requires the Department of Education to review its policies and rules regarding faculty training and student education on dating violence prevention for students in grades 7 to 12, and policies of the various school administrative units, and to report to the Joint Standing Committee on Education and Cultural Affairs by March 1, 2010 on the findings of its review.

**Enacted Law Summary**

Resolve 2009, chapter 99 requires the Department of Education to review its policies and rules regarding faculty training and student education on dating violence prevention for students in grades 7 to 12, and policies of the various school administrative units, and to report to the Joint Standing Committee on Education and Cultural Affairs by March 1, 2010 on the findings of its review.

**LD 1106      Resolve, To Establish a Schoolchildren's Well-being Stakeholder Group**

**ONTP**

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

This resolve requires the Department of Education and the Department of Health and Human Services to jointly convene a stakeholder group to identify options and alternatives to improve and maintain the nutritional well-being of schoolchildren. In particular, the focus of the stakeholder group will be to explore ways and make recommendations to address childhood behavioral disorders, attention-deficit and attention-deficit hyperactivity disorders, autism spectrum disorders and child obesity through nutritional strategies that include food choices and dietary supplementation. The departments will present the work of the stakeholder group to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services and may suggest legislation to the joint standing committees, which may in turn submit legislation to the Second Regular Session of the 124th Legislature.

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**LD 1126    An Act To Limit the Scope of Miscellaneous Costs within the General Purpose Aid for Local Schools Appropriation**

**PUBLIC 275**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-209

This bill amends the law concerning the various elements of the "miscellaneous costs" component of the general purpose aid for local schools appropriation, or GPA appropriation. The premise of the bill is that the GPA appropriation should be either a general purpose subsidy to local schools or a state expenditure that provides direct educational services to students who would otherwise be served by the State's public elementary or secondary schools. The bill eliminates the Commissioner of Education's authority to use GPA funds to pay the personnel costs for a range of state employees who work for the Department of Education and provide only indirect support to the public education system. The bill eliminates a similar authority to use GPA funds to pay for the personnel costs of 3 teachers employed by the Department of Corrections. The bill also eliminates the authority to use GPA funds to pay for general education research conducted by the University of Maine, but it retains the authority to use GPA funds to cover a contract with the university to monitor and update the essential programs and services school funding model.

**Committee Amendment "A" (S-209)**

This amendment replaces the bill to incorporate changes in the law concerning the Commissioner of Education's funding level recommendations and the Governors recommendations for the annual appropriation to the General Purpose Aid for Local Schools program in the state budget. The amendment requires that the amounts appropriated for certain components of the Essential Programs and Services Funding Act that are proposed in any state budget must be shown in a sufficiently detailed and transparent form and manner to permit the Legislature and the citizens of the State to identify the changes in proposed funding for the components of the Essential Programs and Services Funding Act from the proposed budget without need for reference to other documents or explanations.

**Enacted Law Summary**

Public Law 2009, chapter 275 incorporates changes in the law concerning the Commissioner of Education's funding level recommendations and the Governor's recommendations for the annual appropriation to the General Purpose Aid for Local Schools program in the state budget. The law requires that the amounts appropriated for the adjustments and miscellaneous costs components of the Essential Programs and Services Funding Act that are proposed in any state budget must be shown in a sufficiently detailed and transparent form and manner to permit the Legislature and the citizens of the State to identify the changes in proposed funding for the components of the Essential Programs and Services Funding Act from the proposed budget without need for reference to other documents or explanations.

**LD 1129    An Act To Permit Efficient School Districts To Opt Out of Consolidation**

**ONTP**

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

This bill authorizes a school administrative unit to submit an alternative plan when the school unit spends less on kindergarten to grade 12 education than its total operating allocation under the Essential Programs and Services Funding Act for fiscal year 2008-09. This bill also eliminates penalties that would otherwise apply to such school

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administrative units.

**LD 1140    Resolve, Directing the Department of Education and the Department of Agriculture, Food and Rural Resources To Convene a Work Group To Strengthen Farm-to-school Efforts in the State**

**RESOLVE 106  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE RAYE	OTP-AM MAJ ONTP MIN	H-461

This resolve requires the Department of Education and the Department of Agriculture, Food and Rural Resources to convene a work group consisting of agencies, groups and organizations involved in supporting Maine agriculture, public health, the environment and the Maine economy to study farm-to-school initiatives and programs in the State and develop recommendations for strengthening farm-to-school efforts in the State.

**Committee Amendment "A" (H-461)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It directs the Department of Health and Human Services along with the Department of Education and the Department of Agriculture, Food, and Rural Resources to convene a work group. It removes the Department of Health and Human Services from the list of participants as the department will be in a leadership role with the other 2 departments. It also modifies the list of those invited to participate.

**Enacted Law Summary**

Resolve 2009, chapter 106 requires the Department of Education, the Department of Health and Human Services, and the Department of Agriculture, Food and Rural Resources to convene a work group consisting of agencies, groups and organizations involved in supporting Maine agriculture, public health, the environment and the Maine economy to study farm-to-school initiatives and programs in the State and develop recommendations for strengthening farm-to-school efforts in the State. The departments are to report to the Joint Standing Committee on Education and Cultural Affairs, the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Health and Human Services by February 1, 2010 with recommendations for strengthening farm-to-school initiatives and programs.

Resolve 2009, chapter 106 was finally passed as an emergency measure effective June 9, 2009.

**LD 1141    An Act To Add a Member from Castine to the Board of Trustees of the Maine Maritime Academy**

**ONTP**

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

This bill increases the number of trustees on the Board of Trustees of the Maine Maritime Academy from 16 to 17 and the number of trustees who must be Maine residents from 11 to 12. It also requires that the Governor choose one trustee of the 17 from a list of 3 candidates recommended by the Town of Castine Board of Selectmen.

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**LD 1160     An Act To Prohibit a Person from Being Hired in a School Administrative Unit in a Position for Which a Relative Serves in a Supervisory Capacity** **ONTP**

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

This bill prohibits a person from being hired as an employee of a school administrative unit for a position for which that person's spouse, child, parent or sibling or the spouse of the person's child or sibling serves in a supervisory capacity with respect to the person.

**LD 1161     An Act To Require That Universities within the University of Maine System Accept Credits Earned at Other Universities within the System** **ONTP**

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

This bill amends the charter of the University of Maine System to require that a campus of the University of Maine System accept credits earned at another campus of the University of Maine System.

**LD 1162     An Act To Amend the Laws Governing Teacher Certification Interns** **ONTP**

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

This bill prohibits a school administrative unit from accepting placement of a teaching intern who is, at the time of the internship, enrolled in more than one course in an academic teaching program.

**LD 1163     Resolve, To Reduce Childhood Obesity in Schools by Adding to the Physical Education Curriculum** **ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON ALFOND	ONTP MAJ OTP-AM MIN	

This resolve directs the Commissioner of Education to incorporate the principles of the "5-2-1-0 Goes to School" program into a statewide program in the public schools physical education curriculum. The "5-2-1-0 Goes to School" program, the school component of a community-based initiative to promote healthy lifestyle choices, began

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as a pilot project launched by the Barbara Bush Children's Hospital at Maine Medical Center in 9 schools in York County. It now includes 12 communities and is aimed at promoting healthy eating and physical activity in the school environment. The program emphasizes better nutritional choices and more activity.

**LD 1178      Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State, and Local Accountability Standards, a Major Substantive Rule of the Department of Education**

**RESOLVE 117  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 131: The Maine Federal, State, and Local Accountability Standards, a major substantive rule of the Department of Education.

**Enacted Law Summary**

Resolve 2009, chapter 117 provides that final adoption of portions of Chapter 131: The Maine Federal, State, and Local Accountability Standards, a major substantive rule of the Department of Education, is authorized.  
Resolve 2009, chapter 117 was finally passed as an emergency measure effective June 9, 2009.

**LD 1191      An Act To Improve Teacher Confidentiality Laws**

**PUBLIC 331**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-267

This bill permits access to confidential information on denials, revocations and suspensions of teacher certification to the extent that the information is needed by a national association of state directors of teacher education and certification, in aid of an investigation by other jurisdictions investigating qualifications for certification or considering reciprocal disciplinary action or by law enforcement agencies in aid of an investigation. The bill also authorizes the Department of Education to disseminate as public information statistical summaries of complaints and dispositions as long as the dissemination does not jeopardize the confidentiality of individually identifiable information.

**Committee Amendment "A" (S-267)**

This amendment provides that the confidentiality provisions of the bill apply to applicants for certification, authorization or approval under the Maine Revised Statutes, Title 20-A, chapters 501 and 502.

**Enacted Law Summary**

Public Law 2009, chapter 331 permits access to confidential information on denials, revocations and suspensions of teacher certification to the extent that the information is needed by a national association of state directors of teacher education and certification, in aid of an investigation by other jurisdictions investigating qualifications for certification or considering reciprocal disciplinary action or by law enforcement agencies in aid of an investigation. The law also authorizes the Department of Education to disseminate as public information statistical summaries of complaints and dispositions as long as the dissemination does not jeopardize the confidentiality of individually

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identifiable information. The access to confidentiality information permitted by this law applies to applicants for certification, authorization or approval under the Maine Revised Statutes, Title 20-A, chapters 501 and 502.

**LD 1203      An Act To Allow Certain School Units To Reorganize without Meeting Minimum Student Population Requirements without Being Penalized      ONTP**

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

This bill authorizes school administrative units to submit alternative plans in situations when they have been unsuccessful in reorganizing into a regional school unit that meets minimum student population requirements. This bill also eliminates penalties that would otherwise apply to such school administrative units.

**LD 1221      An Act To Remove the Local Requirement for Education Funding      ONTP**

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

This bill provides that if a school administrative unit adopts a credible budget that is below the maximum state and local spending target under the Essential Programs and Services Funding Act the school administrative unit's required contribution must be reduced by the amount of the savings.

**LD 1225      Resolve, To Review the Adjustments in the School Funding Formula Related to School Administrative Units That Are Eligible for the Minimum State Share of Their Total Allocation      RESOLVE 95**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON	OTP-AM	H-404

This bill provides that a school administrative unit that is eligible for the minimum state share of its total allocation under the Essential Programs and Services Funding Act may also be eligible for an additional adjustment when the school administrative unit meets certain eligibility criteria for an economically disadvantaged school administrative unit:

1. The local median household income of each municipality in the school administrative unit is less than the statewide median household income; and
2. At least 30% of the students in the school administrative unit are economically disadvantaged students as calculated pursuant to the Maine Revised Statutes, Title 20-A, section 15675, subsection 2.

A school administrative unit that meets these eligibility criteria must receive an additional adjustment to the state share of its total allocation.

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**Committee Amendment "A" (H-404)**

This amendment replaces the emergency bill with a nonemergency resolve that directs the Education Research Institute to include a targeted research project in the fiscal year 2009-10 work plan. The amendment provides that the project agreement with the Education Research Institute must include a project to address the impact of the adjustments in the school funding formula related to school administrative units that are eligible for the minimum state share of their total allocation. Following receipt of the report from the Maine Education Policy Research Institute, the Joint Standing Committee on Education and Cultural Affairs may report out legislation to the Second Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 95 directs the Education Research Institute to include a targeted research project in the fiscal year 2009-10 work plan. The resolve provides that the project agreement with the Education Research Institute must include a project to address the impact of the adjustments in the school funding formula related to school administrative units that are eligible for the minimum state share of their total allocation. The resolve also provides that, following receipt of the report from the Maine Education Policy Research Institute, the Joint Standing Committee on Education and Cultural Affairs may report out legislation to the Second Regular Session of the 124th Legislature.

**LD 1226    An Act To Eliminate the Opt-out Penalty for Consolidation of Schools if a School Administrative Unit Forms an Alternative Organizational Structure** **ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H	ONTP MAJ OTP-AM MIN	

This bill authorizes school administrative units to submit alternative plans if they have formed alternative organizational structures but have not approved a school reorganization plan. This bill also eliminates penalties that would otherwise apply to such school administrative units.

**LD 1227    An Act To Equalize the Regional Salary Cost Index under the School Funding Formula** **ONTP**

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

This bill requires that, beginning in fiscal year 2010-11, the regional adjustment to the salary and benefits costs of teachers and other school personnel that is based on labor market areas in the State must be 1.0 for all labor market areas in the State.

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**LD 1277      Resolve, To Encourage Alternative Compensation Models for Teachers and School Administrators**

**RESOLVE 109**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-268

This bill requires the Department of Education to review models for performance-based pay and bonuses for teachers, principals and superintendents and to adopt rules authorizing school administrative units to use a performance-based pay model for the remuneration of teachers beginning in school year 2010.

**Committee Amendment "A" (S-268)**

This amendment replaces the bill with a resolve to direct the Department of Education to apply for federal grant funds from the federal Teacher Incentive Fund on behalf of interested school administrative units in the State for the purpose of establishing a state-based alternative compensation grant program.

**Enacted Law Summary**

Resolve 2009, chapter 109 directs the Department of Education to apply for federal grant funds from the federal Teacher Incentive Fund on behalf of interested school administrative units in the State for the purpose of establishing a state-based, alternative compensation grant program.

**LD 1280      Resolve, To Provide a Program Model for Children with Autism Spectrum Disorder**

**RESOLVE 100**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	S-210

This bill directs the Department of Education to develop a program model for children with autism spectrum disorder to be used statewide in elementary and secondary schools and submit its report to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2009.

**Committee Amendment "A" (S-210)**

This amendment replaces the resolve and directs the Department of Education to convene a work group with broad stakeholder representation, including parents, to conduct a study of educational services for children with autism and other pervasive developmental disorders. The Department of Education is directed to submit a report, including the findings and recommendations from the work group, to the Joint Standing Committee on Education and Cultural Affairs by January 29, 2010.

**Enacted Law Summary**

Resolve 2009, chapter 100 directs the Department of Education to convene a work group with broad stakeholder representation, including parents, to conduct a study of educational services for children with autism and other pervasive developmental disorders. The Department of Education is directed to submit a report, including the findings and recommendations from the work group, to the Joint Standing Committee on Education and Cultural Affairs by January 29, 2010.

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**LD 1283 An Act To Reform the School Budget Validation Process**

**ONTP**

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

This bill amends the school budget approval process by allowing a budget to be approved at a school board meeting rather than a district-wide meeting, and then go directly to referendum vote. The bill also changes slightly the wording on the required referendum if a school budget exceeds the maximum state and local spending target.

**LD 1287 An Act To Amend the Laws Governing Consolidation of School Administrative Units To Eliminate Penalties, Establish Incentives and Allow Alternative Voting Procedures for Budgets**

**ONTP**

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

This bill makes several technical and substantive changes to the laws governing the consolidation of school administrative units enacted in 2007 and amended in 2008. The bill converts the penalty system in the current law, which establishes a financial penalty to be applied to those school systems that fail to consolidate if required to, into a financial incentive system that provides a reduced local effort requirement for those school systems that achieve the required consolidation during the first 3 years. The bill also authorizes regional school units to establish a school budget adoption system that is an alternative to the current budget validation referendum process. The alternative system, if approved by the voters of the regional school unit at referendum, would allow the budget to be approved by the voters directly at referendum rather than go through the multi-step approval process whereby the budget needs to be adopted by several local votes in succession. The bill also makes several technical amendments, including:

1. Adding a cross-reference that was inadvertently omitted in existing law so that the towns within any community school districts or school administrative districts that may exist in the future can commit their taxes in the circumstance of a prolonged failure to adopt a school budget, just as is currently available to municipal schools and regional school units; and
2. Clarifying the procedures to be followed during a school budget referendum vote regarding the display of informational material in the polling place and the voting booth.

**LD 1295 An Act To Establish the Middle School of Science and Mathematics**

**ONTP**

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

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This bill establishes the Middle School of Science and Mathematics as a public chartered school located on the Blue Hill peninsula to provide students with a challenging educational experience with an emphasis on math and science.

**LD 1297    Resolve, To Review Changing the Duties of the State Board of Education**

**RESOLVE 140  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-478 S-339 BARTLETT

This bill dissolves the State Board of Education on July 1, 2010, and directs the Department of Education to study and recommend legislation to transfer the powers and duties of the board to other agencies in anticipation of the dissolution.

**Committee Amendment "A" (H-478)**

This amendment replaces the bill with a resolve to establish a stakeholder group to review the role of the State Board of Education and submit a report and recommendations to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2009. The Joint Standing Committee on Education and Cultural Affairs may introduce legislation to the Second Regular Session of the 124th Legislature. The amendment also changes the bill title and incorporates an emergency preamble and an emergency clause.

**Senate Amendment "B" To Committee Amendment "A" (S-339)**

This amendment adds 2 additional legislative members to the stakeholder group and clarifies that the President of the Senate and the Speaker of the House are to appoint all members of the stakeholder group and that the first appointed members of the Senate and the House of Representatives are to serve as co-chairs of the stakeholder group. This amendment specifies that the representatives of the Department of Education and the State Board of Education are the commissioner and the chair, respectively, or their designees.

**Enacted Law Summary**

Resolve 2009, chapter 140 establishes a stakeholder group to review the role of the State Board of Education and submit a report and recommendations to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2009. The Joint Standing Committee on Education and Cultural Affairs may introduce legislation to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 140 was finally passed as an emergency measure effective June 19, 2009.

**LD 1298    An Act To Adjust the Special Education Funding for Minimum Subsidy Receivers**

**ONTP**

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

This bill adjusts the subsidy for special education for those school administrative units that are minimum receivers of state subsidy by reducing the transition percentage for special education costs to 25%.

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LD 1299 An Act To Streamline the Fingerprinting Process

ONTP

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

This bill amends current law to allow the fingerprints of a teacher, an educational personnel applicant pursuant to the Maine Revised Statutes, Title 20-A, section 6103 and an applicant for a license for a family foster home to be taken by the sheriffs and chiefs of police in each of the cities and towns. The bill also requires that the sheriffs and chiefs of police be paid for the expenses they incur in fingerprinting an applicant for a license for a family foster home and be reimbursed for the expenses they incur in fingerprinting a teacher or educational personnel applicant from the Criminal History Record Check Fund.

LD 1300 Resolve, To Create a Working Group on the Prevention, Diagnosis and Treatment of Concussive Head Injuries in Student-athletes

RESOLVE 79

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOSTIE HOBBINS	OTP-AM	H-319

This bill requires the Commissioner of Education and the Director of the Maine Center for Disease Control and Prevention in the Department of Health and Human Services to develop jointly a program for the prevention, diagnosis and treatment of head and neck injuries for participants in extracurricular activities in all schools. A coach or other person in charge of students engaged in an athletic activity is required to complete the program, which includes training in recognizing head injuries. A student who suffers a loss of consciousness or a concussion during a practice or competition is prohibited from participating further in an extracurricular athletic activity until the student receives authorization from a physician.

### Committee Amendment "A" (H-319)

This amendment replaces the bill with a resolve directing the Commissioner of Education to establish a working group on the prevention, diagnosis and treatment of concussive head injuries in student-athletes. The commissioner is required to report the findings and recommendations of the working group to the Joint Standing Committee on Education and Cultural Affairs by March 1, 2010 and the committee is authorized to submit a bill to the Legislature on the issue of concussive head injuries in student-athletes following receipt of the report.

### Enacted Law Summary

Resolve 2009, chapter 79 directs the Commissioner of Education to establish a working group on the prevention, diagnosis and treatment of concussive head injuries in student-athletes. The commissioner is required to report the findings and recommendations of the working group to the Joint Standing Committee on Education and Cultural Affairs by March 1, 2010 and the committee is authorized to submit a bill to the Legislature on the issue of concussive head injuries in student-athletes following receipt of the report.

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**LD 1319 An Act To Provide Collective Bargaining Protections for Alternative Organizational Structure Employees**

**ONTP**

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

This bill adds provisions to the school reorganization laws regarding employment and collective bargaining for school units that reorganize as alternative organizational structures and that decide to consolidate employment at the alternative organizational structure level to perform services, programs and functions in addition to administration of those services. These provisions are modeled on similar provisions in the laws that apply to regional school units, which were omitted from the portion of the laws that apply to alternative organizational structures. The bill also adds similar employment and collective bargaining provisions for employees of school unions who are now represented by a bargaining agent, which were also omitted from the school reorganization laws.

**LD 1323 An Act To Control the Costs of College Textbooks**

**ONTP**

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

This bill requires publishers of textbooks and other instructional materials that are provided for use in postsecondary educational institutions in the State to disclose, upon the request of a faculty or staff member, the price of the instructional materials prior to the completion of such orders for instructional materials for a given course. The bill prohibits the practice of bundling, which requires a student purchasing college textbooks and required instructional materials to also purchase other supplemental items that are not required for a given course. The bill also requires postsecondary educational institutions in the State to establish a code of ethics and practice standards for faculty, staff and vendors who order textbooks and other instructional materials.

**LD 1324 An Act To Adopt the Interstate Compact on Educational Opportunity for Military Children**

**PUBLIC 409**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT J MILLS P	OTP-AM	H-318

This bill enacts the Interstate Compact on Educational Opportunity for Military Children.

**Committee Amendment "A" (H-318)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2009, chapter 409 enacts the Interstate Compact on Educational Opportunity for Military Children. The

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interstate compact establishes provisions to facilitate the transition of a child of a military family that transfers from a school in one member state to a school in another member state. The law includes articles for the interstate compact that address the following.

1. Educational records and enrollment;
2. Course placement and educational program placement;
3. Eligibility for participation in extracurricular activities;
4. Procedures to facilitate on-time graduation;
5. Establishment of a state council to coordinate activities of the state education agency, local education agencies and military installations related to the interstate compact provisions;
6. Establishment of the Interstate Commission on Educational Opportunity for Military Children, including member state participation in the interstate commission; and
7. Oversight, enforcement and dispute resolution provisions.

### LD 1325 An Act Regarding Curriculum Requirements and Standards for Awarding a High School Diploma

PUBLIC 313

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND MITCHELL E	OTP-AM	H-512

This bill amends standards for student assessment, basic school approval, the elementary, middle and secondary courses of study, the comprehensive program of study for the high school diploma and the Department of Education diploma in order to more fully implement the parameters for essential instruction and graduation requirements.

#### Committee Amendment "A" (H-512)

This amendment accomplishes the following.

1. It amends the provision that elementary and secondary schools provide students with opportunities for learning in multiple pathways by removing the requirement that schools may include opportunities to accelerate learning to meet the needs of individual students and by reinstating the provision that instruction for individual students may include instruction for gifted and talented students.
2. It removes the requirements that secondary schools and junior high schools or middle schools must develop and maintain a personal learning plan for each student.
3. It amends the provision that secondary school students may demonstrate achievement of the parameters for essential instruction and graduation requirements based on evidence documented by course and learning experiences using multiple measures by removing the requirements that student achievement must be based on state-level supported assessments established by the Department of Education or by state-developed rubrics or locally developed rubrics approved by the department.
4. It removes the requirements for transition to a standards-based diploma, including the provisions that a diploma may only be awarded for credit earned in the 4 content areas of English language arts, mathematics, science and

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technology and social studies and for selecting one other area of the 3 content areas of health education and physical education, visual and performing arts or world languages. It also removes the application provision that stated that only a standards-based diploma may be awarded for high school students graduating in 2016 and thereafter.

5. It reinstates the provision in current law that career and technical students may satisfy the 2nd-year math and science, the 2nd-year social studies and the fine arts requirements through separate or integrated study within the career and technical school curriculum, but it removes the provision that all students are deemed to meet the standards in career and education development through integrated learning experiences and activities conducted in other content areas.

6. It removes the transition provision that directed the Department of Education to convene a representative group of stakeholders to further examine the types of assessments and rubrics that can be developed to measure student achievement in all 8 content areas included in the parameters for essential instruction.

7. It directs the Commissioner of Education to convene a work group to develop requirements for awarding high school diplomas that permit school administrative units to award a high school diploma based on standards, credits or a combination of standards and credits. The Commissioner of Education shall present a report to the Joint Standing Committee on Education and Cultural Affairs no later than January 29, 2010. The Joint Standing Committee on Education and Cultural Affairs may report out legislation to the Second Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Public Law 2009, chapter 313 accomplishes the following.

1. It provides that elementary and secondary schools shall provide students with opportunities for learning in multiple pathways that may include the following: career and technical education, alternative education programs, apprenticeships, career academies, advanced placements, online courses, adult education, dual enrollment, or gifted and talented programs.
2. It provides that secondary school students may demonstrate achievement of the parameters for essential instruction and graduation requirements based on evidence documented by course and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions and projects.
3. It provides that school administrative units shall, by the 2012-2013 school year, develop and implement a system of interventions for kindergarten to grade 12 that provide each student who is not progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements with different learning experiences or assistance to achieve the standard.
4. It clarifies the basic course of study for junior high schools or middle schools.
5. It repeals outdated provisions and timelines for implementation and makes a number of corrections to cross references to the statutory provisions related to the parameters of essential instruction.
6. It directs the Commissioner of Education to convene a work group to develop requirements for awarding high school diplomas that permit school administrative units to award a high school diploma based on standards, credits or a combination of standards and credits. It also directs the Commissioner of Education to present a report to the Joint Standing Committee on Education and Cultural Affairs no later than January 29, 2010 and provides that the Joint Standing Committee on Education and Cultural Affairs may report out legislation to the Second Regular Session of the 124th Legislature.

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LD 1336 An Act To Preserve School Choice Rights

ONTP

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

This bill clarifies the obligation and financial responsibility of regional school unit boards of directors for preserving the opportunities for choice of schools for students who reside in a municipality in a regional school unit that was a previous education unit that sent students to another school administrative unit. The bill provides that when one or more member municipalities continue to send students to a school outside of the new regional school unit, the regional school unit is responsible for the tuition expenses for the students who are educated outside of the regional school unit.

LD 1356 An Act To Improve the Ability of the Department of Education To Conduct Longitudinal Data Studies

PUBLIC 448

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-301 S-345 DIAMOND

This bill requires the Department of Education to develop and maintain the Maine Statewide Longitudinal Data System. The purpose of this system is to improve the ability of the Department of Education to conduct longitudinal data studies by permitting the use of student social security numbers for the tracking of individual student enrollment history and achievement data over time. Data must be collected and used in compliance with the federal Family Educational Rights and Privacy Act of 1974.

**Committee Amendment "A" (S-301)**

This amendment replaces the bill. The amendment accomplishes the following.

1. It reallocates the provisions establishing the Maine Statewide Longitudinal Data System from the Maine Revised Statutes, Title 20-A, chapter 606-B to chapter 221, subchapter 1, which pertains to student records.
2. It provides that if the Commissioner of Education requires a school administrative unit to collect and report individual social security numbers, that the school administrative unit must notify parents in the annual notice required under the federal Family Educational Rights and Privacy Act of 1974, "FERPA," that the data is being collected and used for longitudinal data purposes and that the school administrative unit requests that the parent provides written consent to use the child's social security number for the collection of longitudinal data for the parent's child.
3. It provides that the parental notification must include an explanation of the parent's right that the child's social security number is not required as a condition of enrollment and that the child's social security number may not be used for longitudinal data purposes unless the parent provides prior written consent. It also provides that when a student attains 18 years of age, the written consent required of the parent, and the rights accorded to the parent, are thereafter required of and accorded to the student.

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4. It clarifies that personally identifiable information contained in an educational record that is not directory information as defined by FERPA may only be released to other state agencies and postsecondary education institutions under a signed memorandum of understanding in compliance with FERPA.

5. It directs the Commissioner of Education to send an administrative letter to superintendents, principals and school counselors on the establishment of the Maine Statewide Longitudinal Data System, including suggested language to be included in the annual notice to parents required under FERPA that explains a parent's right that the child's social security number is not required as a condition of enrollment and that the child's social security number may not be used for the purposes of the Maine Statewide Longitudinal Data System unless the parent provides prior written consent.

### **Senate Amendment "A" To Committee Amendment "A" (S-345)**

This amendment provides that the Commissioner of Education may not require school administrative units to collect and report individual student social security numbers unless additional federal funding is received to expand the department's current kindergarten to grade 12 longitudinal data system to a statewide system.

### **Enacted Law Summary**

Public Law 2009, chapter 448 requires the Department of Education to develop and maintain the Maine Statewide Longitudinal Data System. The purpose of the system is to improve the ability of the Department of Education to conduct longitudinal data studies by permitting the use of student social security numbers for the tracking of individual student enrollment history and achievement data over time. Data must be collected and used in compliance with the federal Family Educational Rights and Privacy Act of 1974. The law accomplishes the following.

1. It provides that if the Commissioner of Education requires a school administrative unit to collect and report individual social security numbers, that the school administrative unit must notify parents in the annual notice required under the federal Family Educational Rights and Privacy Act of 1974, "FERPA," that the data is being collected and used for longitudinal data purposes and that the school administrative unit requests that the parent provides written consent to use the child's social security number for the collection of longitudinal data for the parent's child.

2. It provides that the parental notification must include an explanation of the parent's right that the child's social security number is not required as a condition of enrollment and that the child's social security number may not be used for longitudinal data purposes unless the parent provides prior written consent. It also provides that when a student attains 18 years of age, the written consent required of the parent, and the rights accorded to the parent, are thereafter required of and accorded to the student.

3. It clarifies that personally identifiable information contained in an educational record that is not directory information as defined by FERPA may only be released to other state agencies and postsecondary education institutions under a signed memorandum of understanding in compliance with FERPA.

4. It directs the Commissioner of Education to send an administrative letter to superintendents, principals and school counselors on the establishment of the Maine Statewide Longitudinal Data System, including suggested language to be included in the annual notice to parents required under FERPA that explains a parent's right that the child's social security number is not required as a condition of enrollment and that the child's social security number may not be used for the purposes of the Maine Statewide Longitudinal Data System unless the parent provides prior written consent.

5. It provides that the Commissioner of Education may not require school administrative units to collect and report

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individual student social security numbers unless additional federal funding is received to expand the department's current kindergarten to grade 12 longitudinal data system to a statewide system.

LD 1362 An Act To Create a Unified Board of Higher Education

ACCEPTED ONTP  
REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO BOWMAN	ONTP MAJ OTP MIN	

This bill replaces the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy with the Board of Trustees of Higher Education to provide a unified body for the governance of those institutions.

Part A makes changes to the law to replace some select references to the individual boards of trustees with the unified board and enacts a new chapter in the Maine Revised Statutes, Title 20-A, with provisions that establish the new unified board.

Part B establishes a transition team to recommend further changes to the law to fully accomplish the transition to the unified board. The transition team will specifically recommend changes to determine the qualifications of trustees and the powers and duties of the unified board in a report to the Joint Standing Committee on Education and Cultural Affairs. The report of the transition team must also recommend changes to the administration or organization and the existing law governing the University of Maine System, the Maine Maritime Academy and the Maine Community College System to ensure that any potential conflicts with the law establishing the new unified board are avoided. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 124th Legislature based upon the report.

LD 1407 An Act To Assess the Physical Education Capacity of Elementary Schools in Maine and To Establish the Obesity and Chronic Disease Fund within the Department of Education

PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY MILLS P	OTP-AM MAJ ONTP MIN	H-343

This bill:

1. Creates the Physical Education Program, which encourages elementary schools to implement a vigorous physical activity and physical education program involving equipment, teacher training and student physical assessments;
2. Requires evaluation standards for the Physical Education Program including evaluation of the infrastructure and content of the physical education curriculum of each elementary school in the program and the impact of this curriculum on the school's students and requires the Commissioner of Education to make a statewide assessment of the needs of elementary schools to meet the requirements of the program;
3. Establishes the Obesity and Chronic Disease Fund under the administration of the Department of Health and Human Services to fund the Physical Education Program including equipment, staff training and personnel expenses

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of the schools to implement the program and to provide funds for obesity prevention and promoting healthy school environments; and

4. Requires the Commissioner of Education to explore federal and other funding resources to fund the program.

### **Committee Amendment "A" (H-343)**

This amendment, which is the majority report of the Joint Standing Committee on Education and Cultural Affairs, replaces the bill. The amendment preserves provisions in the bill that require the Commissioner of Education to conduct an assessment of the physical education capacities of elementary schools in the State using a survey or sampling methodology and to report on that assessment to the Joint Standing Committee on Education and Cultural Affairs by February 1, 2010. The amendment also preserves provisions in the bill that establish the Obesity and Chronic Disease Fund, although the fund is transferred by this amendment from the Department of Health and Human Services to the Department of Education. This amendment does not appropriate any funds to the Obesity and Chronic Disease Fund, but expressly allows the fund to receive public or private funds or income from other sources. The Commissioner of Education is not authorized, however, to make any expenditures from the fund prior to July 1, 2010.

The amendment also authorizes the Joint Standing Committee on Education and Cultural Affairs to submit a bill to the Second Regular Session of the 124th Legislature pertaining to physical education in elementary schools in the State after receipt of the assessment of the physical education capacity of elementary schools.

### **Enacted Law Summary**

Public Law 2009, chapter 264 requires the Commissioner of Education to conduct an assessment of the physical education capacities of elementary schools in the State using a survey or sampling methodology and to report on that assessment to the Joint Standing Committee on Education and Cultural Affairs by February 1, 2010. The law also establishes the Obesity and Chronic Disease Fund within the Department of Education to receive public or private funds or income from other sources; however, the Commissioner of Education is not authorized to make any expenditures from the fund prior to July 1, 2010. The law authorizes the Joint Standing Committee on Education and Cultural Affairs to submit a bill to the Second Regular Session of the 124th Legislature pertaining to physical education in elementary schools in the State after receipt of the assessment of the physical education capacity of elementary schools.

### **LD 1414    An Act To Amend the Laws Governing Spending by School Administrative Units**

**ONTP**

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

This bill allows a school administrative unit to exceed its maximum state and local spending target under the Essential Programs and Services Funding Act by the higher of 5% over the state and local spending target or an amount equal to the unit's previous year's budget multiplied by the rate of growth of the current year's maximum state and local spending target over the previous year's maximum state and local spending target without having to have the amount approved by referendum. This bill creates new referendum language for a school administrative unit that exceeds its maximum state and local spending target.

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**LD 1415    Resolve, To Promote Partnerships between the University of Maine System and the Maine Business Community**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVEJOY ALFOND	OTP-AM	H-483

This resolve directs the University of Maine System and the Department of Economic and Community Development to develop a pilot project to provide financial support for developing partnerships between the University of Maine System and Maine's business community and to provide assistance to Maine's business community in developing the skills and expertise needed for Maine's future economic growth.

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

This amendment identifies a funding source and specifies that \$40,000 must be allocated to each campus of the University of Maine System in order to implement the pilot project to support the development of partnerships between the University of Maine System and Maine's business community and to provide assistance to Maine's business community in developing the skills and expertise needed for Maine's future economic growth. The amendment also provides that the University of Maine System and the Department of Economic and Community Development shall submit an evaluation of the pilot project to the Legislature by January 15, 2014 instead of 2012 as proposed in the resolve. The amendment also adds an appropriations and allocations section to the resolve.

**LD 1438    An Act To Permit Charter Schools in Maine**

**DIED BETWEEN  
HOUSES**

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

This bill establishes a process to authorize the establishment of charter schools in the State.

**LD 1443    An Act To Support the Center of Excellence for At-risk Students**

**PUBLIC 296  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-211

This bill establishes the Center of Excellence for At-risk Students to provide a comprehensive, on-site course of instruction for youth at risk of failing or dropping out of school. The center must include a high-quality education, training for parents and public school teachers and research involving education for at-risk youth. The center may be administered by a private, nonprofit charitable corporation organized for educational

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purposes with oversight by the Commissioner of Education and will accept transfers of at-risk public school students. The center will be funded from the Department of Education's allocation for kindergarten to grade 12 education from General Fund revenue sources. The bill directs the Department of Education to arrange with the Good Will-Hinckley school to educate up to 80 students in the 2009-2010 school year and up to 150 students in the 2010-2011 school year.

### **Committee Amendment "A" (S-211)**

This amendment strikes the language in the bill regarding funding and the timeline for implementing the establishment of the Center of Excellence for At-risk Students and inserts provisions directing the Commissioner of Education and the Chief Executive Officer of the Good Will-Hinckley school to jointly develop a plan for funding and a timeline for establishing an approved program for the center. The funding plan and proposed timeline for establishing the center must be transmitted to the Joint Standing Committee on Education and Cultural Affairs, which may introduce any necessary legislation to the Second Regular Session of the 124th Legislature to accomplish these plans. The amendment also provides that rules established for the center are major substantive rules.

### **Enacted Law Summary**

Public Law 2009, chapter 296 establishes the Center of Excellence for At-risk Students to provide a comprehensive, on-site course of instruction for youth at risk of failing or dropping out of school. The center must include a high-quality education, training for parents and public school teachers and research involving education for at-risk youth. The center may be administered by a private, nonprofit charitable corporation organized for educational purposes with oversight by the Commissioner of Education and will accept transfers of at-risk public school students.

The law also directs the Commissioner of Education and the Chief Executive Officer of the Good Will-Hinckley school to jointly develop a plan for funding and a timeline for establishing an approved program for the center. The funding plan and proposed timeline for establishing the center must be transmitted to the Joint Standing Committee on Education and Cultural Affairs, which may introduce any necessary legislation to the Second Regular Session of the 124th Legislature to accomplish these plans.

Public Law 2009, chapter 296 was enacted as an emergency measure effective June 8, 2009.

## **LD 1446 An Act To Create the Maine Online Learning Program**

**PUBLIC 330  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-273

This bill directs the Department of Education to establish the Maine Online Learning Program, which will provide high-quality educational options for kindergarten to grade 12 students using online learning programs and courses, beginning in the 2009-2010 school year.

### **Committee Amendment "A" (S-273)**

This amendment replaces the bill and directs the Department of Education to establish the Maine Online Learning Program, which will provide high-quality educational options for kindergarten to grade 12 students using online learning programs and courses, beginning no later than June 30, 2010. The amendment accomplishes the following.

1. It clarifies the funding provisions of the bill, including removing the provision directing the Department of Education to establish a master contract agreement with approved online learning providers and requiring local

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school administrative units to enter into cooperative agreements based on the master contract agreement.

2. It requires that all teachers who are employed by the online learning provider and who provide instruction to students must hold a valid teaching certificate in each content area being taught or they must receive approval from the Commissioner of Education to teach in the online learning program.
3. It allows school administrative units to develop agreements to access online learning programs or courses offered by other school administrative units.
4. It requires that the Department of Education consider the accessibility of online programs and materials for individuals with disabilities as part of the department's review of online learning initiatives in other states and jurisdictions.
5. It provides that the online learning program must comply with the State's government information technology accessibility policies and standards.

### **Enacted Law Summary**

Public Law 2009, chapter 330 directs the Department of Education to establish the Maine Online Learning Program, which will provide high-quality educational options for kindergarten to grade 12 students using online learning programs and courses, beginning in the 2009-2010 school year. The law accomplishes the following.

1. It directs the department, in consultation with the State Board of Education, to develop approval criteria and a process for approving online learning providers to implement online learning programs and courses.
2. It provides that, no later than June 30, 2010, the department shall provide school administrative units with a list of providers approved to offer full-time and part-time online learning programs and courses available for kindergarten to grade 12 students in the State.
3. It requires that all teachers who are employed by the online learning provider and who provide instruction to students must hold a valid teaching certificate in each content area being taught or they must receive approval from the Commissioner of Education to teach in the online learning program.
4. It allows school administrative units to develop agreements to access online learning programs or courses offered by other school administrative units.
5. It provides that the online learning program must comply with the State's government information technology accessibility policies and standards.
6. It directs the department to review the online learning initiatives established in other states and jurisdictions, including the best practices established by these online learning initiatives. It provides that, no later than January 1, 2010, the Commissioner of Education shall submit to the Joint Standing Committee on Education and Cultural Affairs a report that contains findings, recommendations and any proposed legislation necessary to further implement online learning programs and courses. It also provides that, following receipt and review of the report, the Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 124th Legislature.

Public Law 2009, chapter 330 was enacted as an emergency measure effective June 9, 2009.

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**LD 1457 An Act To Limit Membership by School Administrative Units in Certain Interscholastic Organizations**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY MITCHELL E	ONTP MAJ OTP MIN	

This bill prohibits a school administrative unit, including any member school in that school administrative unit, from belonging to or supporting an interscholastic organization that limits that school administrative unit from participating in contests, tournaments or games that have no effect on the standings of that school administrative unit.

**LD 1486 Resolve, To Establish a Transition Adjustment for Fiscal Year 2009-10**

**RESOLVE 125**

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

This resolve directs the Commissioner of Education to establish a transition adjustment to minimize any adverse fiscal impact that may be experienced by some municipalities as a result of sudden, severe changes in property fiscal capacity. This adjustment will be available only to a municipality that experiences an increase of 14% or more in property fiscal capacity between the 2007 and the 2008 certified state valuations and that immediately experiences a decrease of 6% or more in property fiscal capacity between the 2008 and the 2009 certified state valuations.

**Enacted Law Summary**

Resolve 2009, chapter 125 directs the Commissioner of Education to establish a transition adjustment to minimize any adverse fiscal impact that may be experienced by some municipalities as a result of sudden, severe changes in property fiscal capacity. This adjustment will be available only to a municipality that experiences an increase of 14% or more in property fiscal capacity between the 2007 and the 2008 certified state valuations and that immediately experiences a decrease of 6% or more in property fiscal capacity between the 2008 and the 2009 certified state valuations.

**LD 1493 An Act To Clarify the Rights of Bondholders and Noteholders in the Event a School Administrative Unit with Outstanding Bonds or Notes Is Dissolved or Is No Longer Authorized by Law**

**PUBLIC 445  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND		S-346 ALFOND

This bill provides that the rights of bondholders or noteholders may not be impaired in the event that legislation is enacted that dissolves a school administrative unit with outstanding indebtedness or in the event that the laws pursuant to which a school administrative unit with outstanding indebtedness is organized and exists are repealed.

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

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

### **Enacted Law Summary**

Public Law 2009, chapter 445 provides that the rights of bondholders or noteholders may not be impaired in the event that legislation is enacted that dissolves a school administrative unit with outstanding indebtedness or in the event that the laws pursuant to which a school administrative unit with outstanding indebtedness is organized and exists are repealed.

Public Law 2009, chapter 445 was enacted as an emergency measure effective June 18, 2009.

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Enacted

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LD 857	An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 32	P & S 4 EMERGENCY
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LD 610	An Act To Add 10 Days to the School Year and To Require Daily Physical Exercise for All School Children	ONTP
LD 677	An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Education and Cultural Affairs	ACCEPTED ONTP REPORT
LD 697	An Act To Stabilize School Heating Costs	ONTP
LD 725	An Act To Protect Student Privacy while Complying with Federal Law	ONTP
LD 1068	An Act To Extend the Summer Tourism Season and Thereby Increase Sales Tax Revenues by Requiring that the School Year in Maine Begin After Labor Day	ACCEPTED ONTP REPORT
LD 1160	An Act To Prohibit a Person from Being Hired in a School Administrative Unit in a Position for Which a Relative Serves in a Supervisory Capacity	ONTP

*Adult Education*

Not Enacted

LD 521      An Act To Ensure Continued Support for Local Adult Education Programs      ONTP

*Alternative Education, Charter Schools and School Choice*

Enacted

LD 1443      An Act To Support the Center of Excellence for At-risk Students      PUBLIC 296  
EMERGENCY

LD 1446      An Act To Create the Maine Online Learning Program      PUBLIC 330  
EMERGENCY

Not Enacted

LD 76      Resolve, To Study the Feasibility of Expanding the Curriculum of the Maine School of Science and Mathematics      ONTP

LD 569      An Act Concerning the Maine School of Science and Mathematics      LEAVE TO  
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LD 1295      An Act To Establish the Middle School of Science and Mathematics      ONTP

LD 1336      An Act To Preserve School Choice Rights      ONTP

LD 1438      An Act To Permit Charter Schools in Maine      DIED BETWEEN  
HOUSES

*Career and Technical Education*

Enacted

LD 92      An Act Pertaining to the Quality Child Care Education Scholarship Fund      PUBLIC 22  
EMERGENCY

*Cultural Affairs*

Enacted

LD 2      An Act To Provide Rule-making Authority to the Maine Library Commission      PUBLIC 2

LD 266      An Act To Preserve Statewide Public Broadcasting      PUBLIC 62

Not Enacted

LD 1077      Resolve, To Establish the Commission To Establish The Maine Academy of Living Treasures      ONTP

*Curriculum, Instruction, Textbooks and Testing*

Enacted

LD 161	An Act To Amend the Special Education, School Health and School Nutrition Laws Regarding Scoliosis Screening, the School Lunch Program, Transitional Services, Gifted and Talented Education Programs and the Maine Mentoring Partnership Grant Program	PUBLIC 147
LD 1027	Resolve, To Examine Concepts and Competencies from Family and Consumer Science for Achieving Educational Goals	RESOLVE 105
LD 1101	Resolve, To Understand and Assist in Efforts To Promote Science, Technology, Engineering and Math Education	RESOLVE 98
LD 1178	Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State, and Local Accountability Standards, a Major Substantive Rule of the Department of Education	RESOLVE 117 EMERGENCY
LD 1325	An Act Regarding Curriculum Requirements and Standards for Awarding a High School Diploma	PUBLIC 313
LD 1407	An Act To Assess the Physical Education Capacity of Elementary Schools in Maine and To Establish the Obesity and Chronic Disease Fund within the Department of Education	PUBLIC 264

Not Enacted

LD 98	Resolve, To Direct the Department of Education and the Department of Health and Human Services To Require the Teaching of Mental Health Awareness in Middle Schools Based on a National Curriculum	ONTP
LD 128	An Act To Require the Teaching of Agricultural Studies in Maine's Schools	ONTP
LD 357	An Act To Require the Teaching of Acadian History as Part of Maine History	ACCEPTED ONTP REPORT
LD 422	An Act To Include the Study of Franco-American History in the System of Learning Results	ACCEPTED ONTP REPORT
LD 678	An Act To Provide Middle School Students with Access to Innovative Science Education	ONTP
LD 1163	Resolve, To Reduce Childhood Obesity in Schools by Adding to the Physical Education Curriculum	ACCEPTED ONTP REPORT
LD 1323	An Act To Control the Costs of College Textbooks	ONTP

*Education - Other*

Enacted

LD 100	Resolve, To Direct the Department of Education and the Department of Health and Human Services To Implement Strategies To Increase the Provision of Oral Health Screenings to Preschool Children and Children Entering School	RESOLVE 67
LD 1036	An Act To Amend the Education Laws Regarding the State Board of Education's Degree-granting Authority, the Telecommunications Education Access Fund and Certain Definitions and Programs	PUBLIC 274
LD 1140	Resolve, Directing the Department of Education and the Department of Agriculture, Food and Rural Resources To Convene a Work Group To Strengthen Farm-to-school Efforts in the State	RESOLVE 106 EMERGENCY
LD 1300	Resolve, To Create a Working Group on the Prevention, Diagnosis and Treatment of Concussive Head Injuries in Student-athletes	RESOLVE 79
LD 1324	An Act To Adopt the Interstate Compact on Educational Opportunity for Military Children	PUBLIC 409

Not Enacted

LD 96	An Act To Authorize the Implementation of Modified School Year Calendars	ONTP
LD 136	An Act To Require the Provision of Unstructured Recess Time for Elementary School Students	ONTP
LD 248	An Act To Transfer Authority for School Food Service Programs to the Department of Agriculture, Food and Rural Resources	ONTP
LD 735	An Act To Allow Unimmunized Children to Attend School Upon Parental Waiver	ONTP
LD 1457	An Act To Limit Membership by School Administrative Units in Certain Interscholastic Organizations	ACCEPTED ONTP REPORT

*Postsecondary Education Finance and Student Aid*

Enacted

LD 118	An Act To Further Facilitate the Provision of Educational Loans for Maine Students and Families	PUBLIC 83 EMERGENCY
LD 177	An Act To Modify the Maine Dental Education Loan Program	PUBLIC 8 EMERGENCY
LD 206	Resolve, To Fund the Nursing Education Loan Repayment Program	RESOLVE 11 EMERGENCY
LD 711	An Act To Authorize the Social Work Education Loan Repayment Program	PUBLIC 427

LD 853	<b>An Act To Encourage Maine Residents To Attend Medical School and Practice in Maine</b>	<b>PUBLIC 410 EMERGENCY</b>
LD 856	<b>An Act To Ensure the Availability of Supplemental Educational Loans</b>	<b>PUBLIC 40 EMERGENCY</b>
LD 1090	<b>An Act To Provide a Waiver of the Tuition Remaining after the Application of Federal Department of Veterans Affairs Payments to Veterans Eligible for Benefits under the Post-9/11 Veterans Educational Assistance Act of 2008</b>	<b>PUBLIC 443</b>

**Not Enacted**

LD 352	<b>An Act To Encourage Veterinary Practice in Maine</b>	
LD 470	<b>An Act To Sustain Nursing Education in Lincoln County</b>	
LD 773	<b>An Act To Increase Funding for Higher Education</b>	<b>DIED IN CONCURRENCE</b>
LD 1415	<b>Resolve, To Promote Partnerships between the University of Maine System and the Maine Business Community</b>	<b>DIED ON ADJOURNMENT</b>

***Postsecondary Education Governance and Coordination***

**Enacted**

LD 318	<b>An Act Regarding Rockport College</b>	<b>P &amp; S 9 EMERGENCY</b>
LD 520	<b>An Act Authorizing Colleges and Universities To Regulate Public Safety on Their Campuses</b>	<b>PUBLIC 170</b>
LD 984	<b>Resolve, To Establish a Pilot Program To Provide Greater Cooperation and Coordination between the University of Maine System and the Maine Community College System</b>	<b>RESOLVE 28</b>

**Not Enacted**

LD 97	<b>Resolve, Directing the Maine Community College System, the University of Maine System and the Department of Education To Develop a Plan To Enable High School Students To Achieve a Seamless Transition to Higher Education</b>	<b>ONTP</b>
LD 231	<b>Resolve, Directing the Chancellor of the University of Maine System and the President of the Maine Community College System To Develop Recommendations To Address the Professional Needs of State Employees</b>	<b>ONTP</b>
LD 571	<b>An Act To Protect College Students from Predatory Marketing and Lending Practices</b>	<b>ONTP</b>
LD 963	<b>Resolve, Directing the University of Maine System To Self-transition Its Educational Broadband Service from Analog to Digital</b>	<b>ONTP</b>

LD 1141	An Act To Add a Member from Castine to the Board of Trustees of the Maine Maritime Academy	ONTP
LD 1161	An Act To Require That Universities within the University of Maine System Accept Credits Earned at Other Universities within the System	ONTP
LD 1362	An Act To Create a Unified Board of Higher Education	ACCEPTED ONTP REPORT

### *Safe Schools and Student Conduct*

#### Enacted

LD 1105	Resolve, To Facilitate Training and Education on Dating Violence Prevention	RESOLVE 99
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#### Not Enacted

LD 933	An Act To Prohibit Cyberbullying	ONTP
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### *School Budgets*

#### Not Enacted

LD 750	An Act To Exempt Certain Municipalities from the Requirement To Hold Referenda on School Budgets	ONTP
LD 1283	An Act To Reform the School Budget Validation Process	ONTP
LD 1414	An Act To Amend the Laws Governing Spending by School Administrative Units	ONTP

### *School Construction, Facilities and Buses*

#### Enacted

LD 79	Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education	RESOLVE 142 EMERGENCY
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#### Not Enacted

LD 358	Resolve, Requiring the Department of Education To Amend Rules Relating to School Construction	ONTP
LD 364	An Act To Eliminate Schools' Responsibility for Transportation of Preschool Students	DIED IN CONCURRENCE
LD 465	An Act To Amend Maine's School Construction Laws To Reduce the Percentage for Art to 0.5%	ONTP

### *School District Reorganization*

Enacted

LD 285	An Act To Amend the Laws Governing the Consolidation of School Administrative Units To Delay All Penalties for One Year	PUBLIC 455 EMERGENCY
LD 467	An Act To Exempt School Administrative District 12, School Union 37 and School Union 60 from the Laws Requiring School Administration Consolidation	P & S 19 EMERGENCY
LD 1493	An Act To Clarify the Rights of Bondholders and Noteholders in the Event a School Administrative Unit with Outstanding Bonds or Notes Is Dissolved or Is No Longer Authorized by Law	PUBLIC 445 EMERGENCY

Not Enacted

LD 95	An Act To Eliminate Penalties for Nonconforming School Administrative Units	INDEF PP
LD 115	An Act To Repeal the Laws Governing Consolidation of School Administrative Units	INDEF PP
LD 158	An Act To Allow an Alternative Organizational Structure To Act as a Fiscal Agent for Each Member or Municipality in That Alternative Organizational Structure	ONTP
LD 159	An Act To Provide an Administrative Structure for a School Administrative Unit That Does Not Join a Regional School Unit or an Alternative Organizational Structure	ONTP
LD 160	An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure	
LD 174	An Act Regarding School Consolidation	ONTP
LD 188	An Act To Establish a Moratorium on School Administrative Regionalization	ACCEPTED ONTP REPORT
LD 189	An Act To Exempt School Union No. 60 from the Laws Requiring School Administrative Unit Consolidation	ONTP
LD 475	An Act Regarding the Reorganization of Regional School Units and Allowing a Municipality To Opt Out of an Existing School Structure	ONTP
LD 570	An Act To Improve the Laws Governing the Consolidation of School Administrative Units	
LD 635	An Act To Provide Additional Time to Certain School Administrative Units To Comply with School Administrative Unit Reorganization Laws	INDEF PP
LD 778	An Act To Exempt Certain Isolated Rural Communities from the Minimum Student Enrollment Requirements in the Laws Governing the Reorganization of School Administrative Units	ONTP

LD 816	An Act To Authorize the Commissioner of Education To Issue Separate Subsidy Checks to Each Municipality in an Alternative Organizational Structure	ONTP
LD 977	An Act To Repeal the School District Consolidation Laws	DIED BETWEEN HOUSES
LD 1037	An Act To Require the Department of Education To Provide Certain Information to Individual Communities of Alternative Organizational Structures	ONTP
LD 1097	An Act To Improve Alternative Organizational Structures by Requiring the Department of Education To Provide Them with Estimated Allocations	ONTP
LD 1129	An Act To Permit Efficient School Districts To Opt Out of Consolidation	ONTP
LD 1203	An Act To Allow Certain School Units To Reorganize without Meeting Minimum Student Population Requirements without Being Penalized	ONTP
LD 1226	An Act To Eliminate the Opt-out Penalty for Consolidation of Schools if a School Administrative Unit Forms an Alternative Organizational Structure	ACCEPTED ONTP REPORT
LD 1287	An Act To Amend the Laws Governing Consolidation of School Administrative Units To Eliminate Penalties, Establish Incentives and Allow Alternative Voting Procedures for Budgets	ONTP
LD 1319	An Act To Provide Collective Bargaining Protections for Alternative Organizational Structure Employees	ONTP

*School Finance*

Enacted

LD 1126	An Act To Limit the Scope of Miscellaneous Costs within the General Purpose Aid for Local Schools Appropriation	PUBLIC 275
LD 1225	Resolve, To Review the Adjustments in the School Funding Formula Related to School Administrative Units That Are Eligible for the Minimum State Share of Their Total Allocation	RESOLVE 95
LD 1486	Resolve, To Establish a Transition Adjustment for Fiscal Year 2009-10	RESOLVE 125

Not Enacted

LD 190	Resolve, Directing the Department of Education To Convene a Stakeholders Group To Analyze the School Funding Formula	ONTP
LD 551	An Act To Improve the Essential Programs and Services Funding Formula	
LD 636	An Act To Control Education Administrative Costs	ONTP

LD 818	An Act To Improve Transparency in the School Funding Formula	ONTP
LD 1221	An Act To Remove the Local Requirement for Education Funding	ONTP
LD 1227	An Act To Equalize the Regional Salary Cost Index under the School Funding Formula	ONTP
LD 1298	An Act To Adjust the Special Education Funding for Minimum Subsidy Receivers	ONTP

*Special Education Programs and Finance*

Enacted

LD 77	Resolve, Regarding Legislative Review of Portions of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education	RESOLVE 2 EMERGENCY
LD 78	Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule of the Department of Education	RESOLVE 87 EMERGENCY
LD 489	Resolve, Regarding Continuity of Care in the Child Development Services System	RESOLVE 113 EMERGENCY
LD 866	Resolve, To Examine Data Discrepancies and Adequately Identify and Serve Children with Brain Injuries	RESOLVE 112
LD 1280	Resolve, To Provide a Program Model for Children with Autism Spectrum Disorder	RESOLVE 100

Not Enacted

LD 523	Resolve, Directing the Department of Health and Human Services and the Department of Education To Enter into a Memorandum of Understanding Regarding Early Childhood Intervention	ACCEPTED ONTP REPORT
LD 1096	An Act To Protect School Children from Dangerous or Abusive Restraint and Seclusion	ACCEPTED ONTP REPORT
LD 1106	Resolve, To Establish a Schoolchildren's Well-being Stakeholder Group	ONTP

*Teachers and Administrators*

Enacted

LD 268	Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization, and Approval of Education Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education	RESOLVE 12 EMERGENCY
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LD 522	Resolve, To Establish the Study Commission Regarding Teachers' Compensation	RESOLVE 138 EMERGENCY
LD 1104	An Act To Require the Convening of the Professional Standards Board	PUBLIC 157 EMERGENCY
LD 1191	An Act To Improve Teacher Confidentiality Laws	PUBLIC 331
LD 1277	Resolve, To Encourage Alternative Compensation Models for Teachers and School Administrators	RESOLVE 109
<u>Not Enacted</u>		
LD 817	An Act Concerning Teacher Salaries	ONTP
LD 864	An Act To Provide for the Certification of Teachers in a Critical Teacher Shortage Area	ONTP
LD 1162	An Act To Amend the Laws Governing Teacher Certification Interns	ONTP
LD 1299	An Act To Streamline the Fingerprinting Process	ONTP

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



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT SELECT COMMITTEE ON MAINE'S ENERGY  
FUTURE**

July 2009

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**STAFF:**

JON CLARK, DEPUTY DIRECTOR  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

*Joint Select Committee on Maine's Energy Future*

**LD 501      An Act To Ensure Maine's Energy Security and Reduce Dependence on Oil**

**ONTP**

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

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

This bill proposes to increase the State's energy security while reducing the State's reliance on oil by:

1. Setting aside 85 percent of revenues derived from the Regional Greenhouse Gas Initiative to: immediately establish an insulation and energy auditing training program at every community college in the State; provide a tax exemption for purchases of building insulation; establish a low-interest loan program for homeowners and businesses to purchase insulation; establish a low-interest marginal risk loan program for equipment and costs to start up insulation companies; provide a progressive tax credit to companies interested in maximizing the insulation value of their buildings, with a higher insulation value receiving a larger tax credit; and insulate homes of low-income residents;
2. Redirecting the focus of the Public Utilities Commission's Efficiency Maine program from electricity use reduction to energy use reduction by: aggressively promoting the reduction of oil use; requiring that preference be given to an energy-saving project based on the return of investment of the project, regardless of the energy source; promoting the use of heat pump technology, giving top economic incentives to exceptionally high coefficients of performance; and aggressively pursuing Internet-based demand-side management programs; and
3. Establish a tax on oil equal to the BTU tax on electricity, the proceeds to fund Efficiency Maine.

**LD 556      Resolve, Relating to Federal Stimulus Funds for Energy Programs**

**RESOLVE 1  
EMERGENCY**

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

This resolve, reported by the Joint Select Committee on Maine's Energy Future pursuant to Joint Order 2009, H.P. 63, provides for legislative review and approval of state spending of expected federal economic stimulus funds designated for energy purposes.

**Enacted Law Summary**

Resolve 2009, Chapter 1, which was reported by the Joint Select Committee on Maine's Energy Future pursuant to Joint Order 2009, H.P. 63, provides for legislative review and approval of state spending of expected federal economic stimulus funds designated for energy purposes.

Resolve 2009, Chapter 1, was finally passed as an emergency measure effective February 27, 2009.

*Joint Select Committee on Maine's Energy Future*

**LD 755 An Act To Help the State Achieve Energy Independence and Security**

**ONTP**

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

This bill enacts an income tax credit for persons eligible for a benefit under the Circuitbreaker Program for 10 percent of the cost of the installation of energy efficiency equipment, qualifying nonfossil fuel energy systems and weatherization materials on a structure in the State. The credit is limited to \$250 per tax return per structure. Funding for the credit of up to \$750,000 must be transferred to the General Fund from the Energy and Carbon Savings Trust Fund.

**LD 774 An Act To Create Jobs and Improve Energy Efficiency through the Transformation of Maine's Housing Stock**

**ONTP**

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

This bill establishes within the Maine State Housing Authority the Maine Energy, Housing and Economic Recovery Program to support the following: the construction of multifamily affordable housing units; renovation of affordable housing units; weatherization of owner-occupied residences; and replacement of manufactured housing units that do not meet the United States Department of Housing and Urban Development regulations, 24 Code of Federal Regulations, Part 3280. It directs that a portion of the revenues derived from the real estate transfer tax be deposited in a new fund to provide funds for the Maine Energy, Housing and Economic Recovery Program. It authorizes the issuance of revenue bonds by the Maine State Housing Authority for the purposes of the Maine Energy, Housing and Economic Recovery Program: the authority is required to issue revenue bonds in an amount of at least \$30,000,000 in fiscal year 2009-10 and an additional \$30,000,000 in fiscal year 2010-11 and may issue additional amounts as appropriate for the purposes of the program up to a maximum at any time of up to \$200,000,000;

See also LD 1485.

**LD 885 An Act To Provide a Tax Deduction for Landlords Who Complete Energy Audits on Rental Units**

**ONTP**

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

This bill provides an income tax income reduction (sponsor's intent was to provide a tax credit) for a landlord or other lessor of residential property who has demonstrated to the satisfaction of the Public Utilities Commission that an energy audit on that landlord's or lessor's property has been completed. Each income reduction (credit) is capped at the cost of the audit, or \$750, whichever is less: for a building with 1 to 4 units, a maximum of one reduction (credit) for that building; for a building with 5 to 25 units, a maximum of 3 reductions (credits) for that building; for

## *Joint Select Committee on Maine's Energy Future*

a building with 26 or more units, a maximum of 5 reductions (credits) for that building.

### **LD 886      An Act To Secure Maine's Energy Future**

ONTP

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

This bill establishes a new entity, the Efficiency Maine Trust (EMT) responsible for planning, designing and administering energy efficiency programs. The EMT is designated as a nonprofit, 501(c)(3) charitable organization. The EMT is governed by a 16 member board, 12 of whom are voting members. The board appoints a director, who serves at the pleasure of the board, who manages the EMT programs. The bill provides for certain oversight of the EMT by the PUC: EMT programs must be in accordance with a triennial plan created by EMT and approved by the PUC; the PUC "negotiates" and approves performance measures governing the EMT; the PUC arranges for an independent evaluation of major programs (over \$500,000/year) at least once every three years; each year the EMT is required report to the PUC and the UTE committee an accounting of its activities, funding and expenditures; the PUC is directed to establish a fund to defray its costs in overseeing the EMT.

Under the bill, the oversight or administration of the following programs is given to Efficiency Maine Trust: electric conservation and efficiency programs currently under the jurisdiction of the Public Utilities Commission (PUC) under Title 35-A, section 3211-A (certain aspects of the law governing these programs changed); natural gas conservation and efficiency programs currently administered by the largest gas utility, Unitil, under the direction of the PUC under Title 35-A, section 4711; federal funds and programs for energy efficiency and weatherization (low-income federal programs would remain with the Maine State Housing Authority with approval of spending plans by the EMT); a new Regional Greenhouse Gas Initiative Trust Fund, which replaces the Energy and Carbon Savings Trust and the Maine Energy Conservation Board; a new heating fuels efficiency and weatherization fee and fund program funded by a new and annually increasing heating fuel charge assessed by PUC.

See also LD 1485.

### **LD 955      An Act To Transform the Maine Economy and Create Jobs**

ONTP

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

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

This bill proposes to create the Energy Trust Authority under the Governor's Office of Energy Independence and Security. The purpose of the authority is to actively pursue and negotiate opportunities to transform the State into the greenest and healthiest state and to create jobs through: actively pursuing opportunities to lease portions of the State's highways and rights-of-way, including Interstate 95 and the Maine Turnpike, for the transmission of energy, including electricity, natural gas or other fossil fuel; ensuring the interconnection between the State's major transit systems of rail, ports and highways to maximize the State's connection to the national and international economy; and developing and implementing specific programs that ensure the State's reduction of its carbon footprint and greatly expanding healthy opportunities for the people and businesses of this State.

## *Joint Select Committee on Maine's Energy Future*

This bill proposes to use the funds generated through the lease of state assets to support a revenue bond to fund:

1. Interest-free revolving loan programs to fund weatherization and conversion of heating systems for both commercial and residential sectors, with the goal of moving the State's energy use from fossil fuel to green energy, specifically green electricity. This conversion will include greatly expanded use of technologies like geothermal and cold-weather heat exchangers. The revolving loan fund will be managed by transmission and distribution utility companies, who have administrative mechanisms for claims and billing already established with each household and building owner;
2. Expanding research and development into wind power, specifically offshore wind. The funds will be used to vertically integrate the wind industry in the State, including development and production of turbines, blades, stanchions and offshore platforms. Funds will be provided to the University of Maine System, the Maine Community College System and the Maine Technology Institute to expand research capacity, develop an educated and skilled workforce, expand business opportunities and create partnerships with local, national and international companies with expertise and capacity in offshore wind development;
3. Development of the Maine Expansion Fund to provide flexible funding for companies seeking to expand, start or locate in the State. The Maine Expansion Fund will be used to assist companies involved with targeted technologies, as defined in the Maine Revised Statutes, Title 5, section 15301, subsection 2, with grants or loans for infrastructure, training support and other financing. Eligible companies receiving funds must create net new jobs that pay at least the average labor market weekly wage and provide at least a 50 percent employer-paid health care benefit, paid sick leave and access to an approved retirement plan. Eligible companies receiving funds must build or renovate their facilities to meet the highest energy efficiency standard to minimize their carbon footprint;
4. Expanding research and development into food production to make the State the food basket of the Northeast. Funds will be provided to the University of Maine System, the Maine Community College System and the Maine Technology Institute to expand research capacity, develop an educated and skilled workforce, expand business opportunities and create partnerships with local, national and international companies with expertise and capacity in food production and the promotion of the Maine brand;
5. Creation of a virtual medical school in the State. Funds will be used to expand opportunities for medical education and graduate school opportunities, as well as research capacity, that develop the State as a laboratory for health and wellness while establishing a relationship with the United States Department of Health and Human Services, National Institutes of Health to fund the research and development of the State as a laboratory for improving health and wellness for the country. The creation of a virtual medical school will be furthered by using partnerships within the State, through hospitals, educational institutions and research facilities, and medical schools outside of the State;
6. Expanding the State's transportation system, including mass transit, to ensure the flow of goods and services and decrease the State's transportation carbon footprint by expanded utilization of ports, rails and other transit opportunities; and
7. Development of the privately funded East-West Highway and utility corridor to improve connectivity of the Northeast to the heartland of the United States and the international marketplace.

The Energy Trust Authority will consist of the following voting members: the Public Advocate; the Director of the Governor's Office of Energy Independence and Security; the Chief Executive Officer of the Finance Authority of Maine; a commissioner of the Public Utilities Commission; a representative from the University of Maine System; a representative from the Maine Community College System; the Commissioner of Economic and Community Development or the commissioner's designee; the Commissioner of Transportation or the commissioner's designee; four public members representing industry, labor, environmental groups, the health care industry and agriculture,

## *Joint Select Committee on Maine's Energy Future*

appointed by the Governor and confirmed by the Legislature; and four Legislators, two Senators appointed by the President of the Senate and two House members appointed by the Speaker of the House. The Energy Trust Authority will be a quasi-state entity, with the broad powers to accomplish its purpose, including the power to develop and implement programs, enter into contracts with public and private entities to accomplish the purpose of the authority, issue revenue bonds through the Maine Municipal Bond Bank, contract with the Finance Authority of Maine or other entities to provide loans or grant funds, develop and adopt rules, set standards for energy efficiency and weatherization funded by the authority, retain certain confidential information under provisions similar to the Finance Authority of Maine's confidentiality exemptions and exercise other responsibilities possessed by and enjoy protections provided to other authorities under state law.

See also LD 1485.

**LD 980      An Act To Provide a Tax Credit for Heating and Cooling System  
Alternatives and Improvements That Benefit the Environment and  
Address Climate Change**

**ONTP**

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

This bill provides an income tax credit of up to \$5,000 for the costs of an alternative fuel heating or cooling system, energy efficiency equipment components and voltage regulation technology. The credit may be claimed for installations in tax years beginning in 2009 or 2010 and may be carried over up to five years. The General Fund costs of the credit are reimbursed from the Energy and Carbon Savings Trust Fund.

**LD 1181      An Act To Create Jobs through Investment in Green Energy**

**ONTP**

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

This bill provides funding for cost-effective efficiency and renewable energy technology. It creates an energy efficiency entity called Efficiency Maine to administer a wide range of efficiency and related programs and to leverage private and federal funds. It ensures the provision of training for the jobs that these measures will create. Specifically, the bill accomplishes the following.

Part A requires all agencies of State Government that administer a program related to energy efficiency, load management and distributed renewable energy to contract with Efficiency Maine to administer the program, unless a different cooperative arrangement is more cost-effective. Part A also raises efficiency standards for state-funded construction and state-purchased vehicles.

Part B adds Efficiency Maine project bonds issued by the Finance Authority of Maine to the portion of the State ceiling for private activity bonds allocated to the Finance Authority of Maine. Part B also requires every building and industrial facility in the State, with certain limited exceptions, to get a thorough energy audit within the next 10 years. If the evaluation is done in coordination with Efficiency Maine, the audit must be paid for by Efficiency Maine.

## *Joint Select Committee on Maine's Energy Future*

Part C adjusts school funding provisions to make state funding for adult education more responsive to increases in enrollment attributable to new workforce development programs and to permit career and technical education centers to receive targeted workforce development program funds. Part C also raises efficiency standards for school construction, involves Efficiency Maine 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 in pursuing energy-related improvements.

Part D establishes a Green Energy Job Growth Initiative to ensure that workforce development efforts keep pace with jobs created by the bill. It requires the Department of Labor, in consultation with a broad range of stakeholders, to analyze current and future workforce needs in energy-related fields and to develop career ladders and recommendations for certifications, standards and licensing. Part D also requires the Department of Labor, as part of the Green Energy Job Growth Initiative, to administer a competitive grant program to support development of industry partnerships to meet workforce needs in energy-related fields and to leverage private and federal workforce development funds to that end. Funding is provided from the new revenues generated by the energy efficiency resources standard established in Part J of the bill. Part D also requires the Department of Labor, as part of the Green Energy Job Growth Initiative, to provide direct support to workers seeking training in energy-related fields, in a manner modeled on the Competitive Skills Scholarship Program.

Part E raises efficiency standards for county buildings, expands counties' ability to contract with energy service companies to achieve energy savings and makes counties eligible for technical and other assistance from Efficiency Maine.

Part F raises efficiency standards for low-income rental housing, requires landlords who participate in housing subsidy voucher programs to adopt efficiency measures that do not increase the indebtedness of the landlord and establishes a collaborative relationship between the Maine State Housing Authority and Efficiency Maine in delivering efficiency programs to the residential sector.

Part G expands the capacity of municipalities to use the property tax billing system to administer energy efficiency assistance programs and applies higher efficiency standards to municipal buildings to the extent that the State or another entity provides funding to cover the additional up-front cost of meeting those standards.

Part H establishes a partnership between the Maine Municipal Bond Bank and Efficiency Maine to administer the bank's Efficiency Partners program that provides loans for efficiency upgrades to municipal and public school buildings, requires the bank to consult with Efficiency Maine in administering its other programs and applies the bank's aggregation powers to the purchase of energy efficiency-related products and services.

Part I provides a definition of "distributed renewable energy technology," changes certain public utility laws to account for the creation of Efficiency Maine and requires transmission and distribution utilities and gas utilities to coordinate with Efficiency Maine in administering efficiency and distributed renewable energy technology programs and requires those utilities' cooperation in distributing information and allowing financing of efficiency-related projects to use the utilities' billing systems. Part I also requires the Public Utilities Commission to recommend efficiency standards for new electricity transmission lines and to establish a decoupling rate structure to encourage transmission and distribution utilities to reduce energy costs by reducing peak load.

Part J raises the renewable portfolio standard and establishes an energy efficiency resource standard that requires transmission and distribution utilities, gas utilities and heating fuel wholesalers to purchase energy efficiency credits to meet established efficiency targets and requires Efficiency Maine to deliver programs and services that meet those targets. It also provides jurisdiction to the Public Utilities Commission to impose administrative penalties on heating fuel wholesalers who fail to purchase the credits. Part J also gives responsibility for administering the Energy and Carbon Savings Trust to Efficiency Maine's administrator.

## *Joint Select Committee on Maine's Energy Future*

Parts J and K transfer most responsibility for energy efficiency and distributed renewable energy technology programs now administered by the Public Utilities Commission to Efficiency Maine.

Part K establishes Efficiency Maine as a public instrumentality of the State governed by a board that is directed to contract with a nonprofit entity to administer all of Efficiency Maine's programs and activities. The contract is required to include strict benchmarks for a broad range of quality measures. Part K requires Efficiency Maine to implement a broad range of programs to increase energy efficiency for all of the State's residential, commercial and industrial energy consumers by using revenues from the sale of energy efficiency credits to fund cost-effective energy efficiency and distributed renewable energy technology products and services, workforce development activities to meet the demand for those programs and services and research, development and commercialization of products and services that reduce energy costs. Part K creates various legal immunities for Efficiency Maine and establishes certain exemptions for its records from Maine's freedom of access laws. Part K also requires Efficiency Maine to design its programs to maximize leveraging of other funding sources, including private financing, federal funds and payments from other New England states through the forward capacity market. Part K also authorizes the Finance Authority of Maine to issue revenue bonds for Efficiency Maine projects approved by Efficiency Maine.

Part L requires the Public Utilities Commission to adopt minimum appliance efficiency standards.

Part M requires the State Purchasing Agent to report to the Legislature on compliance with fuel economy mandates for state-purchased vehicles. Part M also requires the Department of Labor and the Department of Economic and Community Development to submit a proposal for an energy industry partnership for the downeast and coastal regions for funding by the Northern Border Regional Commission and to explore other possible energy industry partnership proposals. Part M also directs the Department of Economic and Community Development to analyze and report to the Legislature on barriers to participation in the green energy economy by businesses owned by women, minorities and other target populations. Part M directs the Department of Labor and the Department of Economic and Community Development in carrying out their duties under the Green Energy Job Growth Initiative and Part D of the bill to consider approaches taken in Oregon and Washington. Part M also includes an application provision grandfathering certain already-approved construction projects of the State, counties, municipalities and schools from the new efficiency standards established under the bill. Part M provides that it is the Legislature's intent that various specific programs now administered by various agencies be administered by Efficiency Maine or coordinated with its efforts. Part M provides for the transfer of all of the Public Utilities Commission's Efficiency Maine program assets, fund and contracts to the new Efficiency Maine entity established under the bill.

Part N corrects cross-references.

See also LD 1485.

### **LD 1201 An Act Regarding Energy Independence**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L MITCHELL E	ONTP	

This bill:

1. Establishes Efficiency Maine Plus (EM+) as an independent authority and public body corporate and politic and instrumentality of the state to plan, develop and implement energy conservation, carbon reduction and renewable energy programs to meet certain specified goals. The director is appointed by the Governor, subject to legislative confirmation, to serve a 4-year term;

## *Joint Select Committee on Maine's Energy Future*

2. Creates the EM+ Council to develop, plan, coordinate and evaluate all EM+ programs. The council consists of 9 voting members appointed by Gov. and subject to confirmation by legislature who serve 3-year staggered terms. The duties of the council include establishing and revising programs in accordance with a quadrennial plan; developing quantifiable measures of performance to which it will be held accountable and to which it will hold recipients of program funds; adopting rules regarding expenditure of funds and providing for independent evaluation of program expenditures. It is also required to establish standards for training and certification of energy auditors, weatherization technicians, and solar and wind energy system installers. It is required to consult with the Maine State Housing Authority on energy programs and report annually to the Governor and Legislature;
  
3. Beginning 1 July 2010, provides that EM+ administers these programs: electric conservation programs now administered by the Public Utilities Commission (PUC) (with some changes); Carbon savings program (RGGI) now administered by the Trust; Natural gas conservation program now administered by the gas utility Unitil under the direction of the PUC; Solar and wind rebate program now administered by PUC; Training for installers of solar equipment now administered by PUC; Training for energy auditors now administered by the PUC; Federal energy programs; Energy Conservation Small Business Revolving Loan Program now administered by the PUC; suggested energy efficiency standards and disclosure statement for rental property currently administered by the Maine State Housing Authority and PUC; public information and outreach program now administered by PUC. It also authorizes EM+ to establish and administer a new building weatherization program to provide weatherization for middle and upper-income homeowners.
  
4. On July 1, 2010, abolishes the Carbon Savings Trust, Maine Energy Conservation Board and the Energy Resources Council and the Efficiency Maine program at PUC and transfers their responsibilities to EM+;
  
5. Establishes a task force to look at and report recommendations for improving efficiency at state facilities;
  
6. Modifies duties of OEIS to among other things promote interagency coordination with EM+; and
  
7. Creates within the Department of Administrative and Financial Services a new Energy Independence Fund. The fund receives revenues from the use of state waters and state-owned islands for generation of energy, transmission of energy or communications systems and compensation for leasing highways as energy corridors.

See also LD 1485.

**LD 1236    Resolve, Regarding Legislative Review of the Proposed Plan Dated  
March 19, 2009 Submitted by the Maine State Housing Authority for  
the Use of Federal Energy Stimulus Funds**

**RESOLVE 45  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-197

This resolve provides for legislative review of the proposed plan for the use of federal energy stimulus funds submitted by the Maine State Housing Authority on March 19, 2009.

### **Committee Amendment "A" (H-197)**

This amendment modifies the resolve to approve the plan for the use of federal weatherization stimulus funds developed by the Maine State Housing Authority and presented in the attachments to the memorandum dated April 22, 2009 from the Maine State Housing Authority to the Joint Select Committee on Maine's Energy Future.

### **Enacted Law Summary**

## *Joint Select Committee on Maine's Energy Future*

Resolve 2009, Chapter 45 approves the plan for the use of federal weatherization stimulus funds developed by the Maine State Housing Authority and presented in the attachments to the memorandum dated April 22, 2009 from the Maine State Housing Authority to the Joint Select Committee on Maine's Energy Future.

Resolve 2009, Chapter 45 was finally passed as an emergency measure effective May 15, 2009.

**LD 1478      Resolve, Regarding Legislative Approval of the Public Utilities  
Commission's Plan for the Use of American Recovery and Reinvestment  
Act of 2009 Funds**

**RESOLVE 46  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-141 PERRY J

This resolve, which is reported by the Joint Select Committee on Maine's Energy Future pursuant to Joint Order 2009, H.P. 63, approves the plan for the use of the federal American Recovery and Reinvestment Act of 2009 funds as submitted by the Public Utilities Commission on March 19, 2009 and updated on April 27, 2009.

**Senate Amendment "A" (S-141)**

This amendment was presented on behalf of the Committee on Engrossed Bills to correct a department total in the appropriations and allocations section.

**Enacted Law Summary**

Resolve 2009, Chapter 46, which was reported by the Joint Select Committee on Maine's Energy Future pursuant to Joint Order 2009, H.P. 63, approves the plan for the use of the federal American Recovery and Reinvestment Act of 2009 funds as submitted by the Public Utilities Commission on March 19, 2009 and updated on April 27, 2009.

Resolve 2009, Chapter 46 was finally passed as an emergency measure effective May 15, 2009.

**LD 1485      An Act Regarding Maine's Energy Future**

**PUBLIC 372  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP A OTP-AM B ONTP C	H-540 MARTIN J L

This bill, which is the majority report of the Joint Select Committee on Maine's Energy Future submitted pursuant to Joint Order 2009, House Paper 63, does the following.

PART A repeals on July 1, 2010 the following energy efficiency and renewable energy entities and programs and associated provisions of current law:

1. The Energy Resources Council;
2. The Energy and Carbon Savings Trust (program responsibilities transferred to the new entity in Part B);
3. The Public Utilities Commission's (PUC) electric conservation programs (program responsibilities transferred to the new entity in Part B);

## *Joint Select Committee on Maine's Energy Future*

4. The PUC's solar and wind rebate program (program responsibilities transferred to the new entity in Part B);
5. The natural gas conservation program administered by Maine's largest gas utility (Unitil) (program responsibilities transferred to the new entity in Part B);
6. The PUC's responsibilities for providing public information on energy efficiency, training solar installers and energy auditors, administering certain federal energy programs, administering the small business energy conservation loan program (all these responsibilities transferred to the new entity in Part B);
7. The PUC's responsibilities for jointly administering (with the Maine State Housing Authority) the rental property energy disclosure and voluntary energy standards programs (the PUC's program responsibilities transferred to the new entity in Part B);
8. The Maine Energy Conservation Board (its planning responsibilities are transferred to the new entity in Part B).

PART B establishes the Efficiency Maine Trust (EMT) to take over on July 1, 2010 the administration of various current energy efficiency and renewable energy programs (see Part A for list of programs transferred to EMT on July 1, 2010). It also directs EMT to establish certification standards for energy auditors, installers of energy efficiency measures and other providers of services under programs administered by the trust. It establishes on July 1, 2010 a new Heating Fuels Efficiency and Weatherization Fund to be administered by EMT; bond funds, federal funds and other available funds may be deposited in the fund and used for efficiency and weatherization purposes, but no new funding source is established. EMT is required to develop a triennial plan governing all its programs, which must include measures of performance and be approved by the Public Utilities Commission. The plan is also subject to review and comment by the utilities and energy committee. EMT is required to arrange for independent evaluations of all major programs. In addition to approving EMT's triennial plan, the PUC may also, upon the recommendation of the Public Advocate or the Attorney General, investigate the practices of EMT and may assess EMT in an amount up to 1 percent of the total funds administered by EMT to defray the PUC's costs of oversight.

PART C provides for a transition from the current energy efficiency program administration structure to the new Efficiency Maine Trust; the actual transfer of programs and related rules, etc, occurs on July 1, 2010. It allows state employees hired by EMT the option of choosing to remain state employees or to work under new arrangements. It requires EMT, in consultation with stakeholders, to develop a proposal for ongoing sustainable funding to support the State's energy efficiency and alternative energy resources goals and to present recommendations to the legislative committee of jurisdiction by January 2011; the committee is authorized to report out legislation on the matter after receiving the report.

PART D provides for the issuance of revenue bonds by the Finance Authority of Maine on behalf of the Efficiency Maine Trust for energy efficiency and conservation projects.

PART E establishes within the Maine State Housing Authority the Maine Energy, Housing and Economic Recovery Program and the Maine Energy, Housing and Economic Recovery Fund to support the construction and substantial rehabilitation of multifamily affordable rental housing units as well as the replacement of manufactured housing units that do not meet the United States Department of Housing and Urban Development regulations under 24 Code of Federal Regulations, Part 3280. It directs that a portion of the revenues derived from the real estate transfer tax be deposited in a new fund to provide funds for the Maine Energy, Housing and Economic Recovery Program. Deposits begin in fiscal year 2011-12, when amounts are transferred as necessary to meet the obligations of the Maine State Housing Authority with respect to revenue bonds issued for the Maine Energy, Housing and Economic Recovery Program. It authorizes the issuance of revenue bonds by the Maine State Housing Authority for the purposes of the Maine Energy, Housing and Economic Recovery Program. The authority may have at any time an aggregate principal amount outstanding on such bonds of up to but not exceeding \$200,000,000. The authority may issue revenue bonds in an amount of at least \$30,000,000 in fiscal year 2010-11 and may issue additional amounts as

## *Joint Select Committee on Maine's Energy Future*

appropriate for the purposes of the program.

PART F requires that the first \$50,000,000 of revenue derived from the use of state assets for energy transmission is transferred to the Efficiency Maine Trust to fund its programs. It also provides for a study of issues related to energy corridors and the development of plans relating to state actions relating to significant new energy facilities. It also requires that the Legislature approve plans regarding such state actions, including permitting, leasing or sale of lands or significant occupancy agreements for the installation of significant new energy facilities, before such state actions are taken. The requirement includes various exceptions and is repealed 90 days after the adjournment of the Second Regular Session of the 124th Legislature.

PART G directs the Department of Labor, the Public Utilities Commission and the Maine State Housing Authority to develop a specific green workforce development plan and to submit a report to the utilities and energy committee by January 1, 2010; the committee is authorized to submit legislation on the matter to the Second Regular Session of the 124th Legislature.

PART H modifies the responsibilities of the Governor's Office of Energy Independence and Security.

PART I establishes an executive task force to examine ways of advancing the goals of improving energy efficiency, increasing energy conservation and increasing the energy independence of the State by better management of state facilities. The task force must develop recommendations that, to the extent possible, do not require additional state positions or increased appropriations from the General Fund.

PART J adds an appropriations and allocations section.

This bill was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

### **Committee Amendment "A" (H-505)**

This amendment, which is the minority report of the Joint Select Committee on Maine's Energy Future, modifies those portions of the bill (the majority report) relating to the development by the Efficiency Maine Trust of its triennial plan and measures of performance. Under the bill, these are reviewed by the legislative committee of jurisdiction but are not subject to direct legislative approval; they are subject to approval by the Public Utilities Commission. Under this amendment, they must be developed by the trust with input from the Public Utilities Commission but must take the form of major substantive rules subject to legislative approval. In order to ensure the rules are submitted to the Legislature in time for review and approval during the Second Regular Session of the 124th Legislature and so will be in place when the trust is required to begin implementing programs on July 1, 2010, this amendment requires the major substantive rules to be provisionally adopted by March 15, 2010. This amendment also makes explicit that the various funds that will be administered by the trust may not be expended by the trust without legislative allocation of those funds.

This amendment replaces the Part J appropriations and allocations section to reflect the removal of the provision authorizing an oversight and evaluation fund.

### **House Amendment "A" (H-540)**

This amendment:

1. Specifies that the Efficiency Maine Trust (EMT) develops measures of performance not only for providers of service under its programs but for all programs it administers;
2. Requires that, if the Public Utilities Commission rejects EMT's proposed triennial plan, it state its reasons for rejecting the plan;

## *Joint Select Committee on Maine's Energy Future*

3. Modifies conflict of interest provisions governing EMT;
4. Removes reference to the application of the Tort Claims Act to EMT and adds a requirement that any EMT trustee or employee authorized to disburse EMT funds be bonded or covered by fiduciary liability insurance conditioned upon faithful performance of their duties;
5. Requires appointment of the Director of EMT as soon as practicable after Senate confirmation of the board;
6. Requires the Director of EMT to prepare EMT's initial budget retroactive to the director's first day of employment and through to July 1, 2010;
7. Amends the law governing the Renewable Resource Fund to allocate responsibility to EMT for administering the fund, reporting on the fund and distributing some of the funds;
8. Corrects cross references to certain funds;
9. Modifies Part F of the bill which establishes a temporary prohibition on certain state actions relating to the development of certain significant energy facilities. It provides that the prohibitions do not apply to an energy facility that is an eligible project under the federal American Recovery and Reinvestment Act of 2009 if the energy facility has been granted a federal loan guarantee under that Act. It also provides that the prohibition on the issuance of permits for facilities exceeding 75 miles in length does not apply to facilities on submerged lands or off shore. It provides that an application for a state permit for an energy facility greater than 75 miles in length may be processed by a state authority up to but not including final decision on the application and that any applications that may require adjudicatory proceedings or permit application review may not proceed beyond creation of the evidentiary record; and
10. Adds an emergency preamble and emergency clause.

### **Enacted Law Summary**

Public Law 2009, Chapter 372 accomplishes the following.

PART A repeals on July 1, 2010 the following energy efficiency and renewable energy entities and programs and associated provisions of current law:

1. The Energy Resources Council;
2. The Energy and Carbon Savings Trust (program responsibilities transferred to the new entity in Part B);
3. The Public Utilities Commission's (PUC) electric conservation programs (program responsibilities transferred to the new entity in Part B);
4. The PUC's solar and wind rebate program (program responsibilities transferred to the new entity in Part B);
5. The natural gas conservation program administered by Maine's largest gas utility (Unitil) (program responsibilities transferred to the new entity in Part B);
6. The PUC's responsibilities for providing public information on energy efficiency, training solar installers and energy auditors, administering certain federal energy programs, administering the small business energy conservation loan program (all these responsibilities transferred to the new entity in Part B);
7. The PUC's responsibilities for jointly administering (with the Maine State Housing Authority) the rental property

## *Joint Select Committee on Maine's Energy Future*

energy disclosure and voluntary energy standards programs (the PUC's program responsibilities transferred to the new entity in Part B);

8. The Maine Energy Conservation Board (its planning responsibilities are transferred to the new entity in Part B).

PART B establishes the Efficiency Maine Trust (EMT) to take over on July 1, 2010 the administration of various current energy efficiency and renewable energy programs (see Part A for list of programs transferred to EMT on July 1, 2010). It also directs EMT to establish certification standards for energy auditors, installers of energy efficiency measures and other providers of services under programs administered by the trust. It establishes on July 1, 2010 a new Heating Fuels Efficiency and Weatherization Fund to be administered by EMT; bond funds, federal funds and other available funds may be deposited in the fund and used for efficiency and weatherization purposes, but no new funding source is established. EMT is required to develop a triennial plan governing all its programs, which must include measures of performance and be approved by the Public Utilities Commission. The plan is also subject to review and comment by the utilities and energy committee. EMT is required to arrange for independent evaluations of all major programs. In addition to approving EMT's triennial plan, the PUC may also, upon the recommendation of the Public Advocate or the Attorney General, investigate the practices of EMT and may assess EMT in an amount up to 1% of the total funds administered by EMT to defray the PUC's costs of oversight.

PART C provides for a transition from the current energy efficiency program administration structure to the new Efficiency Maine Trust; the actual transfer of programs and related rules, etc, occurs on July 1, 2010. It allows state employees hired by EMT the option of choosing to remain state employees or to work under new arrangements. It requires EMT, in consultation with stakeholders, to develop a proposal for ongoing sustainable funding to support the State's energy efficiency and alternative energy resources goals and to present recommendations to the utilities and energy committee by January 2011; the committee is authorized to report out legislation on the matter after receiving the report.

PART D provides for the issuance of revenue bonds by the Finance Authority of Maine on behalf of the Efficiency Maine Trust for energy efficiency and conservation projects.

PART E establishes within the Maine State Housing Authority the Maine Energy, Housing and Economic Recovery Program and the Maine Energy, Housing and Economic Recovery Fund to support the construction and substantial rehabilitation of multifamily affordable rental housing units as well as the replacement of manufactured housing units that do not meet the United States Department of Housing and Urban Development regulations under 24 Code of Federal Regulations, Part 3280. It directs that a portion of the revenues derived from the real estate transfer tax be deposited in a new fund to provide funds for the Maine Energy, Housing and Economic Recovery Program. Deposits begin in fiscal year 2011-12, when amounts are transferred as necessary to meet the obligations of the Maine State Housing Authority with respect to revenue bonds issued for the Maine Energy, Housing and Economic Recovery Program. It authorizes the issuance of revenue bonds by the Maine State Housing Authority for the purposes of the Maine Energy, Housing and Economic Recovery Program. The authority may have at any time an aggregate principal amount outstanding on such bonds of up to but not exceeding \$200,000,000. The authority may issue revenue bonds in an amount of at least \$30,000,000 in fiscal year 2010-11 and may issue additional amounts as appropriate for the purposes of the program.

PART F requires that the first \$50,000,000 of revenue derived from the use of state assets for energy transmission is transferred to the Efficiency Maine Trust to fund its programs. It also provides for a study of issues related to energy corridors and the development of plans relating to state actions relating to significant new energy facilities. It also requires that the Legislature approve plans regarding such state actions, including permitting, leasing or sale of lands or significant occupancy agreements for the installation of significant new energy facilities, before such state actions are taken. The requirement includes various exceptions and is repealed 90 days after the adjournment of the Second Regular Session of the 124th Legislature.

PART G directs the Department of Labor, the Public Utilities Commission and the Maine State Housing Authority

## *Joint Select Committee on Maine's Energy Future*

to develop a specific green workforce development plan and to submit a report to the utilities and energy committee by January 1, 2010; the committee is authorized to submit legislation on the matter to the 2nd Regular Session of the 124th Legislature.

PART H modifies the responsibilities of the Governor's Office of Energy Independence and Security.

PART I establishes an executive task force to examine ways of advancing the goals of improving energy efficiency, increasing energy conservation and increasing the energy independence of the State by better management of state facilities. The task force must develop recommendations that, to the extent possible, do not require additional state positions or increased appropriations from the General Fund.

PART J adds an appropriations and allocations section.

Part K amends the law governing the Renewable Resource Fund to allocate, beginning July 1, 2010, responsibility to EMT for administering the fund, reporting on the fund and distributing some of the fund.

Public Law 2009, Chapter 372 was enacted as an emergency measure effective June 12, 2009.

*Joint Standing Committee on Maine's Energy Future*

SUBJECT INDEX

*Federal stimulus funds*

Enacted

LD 556	Resolve, Relating to Federal Stimulus Funds for Energy Programs	RESOLVE 1 EMERGENCY
LD 1236	Resolve, Regarding Legislative Review of the Proposed Plan Dated March 19, 2009 Submitted by the Maine State Housing Authority for the Use of Federal Energy Stimulus Funds	RESOLVE 45 EMERGENCY
LD 1478	Resolve, Regarding Legislative Approval of the Public Utilities Commission's Plan for the Use of American Recovery and Reinvestment Act of 2009 Funds	RESOLVE 46 EMERGENCY

*New entity*

Enacted

LD 1485	An Act Regarding Maine's Energy Future	PUBLIC 372 EMERGENCY
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Not Enacted

LD 886	An Act To Secure Maine's Energy Future	ONTP
LD 1181	An Act To Create Jobs through Investment in Green Energy	ONTP
LD 1201	An Act Regarding Energy Independence	ONTP

*Other*

Not Enacted

LD 774	An Act To Create Jobs and Improve Energy Efficiency through the Transformation of Maine's Housing Stock	ONTP
LD 955	An Act To Transform the Maine Economy and Create Jobs	ONTP

*Tax incentives*

Not Enacted

LD 501	An Act To Ensure Maine's Energy Security and Reduce Dependence on Oil	ONTP
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<b>LD 755</b>	<b>An Act To Help the State Achieve Energy Independence and Security</b>	<b>ONTP</b>
<b>LD 885</b>	<b>An Act To Provide a Tax Deduction for Landlords Who Complete Energy Audits on Rental Units</b>	<b>ONTP</b>
<b>LD 980</b>	<b>An Act To Provide a Tax Credit for Heating and Cooling System Alternatives and Improvements That Benefit the Environment and Address Climate Change</b>	<b>ONTP</b>

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



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN  
SERVICES**

July 2009

**MEMBERS:**

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SEN. LISA T. MARRACHÉ  
SEN. PETER MILLS

REP. ANNE C. PERRY, CHAIR  
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ELIZABETH COOPER, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

*Joint Standing Committee on Health and Human Services*

**LD 16      Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN	OTP-AM MAJ ONTP MIN	H-41

This resolve directs the Department of Health and Human Services to amend its rules to provide for increases in the personal needs allowances of residents in nursing facilities and residential care facilities and provide for annual increases after July 1, 2010 that are indexed to the Consumer Price Index for medical services. The rules are designated as routine technical rules.

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

This amendment changes the date for increasing the personal needs allowance from July 1, 2009 to October 1, 2009 and adds an appropriations and allocations section.

**LD 17      An Act To Prohibit the Sale of Energy Drinks to Minors**

**ONTP**

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

This bill prohibits the sale of energy drinks to minors. In the bill an energy drink is defined as a soft drink that contains 80 or more milligrams of caffeine per 8 fluid ounces.

The Joint Standing Committee on Health and Human Services requests by letter that the Department of Health and Human Services work with stakeholders to examine the issues relative to energy drinks and the impact the drinks may have on the health of children. The letter asks the department to make recommendations related to the labeling, advertising and marketing of energy drinks as well as strategies for consumer education. It asks the department to report those recommendations to the Joint Standing Committee on Health and Human Services by January 15, 2010.

**LD 18      An Act To Ensure Access to MaineCare Services**

**ONTP**

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

This bill ensures access to MaineCare services by providing incentives for health care practitioners to serve MaineCare members. The incentives, which will be established by routine technical rulemaking that must be completed by January 1, 2010, may include reimbursement or other incentives.

*Joint Standing Committee on Health and Human Services*

LD 19      **An Act To Amend the Laws Regarding Public Rest Rooms**

ONTP

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

This bill requires that all places of public accommodation that provide rest room facilities provide disposable toilet seat covers.

LD 67      **An Act To Protect Maine's State Parks and State Historic Sites**

**PUBLIC 65  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-38

This bill prohibits smoking on the beaches in Maine's state parks.

**Committee Amendment "A" (S-38)**

This amendment adds definitions and amends the bill to prohibit smoking in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site. The amendment requires the Maine Center for Disease Control and Prevention to erect signs and undertake public education initiatives regarding the prohibition to the extent of available resources.

**Enacted Law Summary**

Public Law 2009, chapter 65 prohibits smoking in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site. The amendment requires the Maine Center for Disease Control and Prevention to erect signs and undertake public education initiatives regarding the prohibition to the extent of available resources.

Public Law 2009, chapter 65 was enacted as an emergency measure effective May 1, 2009.

LD 80      **Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services**

**RESOLVE 8  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-8

This resolve provides for legislative review of portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a major substantive rule of the Department of Health and Human Services, Division of Licensing

**Joint Standing Committee on Health and Human Services**

and Regulatory Services.

**Committee Amendment "A" (H-8)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2009, chapter 8 provides for authorization of portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a major substantive rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services. Chapter 33 governs the operation of the in-home child care programs including certification of the providers. Changes to Chapter 33 include fee increases, a change to a biennial licensing cycle, a new "operating without a certificate" provision, a limitation on reapplication after certificate denial or revocation, licensing changes to inspections and additional policies for swimming and wading activities.

Resolve 2009, chapter 8 was enacted as an emergency measure effective April 16, 2009.

**LD 81      Resolve, Regarding Legislative Review of Portions of Chapter 10:  
Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major  
Substantive Rule of the Office of the Attorney General**

**RESOLVE 3  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Office of the Attorney General.

**Enacted Law Summary**

Resolve 2009, chapter 3 approves portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Office of the Attorney General. The rule was proposed to align the exemption rule with state law on exemption. The purposed rule provides a process for exemptions based on a determination by the Attorney General that the characterizing flavor is not one known to appeal or likely to appeal to youth.

Resolve 2009, chapter 3 was passed as an emergency measure effective March 6, 2009.

**LD 99      An Act To Allow Authorization for the Release of HIV Information on a  
General Medical Information Release Form**

**ONTP**

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

This bill allows the release of HIV infection status information when a person authorizes the release of general medical information and eliminates the requirement for a specific authorization to be signed at the time a person receives the results of an HIV test.

*Joint Standing Committee on Health and Human Services*

LD 101      **An Act To Extend the Operation of the Maine Health Data Processing Center and To Amend the Maine Health Data Organization Statutes**

**PUBLIC 71  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MARRACHE	OTP-AM	H-55

This bill extends the operation of the Maine Health Data Processing Center to September 1, 2015 and increases the length of time individuals may serve on the centers board of directors. This bill also repeals the requirement for hospitals and ambulatory surgical centers to maintain lists of average charges for procedures specified by the Maine Health Data Organization through rulemaking. In place of the lists, individual hospitals and surgical centers shall, upon request from an individual, provide the charge for any service rendered by the facility. In addition, the bill requires the Maine Health Data Organization to create an interactive website displaying prices paid for specific procedures performed at all Maine hospitals and impacted surgical, diagnostic or other nonhospital facilities. Additionally, this bill makes some minor modifications to definitions in the statutes governing the Maine Health Data Organization and adds a representative from the Bureau of Insurance to the Maine Health Data Organization board of directors.

**Committee Amendment "A" (H-55)**

This amendment changes the bill by allowing hospitals or ambulatory surgical centers to provide average charges rather than exact charges for inpatient and outpatient services to individuals upon request. It adds the Executive Director of Dirigo Health or a designee to the Maine Health Data Organization board of directors. It removes the requirement that the Superintendent of Insurance appoint an employee of the Bureau of Insurance as a member to the board and adds the Commissioner of Professional and Financial Regulation or a designee, serving in a nonvoting capacity. It adds language to specify that the total number of board members includes one nonvoting member and to reflect the fact that there are representatives of state agencies in addition to the Department of Health and Human Services now serving on the board.

**Enacted Law Summary**

Public Law 2009, chapter 71 extends the operation of the Maine Health Data Processing Center to September 1, 2015 and increases the length of time individuals may serve on the center's board of directors. It also repeals the requirement for hospitals and ambulatory surgical centers to maintain lists of average charges for procedures specified by the Maine Health Data Organization. In place of the lists, individual hospitals and surgical centers shall, upon request from an individual, provide the average charge for any service rendered by the facility. In addition, the law requires the Maine Health Data Organization to create an interactive website displaying prices paid for specific procedures performed at all Maine hospitals and impacted surgical, diagnostic or other nonhospital facilities. It makes some minor modifications to definitions in the statutes governing the Maine Health Data Organization. The law also replaces an employee of the Department of Health and Human Services with the Executive Director of Dirigo Health as a voting member on the Maine Health Data Organization board of directors and adds the Commissioner of Professional and Financial Regulation to the board in a nonvoting, consultative capacity.

Public Law 2009, chapter 71 was enacted as an emergency measure effective May 4, 2009.

*Joint Standing Committee on Health and Human Services*

**LD 114      An Act To Amend the Laws Regarding Overnight Parking of  
Recreational Vehicles**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM MAJ ONTP MIN	

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

This bill proposes to amend the laws to resolve the problems presented by the overnight parking of recreational vehicles in shopping center parking lots, including but not limited to the issues of waste disposal resulting from such overnight stays.

**LD 119      An Act To Amend the Laws Governing Public Water System Operation  
Fees**

**PUBLIC 15**

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

This bill changes the annual base fee imposed on public water systems operating in the State from \$50 to \$75. This bill also removes language that limits the base plus per capita fee to no more than \$30,000 per year per public water system.

**Enacted Law Summary**

Public Law 2009, chapter 15 changes the annual base fee imposed on public water systems operating in the State from \$50 to \$75. This law also removes language that limits the base plus per capita fee to no more than \$30,000 per year per public water system.

**LD 155      An Act To Ban Smoking on Public Beaches and in Public Parks**

**ONTP**

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

This bill prohibits smoking on public beaches and in public parks. See LD 67, Public Law 2009, chapter 65.

*Joint Standing Committee on Health and Human Services*

**LD 163      An Act To Require Health Care Practitioners To Distribute Free  
Samples of Medications in Certain Circumstances**

**ONTP**

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

This bill requires health care practitioners to distribute free samples of medications to patients in order to test the reaction of the patient to the medication and the effectiveness of the medication in the treatment of the disease or condition. The requirement to distribute free samples depends on availability, appropriateness and timeliness.

**LD 217      Resolve, To Increase Transparency in the Long-term Care Planning and  
Delivery Process To Ensure Maine's Elderly Can Make Informed  
Choices**

**ONTP**

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

This resolve directs the Department of Health and Human Services to amend the rules relating to the transition process for nursing facility patients admitted to hospitals awaiting transition into residential care and improving the hospital discharge planning process. The resolve also directs the Department of Health and Human Services, Bureau of Elder and Adult Services to convene a working group with representatives of the Long-term Care Ombudsman, hospitals, nursing facilities and residential care facilities to find ways to improve the transparency and coordination of services in the hospital and long-term care facility discharge planning process, with the goal of providing patients and their families with a more coordinated, efficient and patient-friendly process that meets the specific needs of individual patients, including behavioral health needs. It also authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 124th Legislature.

**LD 228      An Act To Prevent Teenage Substance Abuse and Suicide**

**ONTP**

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

This bill provides funds to prevent and reduce substance abuse and suicide in children in the State by providing Fund for a Healthy Maine allocations of \$60,000 per year for the Maine chapter of the National Alliance on Mental Illness to support the TeenScreen and Up and Running ME programs.

*Joint Standing Committee on Health and Human Services*

**LD 233      An Act To Include Independent Practice Dental Hygienists in  
MaineCare**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES SULLIVAN		H-129

This bill provides for reimbursement under the MaineCare program to directly reimburse dental hygienists practicing independently as authorized under the Maine Revised Statutes, Title 32, section 1094-I for all procedures performed under Title 32, section 1094-Q, subsection 1. The bill directs the Department of Health and Human Services to adopt rules to implement this provision, and designates the rules as routine technical rules.

This bill was carried over by Joint Order, H.P. 1053 to any special or regular session of the 124th Legislature due to action of the Joint Standing Committee on Appropriations and Financial Affairs.

**Committee Amendment "A" (H-129)**

This amendment allows federally qualified health centers to employ independent practice dental hygienists as core providers under MaineCare rules and provides for the reimbursement of federally qualified health centers for these services. The amendment also adds an appropriations and allocations section.

**LD 239      An Act To Eliminate the Repeal Date on Nonhospital Expenditures in  
the Capital Investment Fund**

**PUBLIC 194  
EMERGENCY**

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

This bill eliminates the repeal date of the provision in the State Health Plan setting aside 12.5 percent of the capital investment fund, the annual limit established for expenditures approved through the certificate of need program, for nonhospital projects.

**Enacted Law Summary**

Public Law 2009, chapter 194 eliminates the repeal date of the provision in the State Health Plan setting aside 12.5 percent of the capital investment fund, which is the annual limit established for expenditures approved through the certificate of need program for nonhospital projects.

Public Law 2009, chapter 194 was enacted as an emergency measure effective May 22, 2009.

*Joint Standing Committee on Health and Human Services*

LD 251     **An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor**

ONTP

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

This bill prohibits dispensing prescription drugs to a minor without express consent from the minor's parents or legal guardian unless the minor is living independently of parental or guardian support, is or was married, is or was serving in the Armed Forces of the United States or has been legally emancipated.

LD 252     **An Act Regarding the Transfer of Nursing Facilities**

PUBLIC 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AYOTTE JACKSON	OTP-AM	H-89

This bill provides that, for sales of nursing facilities that occur on or after October 1, 2010, the Department of Health and Human Services may not require repayment of depreciation reimbursed under the MaineCare program. It directs the Department of Health and Human Services to amend the rules of reimbursement under the MaineCare program applicable to nursing facilities to implement the provisions of this bill and designates such rules as routine technical rules.

**Committee Amendment "A" (H-89)**

This amendment replaces the prohibition proposed in the bill on depreciation recapture under the MaineCare program when a nursing facility is sold. The amendment allows depreciation recapture through repayment by the seller or adjustment of the buyer's basis for the purposes of fixed cost reimbursement under MaineCare. The amendment also makes this change in MaineCare reimbursement applicable to sales of nursing facilities on or after October 1, 2009.

**Enacted Law Summary**

Public Law 2009, chapter 97 law governs depreciation recapture under the MaineCare program when a nursing facility is sold. The law allows depreciation recapture through repayment by the seller or adjustment of the buyer's basis for the purposes of fixed cost reimbursement under MaineCare. The law applies to sales of nursing facilities on or after October 1, 2009.

***Joint Standing Committee on Health and Human Services***

**LD 254      An Act To Enact a 5-point Welfare Reform Program**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA PLOWMAN	ONTP MAJ OTP-AM MIN	

This bill enacts a 5-point welfare reform package. The bill imposes a 90-day residency requirement for general assistance, provides the New Hire tax credit for employers hiring recipients of welfare benefits, changes the 20-hour work participation requirement in the ASPIRE-TANF program, adjusts benefits to reflect earned income and imposes a 60-month lifetime limitation on ASPIRE-TANF benefits for adults. This bill specifies that the New Hire tax credit applies to tax years beginning on or after January 1, 2010.

**LD 315      Resolve, Directing the Department of Health and Human Services and the Department of Agriculture, Food and Rural Resources To Develop a Plan To Facilitate the Procurement of Local Produce by Food Stamp Recipients**

**ONTP**

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

This resolve requires the Department of Health and Human Services and the Department of Agriculture, Food and Rural Resources to work with local farmers and advocates for low-income people to develop a plan that will encourage food stamp recipients to purchase fresh produce from local farmers and that will facilitate food stamp recipients' access to local farm products. It requires the departments to consider projects that allow farmers to receive electronic benefit transfers or other methods of payment under the federal Supplemental Nutrition Assistance Program and to explore options for grants, pilot projects and waivers that may be available under the federal Food and Nutrition Act of 2008. It requires the departments to present a report to the Joint Standing Committee on Health and Human Services with findings and recommendations, including any necessary legislation, for the plan no later than January 15, 2010. It authorizes the Joint Standing Committee on Health and Human Services to submit a bill to the Second Regular Session of the 124th Legislature.

The Joint Standing Committee on Health and Human Services, in a letter, commends the departments on existing work with farmers markets already underway to allow food supplement recipients to purchase local produce. The letter encourages the departments to explore new ideas to connect Food Supplement recipients with local farmers and requests that the departments investigate federal funding for pilot projects under the Food and Nutrition Act of 2008, which is the second part of the resolve's directive. The letter requests that the departments keep the Joint Standing Committee on Health and Human Services abreast of any new projects or grants that result from this effort.

*Joint Standing Committee on Health and Human Services*

LD 319 An Act To Track the Prevalence of Childhood Obesity in Maine

PUBLIC 407

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RANKIN ALFOND	OTP-AM MAJ ONTP MIN	H-130 S-164 BRANNIGAN S-324 DIAMOND

This bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to create a protocol for all school nurses to follow in the collection of body mass index data from children and provide a method for uniform reporting to the department.

**Committee Amendment "A" (H-130)**

This amendment changes the bill by allowing trained screeners, in addition to school nurses, to collect body mass index data from students. It also allows a student to be exempt from this collection of data if the student's parent or guardian objects on religious or philosophical grounds. It makes the collection and reporting of data contingent upon the availability of federal funds. It also adds an appropriations and allocations section.

**Senate Amendment "B" To Committee Amendment "A" (S-164)**

This amendment provides that body mass index data collected by school administrative units are confidential except that data may be reported in the aggregate to the Department of Health and Human Services, Maine Center for Disease Control and Prevention. Data reported in this manner may not identify an individual student.

**Senate Amendment "C" To Committee Amendment "A" (S-324)**

This amendment removes the appropriations and allocations section from Committee Amendment "A."

**Enacted Law Summary**

Public Law 2009, chapter 407 requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to create a protocol for school nurses and trained screeners to follow in the collection of body mass index data from children and provide a method for uniform reporting to the department. It also allows a student to be exempt from this collection of data if the student's parent or guardian objects on religious or philosophical grounds. The law provides that body mass index data collected by school administrative units are confidential except that data may be reported in the aggregate to the Department of Health and Human Services, Maine Center for Disease Control and Prevention. Data reported in this manner may not identify an individual student. The collection and reporting of data by the school administrative units is contingent upon the availability of federal funds.

LD 320 Resolve, Regarding the Use of MaineCare for Catastrophic Illness

ONTP

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

## *Joint Standing Committee on Health and Human Services*

This resolve requires the Department of Health and Human Services, through its office of MaineCare services, to apply for a Medicaid waiver to provide beginning April 1, 2010 MaineCare coverage for persons with physical disabilities who develop a catastrophic illness and requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2010 on the progress of the waiver application.

**LD 321      An Act To Impose a State Residency Requirement for Eligibility for  
General Assistance**

**ONTP**

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

This bill requires that a person reside in the State for at least 90 days in order to qualify for municipal general assistance.

**LD 322      An Act To Clarify the Prohibition on Payment for Health Care Facility  
Mistakes or Preventable Adverse Events**

**PUBLIC 31**

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

This bill clarifies that an employer, as defined under the Maine Workers' Compensation Act of 1992, may not be charged by a health care facility to correct a mistake or preventable adverse event caused by that health care facility.

**Enacted Law Summary**

Public Law 2009, chapter 31 clarifies that an employer, as defined under the Maine Workers' Compensation Act of 1992, may not be charged by a health care facility to correct a mistake or preventable adverse event caused by that health care facility.

**LD 337      An Act Regarding Emergency Involuntary Admission of a Participant  
in the Department of Health and Human Services' Progressive  
Treatment Program to a State Mental Institute**

**PUBLIC 276**

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

This bill broadens the list of persons who are authorized to petition the District Court for rehospitalization of a participant in the progressive treatment program to include 2 categories of nurses who are already authorized to certify emergency hospitalization.

**Enacted Law Summary**

Public Law 2009, chapter 276 broadens the list of persons who are authorized to petition the District Court for

**Joint Standing Committee on Health and Human Services**

rehospitalization of a participant in the progressive treatment program to include 2 categories of nurses who are already authorized to certify emergency hospitalization.

**LD 341 An Act To Amend the Department of Health and Human Services' Progressive Treatment Program**

**PUBLIC 321**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM A ONTP B OTP-AM C	S-197

This bill provides for an extension of up to 6 months of the period of participation in the Department of Health and Human Services' progressive treatment program for a person suffering from a severe and persistent mental illness who has been involuntarily committed to a state mental health institute and who has been participating in the progressive treatment program. This bill also changes the age for participating in the progressive treatment program from 21 years of age and older to 19 years of age and older.

**Committee Amendment "A" (S-197)**

This amendment lowers the minimum age for participation in the progressive treatment program to 18 years of age. The amendment provides the process by which the assertive community treatment team for a person in the progressive treatment program may apply to the District Court for one extension of participation for up to 6 months and the process by which the court makes a determination of whether to order an extension of participation.

**Enacted Law Summary**

Public Law 2009, chapter 321 lowers the minimum age for participation in the progressive treatment program to 18 years of age. The law provides the process by which the assertive community treatment team for a person in the progressive treatment program may apply to the District Court for one extension of participation for up to 6 months and the process by which the court makes a determination of whether to order an extension of participation.

**LD 359 An Act To Ensure That MaineCare Reimbursements to Hospitals Do Not Pay For Hospital Advertisements**

**ONTP**

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

This bill directs the Department of Health and Human Services to amend the MaineCare rules for reimbursement to hospitals to deduct from the reimbursement due to a hospital the cost paid by the hospital for advertisements for its inpatient care or treatment that were paid for during the applicable fiscal year. The rules, which must apply to hospital fiscal years beginning July 1, 2009 or after, are routine technical rules.

*Joint Standing Committee on Health and Human Services*

LD 361 An Act To Provide for a Certificate of Birth Resulting in Stillbirth

PUBLIC 311  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-275

This bill creates a certificate of birth for a stillborn child. It requires that the certificate be prepared and filed in accordance with the requirements for certificates filed to register live births and that the certificate be offered to the parents, who may choose to include a name for the stillborn child on the certificate. It requires the certificate to be filed within 3 days of the stillbirth and prior to cremation or removal of the stillborn child from the place of the stillbirth. If a certificate has not been registered within a year of the stillbirth, it still may be filed but must be marked "Delayed Registration of Stillbirth" and registered in accordance with the requirements for the delayed registration of a certificate for live birth.

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

This amendment replaces the bill. It adds an emergency preamble and emergency clause and provides for the issuance of a certificate of birth resulting in stillbirth, at the request of a parent, in the event of an unintentional intrauterine death of a fetus of 20 or more weeks of gestation.

**Enacted Law Summary**

Public Law 2009, chapter 311 provides for the issuance of a certificate of birth resulting in stillbirth, at the request of a parent, in the event of an unintentional intrauterine death of a fetus of 20 or more weeks of gestation.

Public Law 2009, chapter 311 was enacted as an emergency measure effective June 9, 2009.

LD 362 An Act To Support New Mothers Who Are in Substance Abuse Treatment Programs

ONTP

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

This bill amends the provisions of child protection law that require the Department of Health and Human Services to receive reports of infants who may be affected by illegal substance abuse or suffering from withdrawal symptoms from prenatal drug exposure. The bill establishes an exception for infants born to mothers who are actively enrolled in licensed substance abuse programs and, consistent with this exception, limits the department's duties to infants who are reported under the law.

**Joint Standing Committee on Health and Human Services**

**LD 395      Resolve, To Further Regulate the Use of Tanning Booths by Minors**

**RESOLVE 119**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM MAJ ONTP MIN	H-519 PERRY A S-227

This resolve directs the Department of Health and Human Services to amend the rules adopted by the department concerning tanning devices and minors to require that a parent or legal guardian must sign a consent form in the presence of the tanning device operator and must be present for the initial visit. It also requires that the consent form is only valid for 12 visits. It also requires a licensed physician to authorize that a minor may use a tanning device and requires a licensed physician to authorize more than one visit per week by a minor.

**Committee Amendment "A" (S-227)**

This amendment is the majority report of the committee and replaces the resolve. It adds emergency language and requires the Department of Health and Human Services to adopt rules regarding the use of tanning facilities by minors. It requires the department to convene a work group of interested parties and to report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature.

**House Amendment "A" To Committee Amendment "A" (H-519)**

This amendment removes the emergency preamble and the emergency clause.

**Enacted Law Summary**

Resolve 2009, chapter 119 requires the Department of Health and Human Services to adopt rules regarding the use of tanning facilities by minors. It requires the department to convene a work group of interested parties and to report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It authorizes the committee to submit legislation to the Second Regular Session of the 124th Legislature.

**LD 400      An Act To Implement the Recommendations of the Blue Ribbon  
Commission To Study Long-term Home-based and Community-based  
Care**

**PUBLIC 420  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-343 DIAMOND S-57

This bill contains legislation suggested by the Blue Ribbon Commission to Study Long-term Home-based and Community-based Care.

It amends existing law governing the legislative findings and policy for home-based and community-based long-term care services for the elderly and adults with physical disabilities. It adds statements of findings for in-home and community support services and long-term care services.

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It adds hospice care to the definition of "in-home and community support services."

It directs the Department of Health and Human Services to undertake a planning process for the adoption of a unified budget for long-term care services and supports for the elderly and adults with physical disabilities. It directs the Commissioner of Health and Human Services, the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review to work together to prepare a revised chart of accounts. The commissioners are required to report by January 1, 2010 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters. The report must contain a plan for a unified budget to be implemented by July 1, 2010.

It directs the Department of Health and Human Services to adopt as a priority reduction of the waiting lists for home-based and community-based care and homemaker services for the elderly and adults with disabilities during fiscal year 2008-09 and elimination of the waiting lists during the fiscal years 2009-10 and 2010-11.

It directs the Department of Health and Human Services to work with the Department of Labor to explore uses of and develop funding sources for assistive technologies. It requires the Department of Health and Human Services to report by January 1, 2010 to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

It directs the Department of Health and Human Services to explore alternative non-MaineCare sources of funding for service packages provided to residents in the 7 tax-credit-assisted assisted living facilities that currently use MaineCare funding. The alternative funding must be used in the event MaineCare funding is no longer available to ensure continuation of service packages. The department is required to report by January 1, 2010 to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

It directs the Department of Health and Human Services to work with interested parties to develop a comprehensive and systematic approach to training, reimbursement and benefits for direct care workers in home-based and community-based care, residential facilities and nursing facilities and to report by December 1, 2009 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters.

It directs the Department of Health and Human Services to undertake efforts to reverse the spending trend in long-term care to increase the number of people served and funds spent in home-based and community-based care as compared to the spending on residential care and nursing facility care and to report annually by February 1 beginning in 2010 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters.

It directs the Department of Health and Human Services to undertake an effort in the assessment process for eligibility for long-term care services under the MaineCare program to improve the discharge planning process as it pertains to hospitals and residential care facilities, including improving the provision of information to the consumer about facility-based and home-based and community-based options, improving consumer choice in the discharge process, increasing consumer counseling for those choosing self-directed care and education on the availability of hospice services, and to report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters by February 1, 2010 and February 1, 2011.

It directs the Department of Health and Human Services to work with the 5 area agencies on aging to provide services through Aging and Disability Resource Centers on a statewide basis, provides \$300,000 per year for this purpose and conditions the funding on the area agencies on aging working with hospitals, nursing facilities and residential care facilities to improve the long-term care discharge planning process. It directs the department to report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters on work done with regard to this initiative by February 1, 2010 and

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February 1, 2011.

It provides funding for long-term care services for the elderly and adults with physical disabilities in the amount of \$500,000 per year for the Priority Social Services Program and \$200,000 per year for the family caregiver initiative.

### Committee Amendment "A" (S-57)

This amendment replaces the bill. It combines 4 provisions requiring reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It reduces the funding from \$1,000,000 per year to \$800,000 per year. It changes the provision requiring a unified long-term care budget to the provision of a comprehensive presentation of the long-term care budget.

### Senate Amendment "A" To Committee Amendment "A" (S-343)

This amendment strikes the appropriations and allocations section and requires the Department of Health and Human Services, as resources permit, to work with the 5 area agencies on aging to identify funding to provide services on a statewide basis.

### Enacted Law Summary

Public Law 2009, chapter 420 amends existing law governing the legislative findings and policy for home-based and community-based long-term care services for the elderly and adults with physical disabilities. It adds statements of findings for in-home and community support services and long-term care services.

It adds hospice care to the definition of "in-home and community support services."

It directs the Department of Health and Human Services to undertake a process to provide a comprehensive presentation of a budget for long-term care services and supports for the elderly and adults with physical disabilities.

It directs the Department of Health and Human Services to report by January 1, 2010 on waiting lists for home-based and community-based care and homemaker services, funding sources for assistive technologies, a comprehensive and systematic approach to training, reimbursement and benefits for direct care workers in home-based and community-based care, residential facilities and nursing facilities and work done regarding the aging and disability resource centers and efforts to improve discharge planning and the provision of information to consumers and their families.

The law requires the Department of Health and Human Services, as resources permit, to work with the five area agencies to identify funding to provide aging and disability resource services on a statewide basis.

Public Law 2009, chapter 420 was enacted as an emergency measure effective June 12, 2009.

### LD 405 An Act To Reevaluate the Scope of Coverage for the Childless Adult Waiver Program

ONTP

Sponsor(s)

MILLS P

Committee Report

ONTP

Amendments Adopted

This bill provides a one-time appropriation of \$150,000 in fiscal year 2009-10 for the Department of Health and Human Services to contract for an independent survey of members enrolled in the MaineCare childless adult waiver program.

***Joint Standing Committee on Health and Human Services***

**LD 408      An Act To Clarify the Term of a Retail Tobacco License**

**ONTP**

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

Currently, rules adopted by the Department of Health and Human Services, Maine Center for Disease Control and Prevention provide an expiration date of July 29th of each year for retail tobacco licenses that are, under the Maine Revised Statutes, Title 22, section 1552, subsection 2, valid for one year.

This bill clarifies that retail tobacco licenses are valid for one year from the date of issuance. See LD 462, Public Law 2009, chapter 199.

**LD 416      An Act To Provide Funding to the ElderCare Network**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE TRAHAN	ONTP MAJ OTP MIN	

This bill requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings from a reduction in out-of-state travel. The bill includes a deappropriation of \$250,000 in fiscal year 2009-10. The bill also includes a \$250,000 one-time appropriation in fiscal year 2009-10 to fund the ElderCare Network.

**LD 423      An Act To Provide a Safe Sleeping Environment for Children with Disabilities To Enable Them To Remain in Their Homes**

**PUBLIC 100**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H SMITH D	OTP-AM	H-88

This bill requires the Department of Health and Human Services to provide MaineCare reimbursement for durable medical equipment that will provide a safe sleeping environment for individuals under 18 years of age if the equipment is: necessary to correct or ameliorate a behavioral health condition; the least restrictive alternative for the treatment of that condition; approved on a case-by-case basis by a review team specified in the bill; and cost-effective in comparison to other covered services or equipment for correction or amelioration of the condition. The bill authorizes the department to adopt routine technical rules as necessary to implement this proposed section of law.

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

This amendment changes the requirement to fund certain durable medical equipment from a MaineCare requirement to a requirement that the Department of Health and Human Services fund it within available resources. It also lowers

## *Joint Standing Committee on Health and Human Services*

the maximum eligible age to under 16.

### Enacted Law Summary

Public Law 2009, chapter 100 requires the Department of Health and Human Services to fund certain durable medical equipment within available resources for children up to age 16.

**LD 424      Resolve, Directing the Department of Education and the Department of Health and Human Services To Adopt Rules Requiring a Tetanus, Diphtheria and Pertussis Booster Vaccination in School-age Children      ONTP**

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

This resolve directs the Department of Education and the Department of Health and Human Services to jointly adopt rules setting requirements for a tetanus, diphtheria and pertussis booster vaccination to be given to school-age children.

The Joint Standing Committee on Health and Human Services requests by letter that the Maine Center for Disease Control and Prevention to convene a stakeholders group on childhood immunizations and report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Education and Cultural Affairs by January 15, 2010. The letter requests that the report include findings and recommendations on: 1) other states' school mandated vaccines and criteria used for determining for mandates; 2) criteria agreed upon for use in Maine to determine which vaccines should be mandated for school attendance; 3) application of the criteria to all the childhood vaccines recommended by Advisory Committee on Immunization Practice; 4) recommendations (if any) for any additions to Maine's mandated vaccines for school attendance; 5) strategies to improve vaccination rates among school children; 6) a review of implementation strategies in Maine and other states for controlling disease outbreak in schools when unvaccinated children are enrolled and 7) a review of exemptions to school mandated vaccines in Maine and other states, how these are communicated to schools and parents and suggestions for any changes. The items covered in the letter address concerns raised in this bill and LD 881 as well as issues raised during deliberations of the Joint Standing Committee on Education and Cultural Affairs on LD 735.

**LD 462      An Act To Amend the Retail Tobacco and Liquor Licensing Laws      PUBLIC 199  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-163 BRANNIGAN S-83

This bill clarifies that all retail tobacco licenses expire March 31st each year and requires the Department of Health and Human Services to adopt rules to provide for prorated license fees for new applications received after April 1st. The bill further clarifies the jurisdiction of and provides consistent procedures for the District Court over agents and employees of both retail tobacco licensees and liquor licensees when charged with administrative violations.

### **Committee Amendment "A" (S-83)**

This amendment provides consistent notice and hearing procedures for the District Court to follow when retail

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tobacco licensees and liquor licensees or their agents and employees are charged with administrative violations.

### **Senate Amendment "A" (S-163)**

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

### **Enacted Law Summary**

Public Law 2009, chapter 199 clarifies that all retail tobacco licenses expire March 31st each year and requires the Department of Health and Human Services to adopt rules to provide for prorated license fees for new applications received after April 1st. The law further clarifies the jurisdiction of and provides consistent procedures for the District Court over agents and employees of both retail tobacco licensees and liquor licensees when charged with administrative violations.

This law provides consistent notice and hearing procedures for the District Court to follow when retail tobacco licensees and liquor licensees or their agents and employees are charged with administrative violations.

Public Law 2009, chapter 199 was enacted as an emergency measure effective May 26, 2009.

## **LD 479      An Act To Recognize Maine Youth Camps**

**PUBLIC 211**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-148

This bill addresses ambiguities and inconsistencies in statute concerning youth camps and clarifies the laws governing their operation. Part A defines youth camps as a separate entity and further clarifies the law under the Maine Revised Statutes, Title 22, chapter 562 based on the definition of "youth camps" in rules adopted by the Department of Health and Human Services, 10-144 Code of Maine Rules, chapter 208, section 1.H. Part B corrects other statutory provisions concerning youth camps to eliminate the inconsistent and confusing references.

### **Committee Amendment "A" (S-148)**

This amendment removes a provision in the bill that was not applicable to youth camps and incorporates changes to the Maine Revised Statutes, Title 22, section 4011-A, subsection 1, paragraph A made by Public Law 2009, chapter 41 to avoid a conflict.

### **Enacted Law Summary**

Public Law 2009, chapter 211 addresses ambiguities and inconsistencies in statute concerning youth camps and clarifies the laws governing their operation. Part A defines youth camps as a separate entity and further clarifies the law under the Maine Revised Statutes, Title 22, chapter 562 based on the definition of "youth camps" in rules adopted by the Department of Health and Human Services, 10-144 Code of Maine Rules, chapter 208, section 1.H. Part B corrects other statutory provisions concerning youth camps to eliminate the inconsistent and confusing references.

**Joint Standing Committee on Health and Human Services**

**LD 480      Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services, Division of Policy and Performance**

**RESOLVE 40  
EMERGENCY**

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

This resolve provides for legislative review of portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services, Office of MaineCare Services, Division of Policy and Performance.

**Enacted Law Summary**

Resolve 2009, chapter 40 approves portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services, Office of MaineCare Services, Division of Policy and Performance. The proposed rule defines a PNMI leave day and does not reimburse the PNMI for leave days. It also repeals the 85 percent occupancy rate for substance abuse, mental health and children's PNMI's except that for non-case mixed medical and remedial facilities it sets the occupancy rate at 90 percent for facilities over six beds and 85 percent for facilities with six or fewer beds.

The Health and Human Services Committee requested from the Department of Health and Human Services a report in early January on bed-hold procedures in other states, involuntary transfer options for new placements.

Resolve 2009, chapter 40 was passed as an emergency measure effective May 14, 2009.

**LD 524      An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL GOOLEY	OTP-AM	H-87

This bill allows family members, friends or neighbors to receive payment for providing personal care and health maintenance services to persons who receive Medicaid.

**Committee Amendment "A" (H-87)**

This amendment replaces the bill. It appropriates \$200,000 per year in funding for family members, friends and neighbors who provide care for persons who are elderly.

*Joint Standing Committee on Health and Human Services*

**LD 552      Resolve, Authorizing Coverage of Enteral Formula under the  
MaineCare Program**

**ONTP**

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

This resolve requires the Department of Health and Human Services to amend the MaineCare rules to require coverage for all Medicaid populations for medically necessary enteral formulas and is modelled after the New York State Medicaid program, which has authorized such coverage since 1997.

**LD 563      An Act To Pay a State Share into the HealthInfoNet System**

**ONTP**

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

This bill appropriates \$250,000 in each of fiscal years 2009-10 and 2010-11 for grants to HealthInfoNet for the State's contribution to support Maine's health information exchange system.

See LD 1490.

**LD 572      An Act To Expand the Membership of the Maine Elder Death Analysis  
Review Team**

**PUBLIC 149**

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

This bill amends the section of law that lists the composition of the Maine Elder Death Analysis Review Team in the Attorney General's Office. It makes a change to reflect the updating of a position title and it adds 3 positions: a sexual assault nurse examiner, a physician and an emergency medical services professional.

**Enacted Law Summary**

Public Law 2009, Chapter 149 amends the section of law that lists the composition of the Maine Elder Death Analysis Review Team in the Attorney General's Office. It makes a change to reflect the updating of a position title and it adds 3 positions: a sexual assault nurse examiner, a physician and an emergency medical services professional.

*Joint Standing Committee on Health and Human Services*

**LD 573      An Act Requiring Assisted Living Facilities To Provide Automated External Defibrillator Availability**

**ACCEPTED ONTP  
REPORT**

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

This bill requires the Department of Health and Human Services to establish rules that require a licensed assisted housing program to establish an automated external defibrillator, AED, access plan that includes having an AED on the premises of the facility and at least one employee on duty during each shift who is trained in cardiopulmonary resuscitation and the use of an AED.

**LD 574      Resolve, To Increase the Blood Supply**

**RESOLVE 21**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER J BRANNIGAN	OTP MAJ ONTP MIN	

This resolve requires the Department of Health and Human Services to provide information and guidance to assist blood donation centers in meeting the United States Department of Health and Human Services, Food and Drug Administration requirements to receive blood and blood components collected through therapeutic phlebotomies from individuals with diagnosed hereditary hemochromatosis.

**Enacted Law Summary**

Resolve 2009, chapter 21 requires the Department of Health and Human Services to provide information and guidance to assist blood donation centers in meeting the United States Department of Health and Human Services, Food and Drug Administration requirements to receive blood and blood components collected through therapeutic phlebotomies from individuals with diagnosed hereditary hemochromatosis.

**LD 575      An Act To Preserve the Commitment Made to Children in the State's Care**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR CRAVEN	ONTP MAJ OTP-AM MIN	

This bill requires the Department of Health and Human Services to provide to an adoptive family for a child placed with the family a subsidy through the execution of a renewable contract for a period of 4 years, during which time the level of reimbursement may not be decreased. The bill also prohibits the department from reducing adoption subsidies between October 1, 2009 and September 30, 2013.

***Joint Standing Committee on Health and Human Services***

**LD 576      Resolve, To Require the Department of Health and Human Services and the Maine State Housing Authority To Create Efficiencies in Existing Services for Persons Who Are Homeless**

**ONTP**

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

This resolve directs the Department of Health and Human Services and the Maine State Housing Authority to convene a working group to review the services delivered to persons who are homeless, with the purpose of creating efficiencies while maintaining flexibility. The department and the housing authority shall submit a report to the Joint Standing Committee on Health and Human Services by January 1, 2010. The Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 124th Legislature.

The Joint Standing Committee on Health and Human Services requests by letter that the Commissioner of the Department of Health and Human Services and Director of the Maine State Housing Authority supervise this work and report their findings at the beginning of the next legislative session.

**LD 599      An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP MAJ ONTP MIN	

This bill provides for noninvasive testing of newborn infants for the presence of addictive drugs with or without the consent of one or both parents. The bill provides for routine technical rules to be adopted by the Department of Health and Human Services.

**LD 600      Resolve, To Encourage Physicians To Administer the Injectable Painkiller Toradol in Lieu of Other Opioids**

**ONTP**

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

This resolve requires the Department of Health and Human Services to amend rules governing the MaineCare program to increase the rate of reimbursement for Toradol so that practitioners will have an incentive to administer this injectable painkiller as an alternative to prescribing narcotic pills that are highly divertible.

*Joint Standing Committee on Health and Human Services*

**LD 609      An Act To Amend the Laws Governing Involuntary Hospitalization  
Procedures**

**PUBLIC 281**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-228

This bill amends the laws regarding involuntary hospitalization to permit a court to separate hearings on commitment from hearings on involuntary treatment. It also enlarges the time within which the hearing on involuntary treatment may be heard.

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

This amendment clarifies the procedures for a person who is hospitalized in a psychiatric hospital who is sentenced to serve time in a county jail.

**Enacted Law Summary**

Public Law 2009, chapter 281 amends the laws regarding involuntary hospitalization to permit a court to separate hearings on commitment from hearings on involuntary treatment. It also enlarges the time within which the hearing on involuntary treatment may be heard and clarifies the procedures for a person who is hospitalized in a psychiatric hospital who is sentenced to serve time in a county jail.

**LD 611      Resolve, To Provide Reimbursement in the MaineCare Program for  
Board-certified Behavior Analysts**

**RESOLVE 33**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-55

This bill provides for reimbursement under the MaineCare program for board-certified behavior analysts. The bill directs the Department of Health and Human Services to adopt routine technical rules by January 1, 2010.

**Committee Amendment "A" (S-55)**

This amendment replaces the bill. It directs the Department of Health and Human Services to amend the federally approved Medicaid state plan and adopt rules to provide for reimbursement for supervisory services only for board-certified behavior analysts.

**Enacted Law Summary**

Resolve 2009, chapter 33 directs the Department of Health and Human Services to amend the federally approved Medicaid state plan and adopt rules to provide for reimbursement for supervisory services only for board-certified behavior analysts.

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LD 623     **An Act To Provide the Office of Chief Medical Examiner Access to  
Controlled Substances Prescription Monitoring Program Data for the  
Purpose of Conducting Cause of Death Investigations**

PUBLIC 196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BRANNIGAN	OTP-AM	H-203

This bill amends the controlled substances prescription monitoring laws to authorize Office of Chief Medical Examiner access to prescription monitoring information for the limited purpose of conducting investigations into the cause, manner and circumstances of death in medical examiner cases. The bill specifies that prescription monitoring information under the possession or control of the Office of Chief Medical Examiner is confidential and may not be further disseminated.

**Committee Amendment "A" (H-203)**

This amendment clarifies that information the Office of Chief Medical Examiner acquires separately from the prescription monitoring information is still subject to the provisions of the Maine Revised Statutes, Title 22, section 3022 related to confidentiality, access, use and dissemination.

**Enacted Law Summary**

Public Law 2009, chapter 196 amends the controlled substances prescription monitoring laws to authorize Office of Chief Medical Examiner access to prescription monitoring information for the limited purpose of conducting investigations into the cause, manner and circumstances of death in medical examiner cases. It specifies that prescription monitoring information under the possession or control of the Office of Chief Medical Examiner is confidential and may not be further disseminated. It clarifies that information the Office of Chief Medical Examiner acquires separately from the prescription monitoring information is still subject to the provisions of the Maine Revised Statutes, Title 22, section 3022 related to confidentiality, access, use and dissemination.

LD 624     **Resolve, To Implement Certain Recommendations of the Report of the  
Governor's Task Force on Expanding Access to Oral Health Care for  
Maine People**

Carried Over

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

This resolve would increase MaineCare dental reimbursement rates in accordance with recommendation #1 of the 2008 Governor's Task Force on Expanding Access to Oral Health Care for Maine People.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053. This bill was carried over on the chance that funding may be available in 2010.

**Joint Standing Committee on Health and Human Services**

**LD 625      Resolve, To Ensure All Children Covered by MaineCare Receive Early and Periodic Screening, Diagnosis and Treatment Services**

**RESOLVE 26**

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

This resolve directs the Department of Health and Human Services to form a work group to evaluate the current system for providing early and periodic screening, diagnosis and treatment services in the State and to report the work group's findings to the Joint Standing Committee on Health and Human Services. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 26 directs the Department of Health and Human Services to form a work group to evaluate the current system for providing early and periodic screening, diagnosis and treatment services in the State and to report the work group's findings to the Joint Standing Committee on Health and Human Services. The resolve authorizes the joint standing committee to submit legislation to the Second Regular Session of the 124th Legislature.

**LD 637      An Act To Ensure Services for Adults with Developmental Disabilities**

**Carried Over**

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

This bill requires the Department of Health and Human Services to provide health coverage under the MaineCare program for an adult with mental retardation or autism who is incapacitated and financially eligible for MaineCare.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053. This bill was carried over in order to obtain data on waiting lists, unmet needs, trends in providing services, planning for future needs and initiatives in other states.

**LD 654      Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders**

**RESOLVE 123**

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

This resolve directs the Department of Health and Human Services to complete its work conducted pursuant to Resolves 2007, chapter 78 regarding the review of laws, rules and policies regarding services, definitions, limitations, eligibility and levels of care for adults with mental retardation, pervasive developmental disorders and other cognitive and developmental disorders and to report to the Joint Standing Committee on Health and Human Services. It authorizes the committee to submit legislation related to the recommendations of the working group to

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the Second Regular Session of the 124th Legislature.

### Enacted Law Summary

This resolve directs the Department of Health and Human Services to complete its work conducted pursuant to Resolves 2007, chapter 78 regarding the review of laws, rules and policies regarding services, definitions, limitations, eligibility and levels of care for adults with mental retardation, pervasive developmental disorders and other cognitive and developmental disorders and to report to the Joint Standing Committee on Health and Human Services. It authorizes the committee to submit legislation related to the recommendations of the working group to the Second Regular Session of the 124th Legislature.

**LD 675      An Act To Lower the Cost of State Government in the Departments      ONTP**  
**under the Purview of the Joint Standing Committee on Health and**  
**Human Services**

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

This bill eliminates 3 managerial positions from the Department of Health and Human Services including one Director of Fiscal and Program Coordination position and 2 Director of Special Projects positions.

**LD 700      An Act To Restore Funding for Bed-hold Days at Private Nonmedical      ACCEPTED ONTP**  
**Institutions      REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L BRANNIGAN	ONTP MAJ OTP-AM MIN	

This bill provides funding to the Department of Health and Human Services to restore reimbursement to private nonmedical institutions for holding beds for up to 45 days annually for each resident determined to qualify for medical or therapeutic absences and up to 7 days annually for personal or family-related absences. Public Law 2007, chapter 539 limits the preexisting reimbursement of costs associated with holding beds by limiting the costs that would be recognized to the first 30 days per year per resident. Effective August 1, 2008, the department implemented emergency rules to deny this funding entirely under MaineCare and to continue recognizing only the portion of bed-hold costs that is reimbursed from the General Fund for the room and board portion of residential care facility costs under Chapter 115 of the department's rules and analogous guidelines for certain types of private nonmedical institutions.

This bill requires the Department of Health and Human Services to amend its MaineCare rules to restore this reimbursement and states that the provisions of this bill supersede the currently existing contrary rules. It also provides that the limit on days per resident per year is a maximum of 52 days, rather than 30, but that additional days may be approved by the department.

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**LD 701      An Act To Fund the Screening and Early Detection Elements of the  
Statewide Cancer Plan**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS MARRACHE		H-250

This bill provides funding for a portion of the comprehensive cancer screening, detection and prevention program by providing an ongoing appropriation from the Fund for a Healthy Maine.

This bill was carried over by Joint Order, H.P. 1053 to any special or regular session of the 124th Legislature due to action of the Joint Standing Committee on Appropriations and Financial Affairs.

**Committee Amendment "A" (H-250)**

This amendment changes the name of the account in the appropriations and allocations section of the bill. The amount proposed for appropriations remains the same as the original bill.

**LD 721      Resolve, Directing the Department of Health and Human Services To  
Raise Public Awareness of Reflex Sympathetic Dystrophy Syndrome**

**ONTP**

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

This resolve directs the Department of Health and Human Services to establish, promote and maintain a reflex sympathetic dystrophy syndrome education initiative to raise public awareness of, and educate consumers, health professionals, teachers and human services providers about, the causes and nature of this syndrome, personal risk factors, the value of early detection and prompt treatment and options for diagnosing and treating the disease. The department is to consult with the State of Delaware and the Commonwealth of Pennsylvania, both of which have instituted this sort of initiative.

The Joint Standing Committee on Health and Human Services requests by letter that the Director of Maine Center for Disease Control and Prevention in the Department of Health and Human Services create awareness of Reflex Sympathetic Dystrophy Syndrome through articles in newsletters to nurse practitioners, physicians and other health care practitioners.

**LD 724      Resolve, To Create a Working Group To Provide Transparency  
Concerning Operating Expenses for Hospitals**

**RESOLVE 66**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-149

This bill requires hospitals to report annually to the Department of Health and Human Services a detailed description of their annual operating budgets and requires the department to report all information gathered to the joint standing

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committee of the Legislature having jurisdiction over health matters.

### **Committee Amendment "A" (S-149)**

This amendment changes the bill to a resolve and changes the title. It directs the Maine Health Data Organization and the Governors Office of Health Policy and Finance to convene a working group, including representatives of the Maine Hospital Association, the Maine Health Data Organization and the Governors Office of Health Policy and Finance and other stakeholders, to examine and make recommendations for hospital data reporting that will provide transparency concerning operating expenses, including, but not limited to, annual operating budgets and other financial information. The resolve requires the Maine Health Data Organization and the Governors Office of Health Policy and Finance to submit a report to the Joint Standing Committee on Health and Human Services by January 1, 2010. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 66 directs the Maine Health Data Organization and the Governor's Office of Health Policy and Finance to convene a working group to examine and make recommendations for hospital data reporting that will provide transparency concerning operating expenses, including, but not limited to, annual operating budgets and other financial information. The resolve requires the Maine Health Data Organization and the Governor's Office of Health Policy and Finance to submit a report to the Joint Standing Committee on Health and Human Services by January 1, 2010. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 124th Legislature.

**LD 738      An Act To Require Patients of Opioid Treatment Programs To Release Medical Information to a Designated Primary Care Physician      ONTP**

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

This bill prohibits a person from participating in an opioid treatment program unless the person signs a release authorizing the program to provide monthly clinical information to a primary care provider licensed to practice in the State who is responsible for the person's general health care. It requires opioid treatment programs to report clinical information to each participant's primary care provider once a month. It requires the Department of Health and Human Services, Office of Substance Abuse to adopt routine technical rules.

**LD 752      Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Soft Drinks      ONTP**

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

This resolve requires the Department of Health and Human Services to request a waiver from the United States Department of Agriculture to allow the State to prohibit the use of benefits under the Supplemental Nutrition Assistance Program, previously referred to as "the Food Stamp Program," for the purchase of soft drinks and, upon receipt of the waiver, to prohibit such use.

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**LD 753      Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Taxable Food Items**

**ONTP**

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

This resolve requires the Department of Health and Human Services to request a waiver from the United States Department of Agriculture to allow Maine to prohibit the use of Supplemental Nutrition Assistance Program benefits for the purchase of food items that are subject to the state sales tax.

**LD 757      An Act To Improve the Transparency of Certain Hospitals**

**Carried Over**

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

This bill makes medical organizations that receive over \$250,000 annually in public funds for medical services subject to the freedom of access laws.

This bill was carried over by joint order, H.P. 1053 to any special or regular session of the 124th Legislature to allow the Joint Standing Committee on Health and Human Services to consult with the Right to Know Committee about how the public proceedings and open meetings provisions of the Freedom of Access laws might be applied to hospital board meeting before having further deliberations on the bill.

**LD 768      An Act To Improve the Dental Health of Children by Making Fluoride Treatments More Available**

**ONTP**

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

This bill requires a pediatrician or a physician who treats children to offer a fluoride treatment to a patient who is a minor and allows a pediatrician or a physician to recommend a fluoride treatment without being a licensed dentist or dental hygienist.

*Joint Standing Committee on Health and Human Services*

**LD 794      Resolve, To Adjust Copayment Rules To Ensure Access to Home-based Care Services**

**ONTP**

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

This resolve directs the Department of Health and Human Services to amend its rules for home-based care copayments to eliminate the copayment waiver and simplify the determination of financial eligibility for the home-based care program. The resolve allows for consideration of expenses for housing, transportation, life insurance, allowable personal expenses and a spouse's unreimbursed medical expenses. The resolve also increases allowable household assets to no more than \$30,000.

The Health and Human Services Committee requested from the Department of Health and Human Services a report by January 15, 2010 on progress that the department is making on long-term care asset tests and copayments.

**LD 795      Resolve, To Enhance Public Information about the MaineCare Program**

**ONTP**

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

This resolve requires the Department of Health and Human Services to include in the weekly public notice any changes or any department application for a waiver to the MaineCare program. The department shall include in the notice that a person has 20 business days to request a hearing on any change or application for a waiver.

**LD 802      An Act To Require Reporting on Medical Services or Treatment Provided to Minors without Parental Consent**

**ONTP**

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

This bill requires a health care practitioner or health care provider who provides health care services or health treatment to a minor without the consent of that minor's parent or guardian to file a report containing specified information with the Department of Health and Human Services.

**Joint Standing Committee on Health and Human Services**

**LD 809      An Act To Preserve the Viability of Services to Maine's Citizens with  
Mental Retardation**

**ONTP**

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

This emergency bill makes a one-time appropriation for the Mental Retardation Waiver - MaineCare program in the event that the temporary increase in Maine's federal matching assistance percentage exceeds \$98,800,000 to restore services that have been cut this fiscal year to pay for a shortfall in the program incurred due to the payment of claims from prior fiscal years resulting from computer problems that delayed Medicaid claims processing.

**LD 819      An Act To Encourage Transparency in Disclosing the Ingredients in  
Vaccinations for Children to Parents and Guardians**

**ONTP**

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

The purpose of this bill is to provide greater transparency regarding the ingredients of vaccinations and to reduce confusion related to school immunization requirements and a parent's right to decide against immunizing that parent's child. The bill requires a health care provider or clinic staff person to, prior to immunizing a person under 18 years of age, disclose the ingredients of the immunizing agent or agents to the parent or guardian of the child. It also requires the health care provider or clinic staff person to notify the parent or guardian of the option of refusing immunization of the child based on religious or philosophical beliefs.

**LD 820      An Act To Prohibit Smoking in Outdoor Eating Areas**

**PUBLIC 140**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COHEN CRAVEN	OTP-AM	H-132

This bill prohibits smoking in outdoor eating areas until 10:00 p.m.

**Committee Amendment "A" (H-132)**

This amendment replaces the bill and changes the title. It prohibits smoking in outdoor eating areas of eating establishments without the time limit proposed in the bill and removes the penalty. It requires eating establishments to notify their patrons of the prohibition on smoking and to request that persons in the outdoor eating area comply with the law.

**Enacted Law Summary**

Public Law 2009, chapter 140 prohibits smoking in outdoor eating areas of eating establishments. It requires eating establishments to notify their patrons of the prohibition on smoking and to request that persons in the outdoor eating

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area comply with the law.

**LD 821 An Act To Support Collection and Proper Disposal of Unwanted Drugs**

**Carried Over**

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

This bill establishes a system to collect and safely dispose of unwanted drugs from households and other residential sources.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053. This bill was carried over to enable interested parties to work out alternative wording for the bill.

**LD 854 Resolve, Directing the Department of Health and Human Services To Create a New Health Care Internet Infrastructure**

**ONTP**

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

This resolve directs the Department of Health and Human Services to create an Internet-based system to access data concerning the availability of nursing home beds.

The Health and Human Services Committee requested from the Department of Health and Human Services a report by January 15, 2010 on progress that the department is making on a health care internet infrastructure.

**LD 865 An Act To Change the Maine HIV Advisory Committee**

**PUBLIC 203**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY BARTLETT	OTP-AM	H-243

This bill adjusts the statutory duties of the Maine HIV Advisory Committee to ensure that its activities are performed on behalf of those individuals in the State who are infected by, at risk for or affected by HIV and to provide a more proactive role for the committee regarding issues surrounding HIV. This bill removes funeral directors from the list of representatives that may be chosen to be on the Maine HIV Advisory Committee.

**Committee Amendment "A" (H-243)**

This amendment replaces the bill. It changes the duties of the Maine HIV Advisory Committee by adding budgeting to the areas on which the committee advises the Governor and other agencies and removing the annual assessment of budget proposals at state agencies related to HIV. It also changes the date by which the committee must report to the Governor and the Legislature from January 15th to January 31st. It reduces the size of the committee from 21 members to 19. It changes the composition of the committee membership to two members of the Legislature, five

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state agency representatives, three members that have HIV or AIDS, two health care professionals, two HIV-related prevention or social services providers, a member of a state HIV community planning group, a representative of the statewide AIDS alliance, a representative of a statewide coordinating council for public health and two at-large members selected from certain specified groups. Members who represent state agencies are nonvoting members and serve only for the duration of the term of the commissioner of the agency each member represents. It removes the names of positions and offices no longer used and updates them with current names. It provides that those members currently serving on the committee continue to serve for the balance of their 3-year terms.

### **Enacted Law Summary**

Public Law 2009, chapter 203 changes the duties of the Maine HIV Advisory Committee by adding budgeting to the areas on which the committee advises the Governor and other agencies and removing the annual assessment of budget proposals at state agencies related to HIV. It also changes the date by which the committee must report to the Governor and the Legislature from January 15th to January 31st. It reduces the size of the committee from 21 members to 19. It changes the composition of the committee membership to two members of the Legislature, five state agency representatives, three members that have HIV or AIDS, two health care professionals, two HIV-related prevention or social services providers, a member of a state HIV community planning group, a representative of the statewide AIDS alliance, a representative of a statewide coordinating council for public health and two at-large members selected from certain specified groups. Members who represent state agencies are nonvoting members and serve only for the duration of the term of the commissioner of the agency each member represents. It removes the names of positions and offices no longer used and updates them with current names. It provides that those members currently serving on the committee continue to serve for the balance of their 3-year terms.

Public Law 2009, chapter 203 has an effective date of October 1, 2009.

**LD 877      Resolve, To Review the Maine Registry of Certified Nursing Assistants**

**RESOLVE 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-259

Current law prohibits an individual from employment as a certified nursing assistant in certain settings if the individual has been convicted of a crime involving abuse, neglect or misappropriation of property in a health care setting. This bill amends the list of crimes that preclude an individual from employment as a certified nursing assistant in certain settings to add crimes involving sexual assault, domestic violence and stalking.

### **Committee Amendment "A" (H-259)**

This amendment changes the bill to a resolve and changes the title. It directs the Department of Health and Human Services to convene a working group to examine and make recommendations for changes to the current law, which prohibits individuals with certain criminal convictions from employment as a certified nursing assistant in certain settings. The resolve requires the department to submit a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2010. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 68 directs the Department of Health and Human Services to convene a working group to examine and make recommendations for changes to the current law, which prohibits individuals with certain criminal convictions from employment as a certified nursing assistant in certain settings. It requires the department to submit a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee

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on Criminal Justice and Public Safety by January 1, 2010. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 124th Legislature.

**LD 881      Resolve, To Ensure the Health of Maine Children by Requiring a  
Certain Vaccination** **ONTP**

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

This resolve requires the Department of Health and Human Services, Maine Center for Disease Control to amend its rules governing immunizations of school children to require vaccinations against meningococcal meningitis for students who are 11 years of age or older, beginning with the 2010-2011 school year.

The Joint Standing Committee on Health and Human Services requests by letter that the Maine Center for Disease Control and Prevention to convene a stakeholders group on childhood immunizations and report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Education and Cultural Affairs by January 15, 2010. The letter requests that the report include findings and recommendations on: 1) other states' school mandated vaccines and criteria used for determining for mandates; 2) criteria agreed upon for use in Maine to determine which vaccines should be mandated for school attendance; 3) application of the criteria to all the childhood vaccines recommended by Advisory Committee on Immunization Practice; 4) recommendations (if any) for any additions to Maine's mandated vaccines for school attendance; 5) strategies to improve vaccination rates among school children; 6) a review of implementation strategies in Maine and other states for controlling disease outbreak in schools when unvaccinated children are enrolled and 7) a review of exemptions to school mandated vaccines in Maine and other states, how these are communicated to schools and parents and suggestions for any changes. The items covered in the letter address concerns raised in this bill and LD 424 as well as issues raised during deliberations of the Joint Standing Committee on Education and Cultural Affairs on LD 735.

**LD 916      An Act Regarding Trans Fat** **ONTP**

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

This bill defines "food containing artificial trans fat" and prohibits the storage, distribution or use of these foods in an eating establishment. It requires the owner or manager of an eating establishment to maintain labels or provide documentation to facilitate enforcement of the prohibition.

**LD 939      An Act To Amend the Laws Governing Assisted Living Programs** **ONTP**

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

***Joint Standing Committee on Health and Human Services***

This bill amends the laws governing assisted living programs to permit The Atrium, a nonprofit charitable housing program affiliated with The Cedars senior living community in Portland, Maine, to be licensed as an assisted living program and authorized to provide physical therapy, nursing services and medication management services to its residents.

**LD 940      An Act To Estimate the Financial Costs to Providers in Implementing      ONTP**  
**MaineCare Rules**

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

This bill requires that, when adopting, amending or repealing a rule pursuant to the administration of the MaineCare program, the Department of Health and Human Services shall provide an estimate to providers of services of anticipated costs that may reasonably result from the adoption, amendment or repeal of that rule.

The Health and Human Services Committee requested from the Department of Health and Human Services a report by January 15, 2010 on the issue of provider costs when MaineCare rules are adopted or amended.

**LD 941      Resolve, To Assist Families with Substance Abuse Issues      ONTP**

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

This resolve requires the Department of Health and Human Services, Office of Substance Abuse to develop a plan and recommendations, including any necessary legislation, for a parent-initiated process of involuntary treatment for adults with addiction and substance abuse treatment needs. It requires the office to submit the plan and legislation to the Joint Standing Committee on Health and Human Services by January 1, 2010 and authorizes the joint standing committee to submit a bill to the Second Regular Session of the 124th Legislature.

**LD 960      Resolve, Requiring Rulemaking by the Maine Health Data Organization      RESOLVE 82**  
**in Consultation with the Maine Quality Forum Regarding Clostridium**  
**Difficile and Methicillin-resistant Staphylococcus Aureus**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN BRANNIGAN	OTP-AM	H-280

This resolve directs the Maine Quality Forum to adopt routine technical rules to establish procedures for reporting the rate of Clostridium difficile infection and methicillin-resistant Staphylococcus aureus, MRSA, infection in hospitals. The Maine Quality Forum shall report its findings to the Maine Health Data Organization.

**Committee Amendment "A" (H-280)**

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This amendment replaces the resolve and directs the Maine Health Data Organization in consultation with the Maine Quality Forum to adopt rules to require that each hospital publicly report on the adoption of a methicillin-resistant Staphylococcus aureus and Clostridium difficile prevention program and the number of patients at high risk for methicillin-resistant Staphylococcus aureus surveilled in the hospital's targeted surveillance of high-risk populations. It requires the Maine Quality Forum, with input from stakeholders, to design metrics for assessing these reporting functions and to establish performance measures, which must be posted on the Maine Quality Forum's website and included in its annual report to the Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 82 directs the Maine Health Data Organization in consultation with the Maine Quality Forum to adopt rules to require that each hospital publicly report on the adoption of a methicillin-resistant Staphylococcus aureus and Clostridium difficile prevention program and the number of patients at high risk for methicillin-resistant Staphylococcus aureus surveilled in the hospital's targeted surveillance of high-risk populations. It requires the Maine Quality Forum, with input from stakeholders, to design metrics for assessing these reporting functions and to establish performance measures, which must be posted on the Maine Quality Forum's website and included in its annual report to the Legislature.

**LD 969      An Act To Amend the Laws Governing the Maine Children's Growth Council**

**PUBLIC 392  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY PERRY J	OTP-AM	H-159 S-318 BARTLETT

This bill strikes the provision in the laws that repeals the chapter governing the Maine Children's Growth Council on October 1, 2009. This bill also amends the membership of the council to add as a member the director of the Head Start collaboration project and up to seven additional public members appointed by the Governor.

### **Committee Amendment "A" (H-159)**

This amendment incorporates a fiscal note.

### **Senate Amendment "A" (S-318)**

This amendment allows expenses and per diem reimbursement for Legislators on the Maine Children's Growth Council to be funded for fiscal year 2009-10 but prohibits funding in fiscal year 2010-11 unless such funding is authorized by the Legislative Council.

### **Enacted Law Summary**

Public Law 2009, chapter 392 strikes the provision in the laws that repeals the chapter governing the Maine Children's Growth Council on October 1, 2009. It also adds to the membership of the council the director of the Head Start collaboration project and up to seven additional public members appointed by the Governor. The law allows expenses and per diem reimbursement for Legislators on the Maine Children's Growth Council to be funded for fiscal year 2009-10 but prohibits funding in fiscal year 2010-11 unless such funding is authorized by the Legislative Council.

Public Law 2009, chapter 392 was enacted as an emergency measure effective June 15, 2009.

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LD 975     **An Act To Establish the Maine Medical Marijuana Act**

ONTP

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

Current law allows a person who has been diagnosed by a physician as suffering from certain medical conditions to possess marijuana for medical use. This initiated bill changes the description of the medical conditions for which the medical use of marijuana is permitted. It directs the Department of Health and Human Services to issue registry identification cards to patients who qualify to possess marijuana for medical use and to their designated primary caregivers. It sets limits on the amount of marijuana that may be possessed by qualifying patients and their designated primary caregivers. It allows the establishment of nonprofit dispensaries to provide marijuana to qualifying patients and directs the Department of Health and Human Services to issue a registration certificate to a nonprofit dispensary that meets certain criteria. It directs the Department of Health and Human Services to establish application and renewal fees sufficient to pay the expenses of implementing and administering the provisions of the initiated bill.

LD 1000     **An Act To Amend the Provision Creating the Long-term Care Partnership Program**

**PUBLIC 101  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BLISS	OTP-AM	H-86

This bill makes the provisions establishing the Long-term Care Partnership Program consistent with the federal Deficit Reduction Act of 2005, which enabled creation of the state program, and allows flexibility in the operation of the program.

**Committee Amendment "A" (H-86)**

This amendment specifies that the benefits of the Long-term Care Partnership Program are available to a person who has used, but not necessarily exhausted, available coverage and benefits purchased under a long-term care policy.

**Enacted Law Summary**

Public Law 2009, chapter 101 specifies that the benefits of the Long-term Care Partnership Program are available to a person who has used, but not necessarily exhausted, available coverage and benefits purchased under a long-term care policy.

Public Law 2009, chapter 101 was enacted as an emergency measure effective May 8, 2009.

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**LD 1015      Resolve, To Study Aging and Outdated Long-term Care Facilities**

**RESOLVE 52**

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

This resolve establishes the Commission To Study the Replacement of Aging and Outdated Long-term Care Facilities.

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

This amendment removes those provisions of the resolve establishing a commission. The amendment removes emergency language from the resolve. It adds a new title. It directs the Department of Health and Human Services to use existing resources available for long-term care purposes to perform a study of aging and outdated long-term care facilities. The department is required to report to the Joint Standing Committee on Health and Human Services by January 15, 2010. The committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 52 directs the Department of Health and Human Services to use existing resources available for long-term care purposes to perform a study of aging and outdated long-term care facilities. The department is required to report to the Joint Standing Committee on Health and Human Services by January 15, 2010. The committee is authorized to submit legislation to the Second Regular Session of the 124th Legislature.

**LD 1024      Resolve, To Establish the Commission To Examine Restructuring the Management of the Institutional Long-term Care Delivery System**

**ONTP**

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

This resolve establishes the Commission To Examine Restructuring the Management of the Institutional Long-term Care Delivery System to improve quality of service while reducing the costs of services. The commission is to focus on the best ways to change basic systems within long-term care, such as restructuring the reimbursement and inspection systems, as well as the approach to the delivery of nursing services. The commission is to report its findings to the Joint Standing Committee on Health and Human Services, which is authorized to introduce a bill on the commission's findings and suggestions.

The Health and Human Services Committee requested from the Department of Health and Human Services a report on long-term care system design by January 15, 2010.

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**LD 1038 An Act Regarding Screening for Methicillin-resistant Staphylococcus Aureus**

**PUBLIC 346**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE BRANNIGAN	OTP-AM	H-498

This bill establishes a system for preventing methicillin-resistant Staphylococcus aureus, or MRSA, infections in order to improve the health of Maine citizens and the quality of health care. It establishes a system for testing hospital patients for MRSA upon admission and periodically during admission. It requires hospitals to establish procedures and protective measures to minimize exposure to MRSA infection, including procedures with regard to wearing a mask, the use of gloves and gowns, hand washing, washing and disinfecting portions of the patient's room and assignment of staff known to be ill. It requires reporting of positive MRSA test results, whether the patient was infected or colonized prior to admission to the hospital and MRSA deaths. It requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to disseminate information on MRSA exposure and infection and information reported by hospitals. It requires hospitals to provide information regarding MRSA to staff, patients and former patients. The bill prohibits hospitals and nursing facilities from refusing to admit, readmit or provide treatment or care for a person who has been infected with MRSA on the basis of that person's MRSA status. It directs the Department of Health and Human Services to adopt rules to implement the law.

**Committee Amendment "A" (H-498)**

This bill requires all hospitals to perform targeted surveillance for methicillin-resistant Staphylococcus aureus in high-risk populations, as defined by the Maine Quality Forum, consistent with the federal Centers for Disease Control and Prevention guidelines.

**Enacted Law Summary**

Public Law 2009, chapter 346 requires all hospitals to perform targeted surveillance for methicillin-resistant Staphylococcus aureus in high-risk populations, as defined by the Maine Quality Forum, consistent with the federal Centers for Disease Control and Prevention guidelines.

**LD 1050 An Act To Establish a Waiting Period for MaineCare Participants**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS MILLS P	ONTP	

This bill establishes a waiting period of 30 days before a person may receive assistance except in an emergency situation.

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**LD 1055 An Act To Alter MaineCare Benefits as Allowed by the Federal Deficit Reduction Act of 2005**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS MILLS P	ONTP MAJ OTP-AM MIN	

This bill imposes cost sharing in the form of premiums and copayments for services, items and prescription drugs in the MaineCare program consistent with the provisions of the federal Deficit Reduction Act of 2005.

**LD 1057 An Act To Require Hospitals To Make Publicly Available the Cost of Medical Procedures**

**ONTP**

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

This bill requires hospitals and ambulatory surgical centers to post their price lists for their most common inpatient and outpatient procedures and services in an easily accessible place on their publicly accessible websites.

The Joint Standing Committee on Health and Human Services requests by letter that the Maine Hospital Association make its members aware of the comprehensive interactive website, Maine "HealthCost," which provides access to information on prices of medical procedures at Maine hospitals and other health care facilities. The letter also asks the association to encourage its members to provide information on their websites about health care costs including a link to Maine "HealthCost" and instructions on how to obtain average charges upon request at their health care facility.

**LD 1058 Resolve, To Eliminate the Regional Wage Adjustment Applied to Nursing Homes**

**ACCEPTED ONTP  
REPORT**

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

This resolve directs the Department of Health and Human Services to amend its rules regarding principles of reimbursement for nursing facilities to eliminate regional variations in labor costs for purposes of rebasing nursing home expenditures.

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**LD 1069      Resolve, To Direct the Maine Children's Growth Council To Study the  
Connections between Higher Education and Early Childhood Education**

**RESOLVE 77**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN ALFOND	OTP-AM	H-221 S-169 ALFOND

This resolve directs the Maine Children's Growth Council to convene a working group to make recommendations for creating opportunities for higher education for licensed child care providers. The resolve requires the Department of Health and Human Services and the Department of Education to participate in the working group. The resolve requires the council to invite representatives from public universities, community colleges and child care providers to participate in the working group. It requires the working group to make recommendations for creating a partnership between licensed child care providers and state institutions of higher learning that would allow child care providers to enroll in classes and degree programs at reduced tuition rates in exchange for reserving a certain number of child care slots for the institution's students and faculty, which would be paid for at a reduced rate subsidized by the State. It requires the working group to provide a report to the Joint Standing Committee on Health and Human Services with findings and recommendations, including any draft legislation necessary, no later than January 15, 2010 and authorizes the committee to submit a bill to the Second Regular Session of the 124th Legislature.

### **Committee Amendment "A" (H-221)**

This amendment replaces the resolve and directs the Maine Children's Growth Council to convene a working group to make recommendations for strengthening the reciprocal relationship between the State's early childhood education system and the State's higher education system. The resolve requires the Department of Health and Human Services and the Department of Education to participate in the working group as well as representatives from public universities, community colleges, child care providers, Head Start and other stakeholders invited by the council. It requires the working group to make recommendations for creating a partnership between child care providers and state institutions of higher learning that will allow for ongoing communications about the health and needs of the State's early childhood education and higher education systems. It requires the working group to provide a report to the Joint Standing Committee on Health and Human Services with findings and recommendations, including any draft legislation necessary, no later than January 15, 2010. It authorizes the Joint Standing Committee on Health and Human Services to submit a bill to the Second Regular Session of the 124th Legislature.

### **Senate Amendment "A" To Committee Amendment "A" (S-169)**

This amendment amends the committee amendment to direct the working group to review the extent to which the use of "professional judgment" (terminology used related to the federal law and regulations for granting student aid) provides additional opportunity to increase access to child care for students in need. The amendment also directs the working group to consult with the Maine Association of Student Financial Aid Administrators to review the current practice of financial aid officers in administering the professional judgment provisions.

### **Enacted Law Summary**

Resolve 2009, chapter 77 directs the Maine Children's Growth Council to convene a working group to make recommendations for strengthening the reciprocal relationship between the State's early childhood education system and the State's higher education system. The resolve requires the Department of Health and Human Services and the Department of Education to participate in the working group as well as representatives from public universities, community colleges, child care providers, Head Start and other stakeholders the council identifies. It requires the working group to make recommendations for creating a partnership between child care providers and state

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institutions of higher learning that will allow for ongoing communications about the health and needs of the State's early childhood education and higher education systems. It directs the working group to review the extent to which the use of "professional judgment" (terminology used related to the federal law and regulations for granting student aid) provides additional opportunity to increase access to child care for students in need. It also directs the working group to consult with the Maine Association of Student Financial Aid Administrators to review the current practice of financial aid officers in administering the professional judgment provisions. It requires the working group to provide a report to the Joint Standing Committee on Health and Human Services with findings and recommendations, including any draft legislation necessary, no later than January 15, 2010 and authorizes the Committee to submit a bill to the Second Regular Session of the 124th Legislature.

**LD 1070      Resolve, Directing the University of Maine at Orono To Conduct a Pilot Project Regarding the Benefits of Medical Marijuana**

**ONTP**

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

This resolve directs the University of Maine College of Natural Sciences, Forestry and Agriculture and the University of Maine School of Nursing to collaborate in a project to grow and dispense medical marijuana to authorized individuals and to study pain reduction and other beneficial effects of marijuana. The resolve also directs any revenue from the sale of marijuana to the University of Maine at Orono to support the expenses of the pilot project.

**LD 1071      An Act To Add a Member to the Advisory Council on Health Systems Development**

**PUBLIC 179**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND HOBBINS	OTP-AM	H-204

This bill adds an individual with expertise in the discipline of food science to the membership of the Advisory Council on Health Systems Development.

**Committee Amendment "A" (H-204)**

The amendment changes the member added to the Advisory Council on Health Systems Development from one with expertise in the discipline of food science to one with expertise in health disparities and who also represents the State's racial and ethnic minority communities.

**Enacted Law Summary**

Public Law 2009, chapter 179 adds one member to the Advisory Council on Health Systems Development from who has expertise in health disparities and who also represents the State's racial and ethnic minority communities.

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**LD 1072 An Act To Provide Support for Children with Special Needs in Adoptive Families**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND DAMON	ONTP MAJ OTP-AM MIN	

This bill allows the Department of Health and Human Services to pay an adoption subsidy for a special needs child and, if there is a subsidy, provides for an annual adjustment in accordance with the change in the Consumer Price Index. The bill provides that a subsidy ends when the child reaches 18 years of age or the adoption fails through disruption or dissolution. The bill directs the department to adopt routine technical rules.

**LD 1078 An Act To Strengthen Sustainable Long-term Supportive Services for Maine Citizens**

**PUBLIC 279**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON MILLS P	OTP-AM	H-351

This bill requires the Department of Health and Human Services to develop a unified system of in-home and community support services, including self-directed care, for adults with long-term care needs who are eligible for services under the Maine Revised Statutes, Title 22, subtitle 5 and Title 34-B, chapter 5, subchapter 3, article 2. The bill does the following.

1. It includes findings and policies related to legislative intent.
2. It adds to Title 22, subtitle 5 definitions for "activities of daily living," "assessment," "consumer," "instrumental activities of daily living," "qualified provider agency," "self-directed care services" and "surrogate."
3. It adds a new chapter for a program of coordinated in-home and community support services for the elderly and disabled adults. The program must be established by July 1, 2010 and include:
  - A. A unified system for intake and eligibility determination, consumer assessment and the development of authorized plans of care for eligible consumers. The program must seek proposals from qualified provider agencies and must provide standardized provider rates and worker wages;
  - B. A single system for the intake and eligibility determination functions of existing programs for in-home and community support services;
  - C. An assessment to be completed by the department with the consumer's physician determining medical eligibility and the department determining the requirements for support services as well as personal care assistant hours needed to maintain the consumer in a home or community-based setting;
  - D. An authorized plan of care for each consumer to be developed by the department; and
  - E. Proposals from qualified provider agencies to provide or coordinate services for the authorized plan of care

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solicited by the department.

4. It requires the department to adopt major substantive rules.
5. By January 15, 2010, prior to the implementation of the new program, the bill requires the department to develop a plan, including any necessary legislation for consolidating in-home and community support services that includes:
  - A. An evaluation of self-directed care models authorized in the federal Deficit Reduction Act to examine the possible use of these models in combination or instead of existing programs without diminishing the benefits consumers currently receive;
  - B. A description of the process proposed for consolidating the in-home and community support services including any reorganization or staffing needs for developing the consolidated intake, eligibility and assessment system as well as the assessment methodology and the components of the authorized plan of care; and
  - C. The process and methodology for achieving standardized rates and worker wages.
6. The bill authorizes the Joint Standing Committee on Health and Human Services to report out to the Second Regular Session of the 124th Legislature a bill to implement the plan, if necessary.

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

This amendment replaces the bill. It directs the Department of Health and Human Services to undertake a planning process on long-term care, with stakeholder input, every 4 years. It adds to policy statements and findings in the statutes on in-home and community support services for adults with long-term care needs. It adds to the definitions in that section of law, amending some definitions and providing new definitions for "activities of daily living," "consumer assessment," "instrumental activities of daily living," "qualified providers," "self-directed services" and "surrogate." It enacts a new chapter on coordinated in-home and community support services for the elderly and adults with disabilities. It establishes a coordinated program of in-home and community support services for adults with long-term care needs effective July 1, 2010 and directs the department to adopt major substantive rules for the administration of the program. It directs the department to convene a work group to make recommendations on the State's long-term care system and report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It directs the department to submit to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services any amendments or waivers needed to establish any part of a consolidated program, including a program of consumer-directed care.

### **Enacted Law Summary**

Public Law 2009, chapter 279 directs the Department of Health and Human Services to undertake a planning process on long-term care, with stakeholder input, every 4 years. It adds to policy statements and findings in the statutes on in-home and community support services for adults with long-term care needs. It adds to the definitions in that section of law, amending some definitions and providing new definitions for "activities of daily living," "consumer assessment," "instrumental activities of daily living," "qualified providers," "self-directed services" and "surrogate." It enacts a new chapter on coordinated in-home and community support services for the elderly and adults with disabilities. It establishes a coordinated program of in-home and community support services for adults with long-term care needs effective July 1, 2010 and directs the department to adopt major substantive rules for the administration of the program. It directs the department to convene a work group to make recommendations on the State's long-term care system and report to the Joint Standing Committee on Health and Human Services by January 15, 2010. It directs the department to submit to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services any amendments or waivers needed to establish any part of a consolidated program, including a program of consumer-directed care.

The Health and Human Services Committee requested from the Department of Health and Human Services a report on long-term care system design by January 15, 2010.

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**LD 1086    Resolve, Directing the Department of Health and Human Services To  
Implement an Oral Health Capitated Care System for Children  
Covered by MaineCare and the Children's Health Insurance Program**

**ONTP**

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

This resolve directs the Department of Health and Human Services to establish and implement a 4-tiered capitated oral care system for children covered by MaineCare and SCHIP based on assigning each child's initial needs into one of 4 levels of care: diagnostic, preventive and disease management services; basic restorative care; advanced restorative care; and catastrophic care.

**LD 1113    An Act To Exempt Private Nonmedical Institutions from the Service  
Provider Tax**

**ONTP**

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

This bill repeals the service provider tax on private nonmedical institution services. The bill also makes a technical correction of an oversight from Public Law 2007, chapter 539.

**LD 1115    Resolve, To Establish the Task Force on Kinship Families**

**RESOLVE 136  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN ROSEN R	OTP-AM	H-147 S-320 BARTLETT

This resolve establishes a task force to study issues concerning kinship families, which are families who are caring for a relative's child. The task force shall examine the issues facing kinship families and how state policies and practices can be crafted to meet their special needs. In examining this issue, the task force shall identify existing resources within the State for kinship families, determine the needs of kinship families and gaps in services, review legal and custody issues and concerns for kinship families and create strategies for sustaining and maintaining resources for kinship families. The task force will report its findings and suggested legislation to the Joint Standing Committee on Health and Human Services, which is authorized to report out a bill on the suggestions.

**Committee Amendment "A" (H-147)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-320)**

This amendment requires the task force to obtain outside funding to fund all costs associated with the task force.

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Outside funding must be approved by the Legislative Council and is to be administered by the Executive Director of the Legislative Council. This amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Resolve 2009, chapter 136 establishes a task force to study issues concerning kinship families, which are families who are caring for a relative's child. The task force shall examine the issues facing kinship families and how state policies and practices can be crafted to meet their special needs. In examining this issue, the task force shall identify existing resources within the State for kinship families, determine the needs of kinship families and gaps in services, review legal and custody issues and concerns for kinship families and create strategies for sustaining and maintaining resources for kinship families. The resolve requires the task force to obtain outside funding to fund all costs associated with the task force. The resolve requires that the outside funding be approved by the Legislative Council and be administered by the Executive Director of the Legislative Council. The task force will report its findings and suggested legislation to the Joint Standing Committee on Health and Human Services, which is authorized to report out a bill.

Resolve 2009, chapter 136 was finally passed as an emergency measure effective June 17, 2009.

**LD 1116     An Act To Ensure Health Care Practitioners Understand and Screen for Domestic Abuse for Pregnant Women and New Mothers**

**ONTP**

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

This bill requires the Department of Health and Human Services, the Board of Licensure in Medicine, the Board of Osteopathic Licensure and the State Board of Nursing to develop policies and procedures and adopt any rules necessary to mandate the screening by health care practitioners of pregnant women and new mothers for domestic abuse. This bill requires that the practitioners educate these patients about domestic abuse services as well as attend training on domestic abuse, approved by the department and the Department of the Attorney General. The bill requires health care practitioners during a specific time segment designated for the purpose in each patient visit and in a private setting to assess the patient's risk of domestic abuse and to discuss concerns about domestic violence. The bill specifies the use of a nationally recognized domestic abuse risk and lethality assessment tool and requires the assessment to be part of regular hospital care for new mothers immediately following a birth and must include a specific time for the new mother to discuss any concerns about domestic abuse with a health care practitioner in a private setting. The bill requires practitioners to provide specific information about domestic abuse services available and to monitor each patient closely for signs and symptoms of abuse. It requires the practitioners to report the number and frequency of assessments and results of the assessments, absent the names of the parties, to the department. It requires the department to track the results statewide.

**LD 1117     An Act To Create a Statewide Breast-feeding Resource System at Women, Infants and Children Offices**

**ONTP**

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

This bill requires Women, Infants and Children, WIC, offices in Maine to provide written materials on breast-feeding, provide counseling on breast-feeding and provide breast pumps to any woman upon request,

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regardless of whether the woman is participating in the program.

**LD 1122      Resolve, Regarding Legislative Review of Portions of Chapter 101:  
Establishment of the Capital Investment Fund, a Major Substantive  
Rule of the Governor's Office of Health Policy and Finance**

**RESOLVE 83  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101: Establishment of the Capital Investment Fund, a major substantive rule of the Governor's Office of Health Policy and Finance.

**Enacted Law Summary**

Resolve 2009, chapter 83 provides for authorization of portions of Chapter 101: Establishment of the Capital Investment Fund, a major substantive rule of the Governor's Office of Health Policy and Finance. Chapter 101 establishes the process to be used in the determination of the amount of the Capital Investment Fund (CIF), which is a limit on what hospitals and other health care providers may spend on capital investment. This rule specifies the manner in which a value for the CIF will be calculated, how that amount will be allocated between hospital and non-hospital projects, as well as large and small projects subject to review under Maine's Certificate of Need Act and rules. This rule changes the effective CIF period from one year to three years. There will be a single year transition CIF in 2009, followed by a three-year CIF determined once every three years thereafter. This rule also revises debiting rules and the formula used to calculate the CIF.

Resolve 2009, chapter 83 was enacted as an emergency measure effective June 2, 2009.

**LD 1127      An Act To Define Services for Maine Runaway and Homeless Youth**

**PUBLIC 155**

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

This bill repeals the youth in need of services program in the Maine Revised Statutes, Title 22, chapter 1071, subchapter 15 and establishes a comprehensive program for homeless youth and runaways. The bill requires the Department of Health and Human Services to implement the comprehensive program through performance-based contracts with organizations and agencies licensed by the department that provide street and community outreach, drop-in programs, emergency shelter and transitional living services. The bill specifies the type of services the program should provide and requires the department to collect data from its licensed organizations and agencies for quality assurance purposes and to monitor the success of the program as well as changes in the rates of homelessness among Maine's youth. The department is authorized to adopt routine technical rules as may be necessary for the effective administration of the program.

**Enacted Law Summary**

Public Law 155 repeals the youth in need of services program in the Maine Revised Statutes, Title 22, chapter 1071, subchapter 15 and establishes a comprehensive program for homeless youth and runaways. It requires the Department of Health and Human Services to implement the comprehensive program through performance-based contracts with organizations and agencies licensed by the department that provide street and community outreach,

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drop-in programs, emergency shelter and transitional living services. It specifies the type of services the program should provide and requires the department to collect data from its licensed organizations and agencies for quality assurance purposes and to monitor the success of the program as well as changes in the rates of homelessness among Maine's youth. The department is authorized to adopt routine technical rules as may be necessary for the effective administration of the program.

**LD 1142      *Resolve, To Ensure Access to Speech and Hearing Services***

**ONTP**

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

This resolve directs the Department of Health and Human Services to increase by rule the rates of reimbursement under the MaineCare program set in 1999 for speech and hearing services provided through speech and hearing agencies by the increase since 1999 in the federal Consumer Price Index. The new reimbursement rates must comply with federal Medicaid requirements for billing codes, must result in an increase over reimbursement rates paid in 2008 and may not result in decreased reimbursement rates for any speech and hearing agency services. The new rules are designated as routine technical rules. The resolve also requires the Department of Education to maximize private insurance reimbursement to the Child Development Services System and the Department of Health and Human Services to maximize private insurance reimbursement for MaineCare services and directs savings to the speech and hearing agency reimbursement increase.

The resolve includes an appropriations and allocations section that appropriates funds to increase reimbursement rates for speech and hearing services and deappropriates funds by increasing 3rd-party liability collections from MaineCare members and from enhanced private insurance reimbursements to the Child Development Services System.

See LD 353, Public Law 2009, chapter 213, in MaineCare - MAP account for general fund appropriation of \$100,000 in FY10 and \$102,500 in FY11 to increase reimbursement to speech and hearing centers and corresponding increases in child development services funding in the Department of Education.

**LD 1153      *An Act To Require the Department of Health and Human Services To Procure an Equal Supply of Vaccine from Each Manufacturer of That Vaccine under Certain Circumstances***

**ONTP**

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

This bill requires the Department of Health and Human Services to procure an equal supply of vaccine from each manufacturer of that vaccine if two or more manufacturers produce equivalent vaccines and the cost to the department of providing each equivalent vaccine is not more than 110 percent of the lowest-priced equivalent vaccine.

The Health and Human Services Committee requested a report from the Department of Health and Human Services on this issue by January 15, 2010.

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LD 1164    **An Act To Amend the Maine Certificate of Need Act of 2002 To Change  
Nursing Facilities Review Thresholds for Energy Efficiency Projects  
and for Replacement Equipment**

**PUBLIC 430**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-534

This bill amends the Maine Certificate of Need Act of 2002 in the following ways.

1. It increases the capital expenditure threshold for nursing facility projects to \$1,000,000. It also clarifies that nursing facility projects involving replacement equipment are not subject to review.
2. It amends generic capital expenditure provisions to clarify that any type of replacement equipment is not subject to review.
3. It exempts from the full certificate of need approval nursing facility projects that implement certain energy-efficient improvements.
4. It requires a simplified approval process for these nursing facility energy-efficient improvements, administered by the audit division of the Department of Health and Human Services, consistent with department rules.
5. It requires amendments to these rules to be effective on or before January 1, 2010 and to require that the minimum depreciation periods between three and seven years are determined based on the value and efficiency of the assets and the depreciation periods are not extended to mirror the terms of the financing.

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

This amendment replaces the bill. Beginning January 1, 2010, it increases the threshold amount for nursing facility projects to \$1,000,000. It exempts from the full certificate of need approval certain nursing facility projects including capital expenditures under limited circumstances, nonmedical replacement equipment, information systems, communication systems, parking lots, garages and projects that implement certain energy-efficient improvements. It requires the costs associated with energy-efficient projects to be excluded from the total cost of a project in determining whether the project is subject to review. It requires the department to amend the rules governing special reimbursement provisions for energy-efficient improvements and to include requirements that the Department of Health and Human Services respond to provider requests for prior approval of energy-efficient improvements within 30 days following the receipt of a request supported by sufficient information.

**Enacted Law Summary**

Public Law 2009, chapter 430 amends the Certificate of Need Act of 2002. Beginning January 1, 2010, it increases the threshold amount for nursing facility projects to \$1,000,000. It exempts from the full certificate of need approval certain nursing facility projects including capital expenditures under limited circumstances, nonmedical replacement equipment, information systems, communication systems, parking lots, garages and projects that implement certain energy-efficient improvements. It requires the costs associated with energy-efficient projects to be excluded from the total cost of a project in determining whether the project is subject to review. It requires the department to amend the rules governing special reimbursement provisions for energy-efficient improvements and to include requirements that the Department of Health and Human Services respond to provider requests for prior approval of energy-efficient improvements within 30 days following the receipt of a request supported by sufficient information.

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LD 1165 An Act To Improve Children's Safety in Public Swimming Pools

PUBLIC 206

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUNT	OTP-AM	H-261

The federal Virginia Graeme Baker Pool and Spa Safety Act requires all public swimming pools and public spas to be equipped with anti-entrapment devices, unblockable drains or safety vacuum release systems to prevent the entrapment of persons in the pool or spa. This bill requires the Maine Center for Disease Control and Prevention to enforce the provisions of that federal law, including closing any public pool or public spa that does not comply with the federal law.

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

This amendment requires the Maine Center for Disease Control and Prevention to enforce the federal law only if federal funds are provided to cover the costs of enforcement.

**Enacted Law Summary**

Public Law 2009, chapter 206 requires the Maine Center for Disease Control and Prevention to enforce the provisions of federal Virginia Graeme Baker Pool and Spa Safety Act, including closing any public pool or public spa that does not comply with the federal law, only if federal funds are provided to cover the costs of enforcement.

LD 1228 **Resolve, To Direct Action on Health Disparities of the Passamaquoddy Tribe and Washington County**

**RESOLVE 93  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH RAYE	OTP-AM	H-403

This resolve directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention, offices of minority health and data, research and vital statistics and a Washington County health organization to work with the Passamaquoddy health directors to help reduce health disparities between the Passamaquoddy Tribe and the State and the United States and Washington County and the State and the United States. This work must include development of an action plan to address health disparities found between Washington County and the State and the United States and the Passamaquoddy Tribe and the State and the United States and the development of recommendations for data collection methods to address the disparities. A report must be submitted to the Joint Standing Committee on Health and Human Services by January 15, 2010, and the committee may submit legislation related to the report to the Second Regular Session of the 124th Legislature.

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

This amendment changes the date of the report from January 15, 2010 to January 15, 2011. It changes the authorization to submit legislation from the Second Regular Session of the 124th Legislature to the First Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 93 directs the Department of Health and Human Services, Maine Center for Disease Control

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and Prevention, offices of minority health and data, research and vital statistics and a Washington County health organization to work with the Passamaquoddy health directors to help reduce health disparities between the Passamaquoddy Tribe and the State and the United States and Washington County and the State and the United States. This work must include development of an action plan to address health disparities found between Washington County and the State and the United States and the Passamaquoddy Tribe and the State and the United States and the development of recommendations for data collection methods to address the disparities. A report must be submitted to the Joint Standing Committee on Health and Human Services by January 15, 2011, and the committee may submit legislation related to the report to the First Regular Session of the 125th Legislature.

Resolve 2009, chapter 93 was passed as an emergency measure effective June 8, 2009.

**LD 1229      Resolve, Directing the Department of Health and Human Services To  
Extend MaineCare Dental and Oral Health Services**

**LEAVE TO  
WITHDRAW**

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

This resolve directs the Department of Health and Human Services to amend its rules regarding MaineCare services to extend MaineCare dental and oral health services to a pregnant woman who is eligible to receive MaineCare benefits through the duration of her pregnancy and for 60 days after the birth of her child regardless of the pregnant woman's age.

**LD 1230      An Act To Prohibit the Delivery of Tobacco Products to Minors**

**PUBLIC 398**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP MAJ OTP-AM MIN	H-438 S-308 BRANNIGAN

This bill prohibits delivery sales of tobacco products in the State to anyone other than a licensed tobacco distributor or a licensed tobacco retailer.

**Committee Amendment "A" (H-438)**

This amendment is the minority report of the committee. It exempts delivery sales of large cigars to adult purchasers from the prohibition on delivery sales of tobacco products to consumers.

This amendment amends Committee Amendment "A" as follows:

1. It exempts premium cigars from the requirement that delivery sales of tobacco products must be shipped to a licensed tobacco distributor or retailer;
2. It retains current law on shipment of tobacco products, narrowing it beginning October 1, 2009 to apply to premium cigars, and retaining the requirement that shippers of premium cigars into the State be licensed as tobacco retailers;

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3. It repeals a provision of the law that has been enjoined by the federal court and a provision that does not apply to premium cigars; and
4. It adds an effective date of October 1, 2009.

### **Senate Amendment "B" To Committee Amendment "A" (S-308)**

This amendment incorporates Senate Amendment "A" except that the definition of "premium cigar" is amended by taking out the word "hand."

This amendment amends Committee Amendment "A" as follows:

1. It exempts premium cigars from the requirement that delivery sales of tobacco products must be shipped to a licensed tobacco distributor or retailer;
2. It retains current law on shipment of tobacco products, narrowing it beginning October 1, 2009 to apply to premium cigars, and retaining the requirement that shippers of premium cigars into the State be licensed as tobacco retailers;
3. It repeals a provision of the law that has been enjoined by the federal court and a provision that does not apply to premium cigars; and
4. It adds an effective date of October 1, 2009.

### **Enacted Law Summary**

Public Law 2009, chapter 398 prohibits delivery sales of tobacco products in the State to anyone other than a licensed tobacco distributor or a licensed tobacco retailer but exempts premium cigars. For premium cigars it retains current law on shipment of tobacco products, narrowing it beginning October 1, 2009 to apply to premium cigars, and retaining the requirement that shippers of premium cigars into the State be licensed as tobacco retailers. It repeals a provision of the law that has been enjoined by the federal court and a provision that does not apply to premium cigars.

Public Law 2009, chapter 398 takes effect October 1, 2009.

**LD 1244      Resolve, To Advance Health Care in Maine**

**ONTP**

Sponsor(s)

HARVELL  
MILLS P

Committee Report

ONTP

Amendments Adopted

This resolve requires the State Budget Officer to transfer funds from the Federal Relief Funds Reserve account to the Medical Care - Payments to Providers program to pay MaineCare settlements for hospital fiscal year 2007 and hospital fiscal year 2008.

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**LD 1245      Resolve, To Improve the Continuity of Care for Individuals with Behavioral Issues in Long-term Care**

**RESOLVE 122  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INNES	OTP-AM	H-460

This resolve directs the Department of Health and Human Services:

1. To implement the recommendations contained in the report to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 61, which was enacted by the 123rd Legislature;
2. To work with interested parties to review the current case mix reimbursement system used to establish payment for individuals in long-term care facilities to determine if current reimbursement is adequate and reasonable for the provision of high-quality care for individuals with behavioral issues;
3. In conjunction with interested parties, including but not limited to representatives from long-term care facilities and hospitals, to develop and implement a standardized transfer protocol, including improving the support offered to long-term care facilities once a hospital has determined an individual is ready to be discharged back to the facility;
4. To review existing and potential payment sources for psychiatric assessments and psychiatric treatments that are currently unavailable to individuals with behavioral issues because the individuals do not have a diagnosis of severe and persistent mental illness; and
5. To work with interested parties to explore the need for a supplementary level of care to accommodate the needs of individuals with behavioral issues who, because of the severity of their behaviors, are not appropriate candidates for return to an existing long-term care facility but who no longer require an acute geropsychiatric hospital setting.
6. It requires the Department of Health and Human Services to report by February 1, 2010 to the Joint Standing Committee on Health and Human Services.

**Committee Amendment "A" (H-460)**

This amendment changes the resolve by clarifying language, removing certain terms and adding to the reporting requirements for the Department of Health and Human Services. It requires certain groups to be included in the department's work on the standardized transfer protocol and improved discharge planning and that this work to include a review of specific discharge planning processes and methods, patients' rights and resources and contact information and provides specific guidance on areas of review related to patient behavioral health issues. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation related to the standardized transfer protocol and improved discharge planning to the Second Regular Session of the 124th Legislature. It requires the department to conduct the work within existing resources and to coordinate the work with similar work addressing similar issues.

**Enacted Law Summary**

Resolve 2009, chapter 122 directs the Department of Health and Human Services:

1. To implement the recommendations contained in the report to the Joint Standing Committee on Health and Human Services pursuant to Resolve 2007, chapter 61, which was enacted by the 123rd Legislature;
2. To work with interested parties to review the current reimbursement system used to establish payment for

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individuals in long-term care facilities to determine if current reimbursement is adequate and reasonable for the provision of high-quality care for individuals with behavioral issues;

3. In conjunction with specified interested parties, including but not limited to representatives from long-term care facilities and hospitals, to develop and implement a standardized transfer protocol, which is detailed in the law and includes improving the support offered to long-term care facilities once a hospital has determined an individual is ready to be discharged back to a long-term care facility.
4. To review existing and potential payment sources for assessments and treatments that are currently unavailable to individuals with behavioral issues because the individuals do not have a diagnosis of severe and persistent mental illness.
5. To work with interested parties to explore the need for a supplementary level of care to accommodate the needs of individuals with behavioral issues who, because of the severity of their behaviors, are not appropriate candidates for return to an existing long-term care facility but who no longer require an acute hospital setting.
6. It requires the department to conduct the work within existing resources and to coordinate it with similar work addressing similar issues.
7. It requires the Department of Health and Human Services to report on all of this work by February 1, 2010 to the Joint Standing Committee on Health and Human Services.
8. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation related to the standardized transfer protocol and improved discharge planning to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 122 was enacted as an emergency measure effective June 10, 2009.

**LD 1259    An Act To Increase Access to Nutrition Information**

**PUBLIC 395**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE BRANNIGAN	OTP-AM MAJ ONTP MIN	H-481 S-314 PERRY J

This bill requires a chain restaurant, which is a restaurant with the same trade name and the same type of food, meals and menus as 15 or more restaurants nationwide, to provide accurate calorie information on its menus, menu boards and food display labels for the food and beverage items it regularly sells, not including limited-time offers, condiments, items in sealed manufacturer's packaging with nutrition information or custom orders. The bill also requires a chain restaurant to state on its menu and menu boards: "To maintain a healthy weight, a typical adult should consume approximately 2,000 calories per day; however, individual calorie needs may vary." This bill allows a chain restaurant to state on its menu and menu boards: "Nutrition information is based upon standard recipes and product formulations; however, modest variations may occur due to differences in preparation, serving sizes, ingredients or special orders."

### **Committee Amendment "A" (H-481)**

This amendment is the majority report of the committee. The amendment adds a definition for "calories per serving," amends the definition of "chain restaurant" by deleting reference to nationwide locations and extends the time period for limited time offerings to 60 days per year. It specifies the process for determining caloric content,

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allowing rounding of caloric values. It exempts from the definition of "chain restaurant" a hotel or motel that contains a separately owned eating establishment but applies the provisions of the bill to that separately owned eating establishment. It exempts food items provided at a self-service salad bar or buffet. It establishes a separate caloric labeling requirement for beer, wine and spirits. It specifies that enforcement is by the Attorney General against the owner or franchisee of the eating establishment and that there are no private remedies. The amendment provides an effective date of February 1, 2011.

### **Senate Amendment "B" To Committee Amendment "A" (S-314)**

This amendment:

1. Adds movie theaters to the places that are not considered a chain restaurant;
2. Increases from 60 to 90 the number of days an item must appear on a menu before the chain restaurant is required to provide caloric information regarding that item;
3. Specifies that this legislation does not create any additional rights or liabilities; and
4. Asserts that state regulation of nutritional information by chain restaurants occupies the whole field of regulation and prohibits municipalities from enacting any ordinance regulating the dissemination of such information.

### **Enacted Law Summary**

Public Law 2009, chapter 395 requires a chain restaurant, which is a restaurant with the same trade name and the same type of food, meals and menus as 20 or more restaurants at least one of which is in Maine, to provide accurate calorie information on its menus, menu boards and food display labels for the food and beverage items it regularly sells, not including limited-time offers, condiments, items in sealed manufacturer's packaging with nutrition information or custom orders. The law also requires a chain restaurant to state on its menu and menu boards: "To maintain a healthy weight, a typical adult should consume approximately 2,000 calories per day; however, individual calorie needs may vary." This law allows a chain restaurant to state on its menu and menu boards: "Nutrition information is based upon standard recipes and product formulations; however, modest variations may occur due to differences in preparation, serving sizes, ingredients or special orders."

The law provides a definition for "calories per serving," the law exempts limited time offerings to 90 days per year. It exempts from the definition of "chain restaurant" a movie theater and a hotel or motel that contains a separately owned eating establishment but applies the provisions of the bill to that separately owned eating establishment. It exempts food items provided at a self-service salad bar or buffet. It establishes a separate caloric labeling requirement for beer, wine and spirits. It specifies that enforcement is by the Attorney General against the owner or franchisee of the eating establishment and that there are no private remedies.

The law states that state regulation of nutritional information by chain restaurants occupies the whole field of regulation and prohibits municipalities from enacting any ordinance regulating the dissemination of such information.

The law takes effect February 1, 2011.

**LD 1260     An Act To Amend the Certificate of Need Act of 2002 for Nursing  
Facility Projects**

**PUBLIC 429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L MARRACHE	OTP-AM	H-535

## *Joint Standing Committee on Health and Human Services*

This bill amends the Certificate of Need Act of 2002 governing the conversion of nursing facility beds to residential care beds to permit such conversions as long as the terms of the conversion are approved by the Department of Health and Human Services under applicable provisions permitting transfers that are MaineCare-neutral in their overall impact.

The bill also amends provisions governing the nursing facility MaineCare funding pool to create certain exceptions to the constraints of the pool. A provision is enacted to permit the transfers of beds and other nursing facility resources to residential care facilities and to exclude such beds and resources from the pool if prior approval is obtained from the department.

The bill also changes the provisions governing nursing facility projects in several respects:

1. To permit certificate of need approval of different types of nursing facility projects as long as MaineCare neutrality is demonstrated and to permit transfers of MaineCare resources between nursing facilities and residential care facilities to satisfy these requirements;
2. To permit the exchange of bed rights between nursing facilities and residential care facilities in order to permit nursing facilities to satisfy MaineCare neutrality requirements;
3. To permit nursing facilities to satisfy MaineCare neutrality requirements for projects that do not involve relocation of beds from one facility to another or a new facility when the entity proposing the changes is able to satisfy MaineCare neutrality requirements by delicensing beds under common ownership or acquiring beds from other facilities including residential care facilities; and
4. To permit approval of nursing facility projects that propose transfers of ownership when any increases in MaineCare costs are offset by transfers of bed rights or the increase in MaineCare costs is limited to changes in fixed-costs reimbursement due to changes in approved financing or applicable depreciation schedules.

### **Committee Amendment "A" (H-535)**

This amendment replaces the bill and amends the Certificate of Need Act of 2002. Beginning January 1, 2010, it increases the threshold amount for nursing facility projects to \$1,000,000. It exempts from the full certificate of need approval certain nursing facility projects including capital expenditures under limited circumstances, nonmedical replacement equipment, information systems, communication systems, parking lots and garages. It changes the nursing facility MaineCare funding pool to create certain exceptions to the constraints of the pool. It permits certificate of need approval of different types of nursing facility projects as long as MaineCare neutrality is demonstrated. It permits nursing facilities to satisfy MaineCare neutrality requirements for projects that do not involve relocation of beds from one facility to another or a new facility when the entity proposing the changes is able to satisfy MaineCare neutrality requirements by delicensing beds under common ownership or acquiring beds from other nursing facilities. It charges the Department of Health and Human Services with working with stakeholders to identify possible methods for creating more flexibility in the laws governing nursing facility projects that are subject to MaineCare budget neutrality requirements.

### **Enacted Law Summary**

Public Law 2009, chapter 429 amends the Certificate of Need Act of 2002. Beginning January 1, 2010, it increases the threshold amount for nursing facility projects to \$1,000,000. It exempts from the full certificate of need approval certain nursing facility projects including capital expenditures under limited circumstances, nonmedical replacement equipment, information systems, communication systems, parking lots and garages. It changes the nursing facility MaineCare funding pool to create certain exceptions to the constraints of the pool. It permits certificate of need approval of different types of nursing facility projects as long as MaineCare neutrality is demonstrated. It permits nursing facilities to satisfy MaineCare neutrality requirements for projects that do not involve relocation of beds from one facility to another or a new facility when the entity proposing the changes is able to satisfy MaineCare

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neutrality requirements by delicensing beds under common ownership or acquiring beds from other nursing facilities. It charges the Department of Health and Human Services with working with stakeholders to identify possible methods for creating more flexibility in the laws governing nursing facility projects that are subject to MaineCare budget neutrality requirements.

**LD 1261      Resolve, To Require the Department of Health and Human Services To Provide Cost-of-living Adjustments for Nursing Facilities and Certain Medical and Remedial Private Nonmedical Institutions** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L MARRACHE	ONTP	

This resolve requires the Department of Health and Human Services to provide nursing facilities and residential care facilities with cost-of-living adjustments in fiscal years 2009-10 and 2010-11. The adjustment must be 3 percent for nursing facilities where 80 percent or more of the facility's annual resident days are covered by MaineCare. A 1.5 percent adjustment must be provided for all other nursing and residential care facilities. This bill also has an appropriations and allocations section.

**LD 1262      An Act To Restrict Gifts to Health Care Practitioners from Pharmaceutical and Medical Device Manufacturers** **Carried Over**

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

This bill:

1. Prohibits most gifts and payments to health care practitioners from pharmaceutical and medical device manufacturers;
2. Includes medical devices in the definition of "prescription drug" for the purposes of requirements involving a pharmaceutical manufacturer's giving of gifts to health care practitioners and reporting marketing expenses;
3. Establishes requirements for pharmaceutical manufacturers' giving sample products to health care practitioners;
4. Requires the Department of Health and Human Services to report a pharmaceutical manufacturer's gifts and payments per health care practitioner instead of in the aggregate;
5. Limits the confidentiality of pharmaceutical manufacturers' reporting information to trade information protected by state and federal law;
6. Requires the Department of Health and Human Services to post the department's annual report regarding a pharmaceutical manufacturer's marketing expenses on a publicly accessible portion of the department's website; and
7. Allows the Department of Health and Human Services to raise the fees of pharmaceutical manufacturers to cover reasonable costs of the department.

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This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H. P. 1053.

**LD 1263    An Act To Amend the Laws Concerning Child Abuse and Neglect Councils**

**PUBLIC 204**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EATON DAMON	OTP-AM	H-260

This bill adds the word "prevention" when referring to child abuse and neglect councils in the State and changes the name of the Maine Association of Child Abuse and Neglect Councils to the Maine Child Abuse Prevention Councils. It clarifies that child abuse and neglect prevention councils are to prevent abuse and neglect through the provision of family-strengthening programs, including, but not limited to, public awareness activities, child safety education, parent education, support and information for parents, training for professionals and referral to services.

**Committee Amendment "A" (H-260)**

This amendment removes the requirement for the Maine Child Abuse Prevention Councils to advise the Department of Health and Human Services on the distribution of grants or funds before grants or funds are awarded.

**Enacted Law Summary**

Public Law 2009, chapter 204 adds the word "prevention" when referring to child abuse and neglect councils in the State and changes the name of the Maine Association of Child Abuse and Neglect Councils to the Maine Child Abuse Prevention Councils. It clarifies that child abuse and neglect prevention councils are to prevent abuse and neglect through the provision of family-strengthening programs, including, but not limited to, public awareness activities, child safety education, parent education, support and information for parents, training for professionals and referral to services. It removes the requirement for the Maine Child Abuse Prevention Councils to advise the Department of Health and Human Services on the distribution of grants or funds before grants or funds are awarded.

**LD 1276    An Act To Ensure That High-quality Services Are Provided to Behavioral Health Clients**

**ONTP**

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

This bill requires a private behavioral health care practitioner who contracts with or is reimbursed by the Department of Health and Human Services for providing services to a client to be affiliated with a nationally accredited organization that provides oversight of the practitioner and sets standards for best practices and quality assurance, including standards governing crisis services and provision of coverage when a practitioner is unavailable or, if the private behavioral health care practitioner is not so affiliated, to meet these same standards.

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**LD 1278      An Act To Exempt Services Provided by Alzheimer Care Facilities from the Tax on Private Nonmedical Institution Services      ONTP**

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

This bill excludes services provided in an Alzheimer's or dementia care unit from the service provider tax.

**LD 1281      An Act To Increase the Efficiency and Effectiveness of Licensing Behavioral Health Care Providers      Carried Over**

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

The purpose of this bill is to increase the efficiency and effectiveness of licensing behavioral health providers by requiring the Department of Health and Human Services to approve and license substance abuse treatment, child and adult welfare and behavioral health agencies, programs and facilities that receive and maintain accreditation by nationally recognized accrediting bodies. The department shall include such an agency, program or facility on any list of approved and licensed agencies, programs and facilities maintained by the department. Notwithstanding an agency's, program's or facility's maintenance of accreditation, the department may revoke the certificate of approval and remove a treatment program or facility from the department's list of approved programs and facilities for failure to provide data, statistics, schedules and other information reasonably required by the department pursuant to the Maine Revised Statutes, Title 5, section 20024. All agencies, programs and facilities may have approval and licensing revoked or modified by the department for findings resulting from the investigation of a critical incident.

This bill was carried over by Joint Order, H. P. 1053 to any special or regular session of the 124th Legislature so that the Health and Human Services Committee may ensure the deeming process moves forward and has a legislative instrument to make this change should the department fail to do so through rule making.

**LD 1291      Resolve, Establishing a Study Commission on In Utero Narcotic Drug Exposure      ONTP**

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

This resolve establishes the Study Commission on In Utero Narcotic Drug Exposure.

The Health and Human Services Committee requested from the Department of Health and Human Services a report by January 15, 2010 on issues related to in utero drug exposures.

***Joint Standing Committee on Health and Human Services***

**LD 1302    An Act To Prohibit Full-time State Employees from Enrollment in  
MaineCare**

**ONTP**

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

This bill provides that full-time employees of the State are not eligible to receive services under the laws governing the MaineCare program.

**LD 1303    An Act To Improve the General Assistance Program**

**ONTP**

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

This bill changes the general assistance reimbursement rate methodology, which has been in place since 1991. It replaces the 50 percent/90 percent option with a flat reimbursement of 80 percent of all general assistance. The bill raises the temporary maximum levels of assistance to 150 percent of the applicable existing housing fair market rents. The bill also makes an ongoing General Fund appropriation of \$8,800,000 for general assistance reimbursement to cities and towns to bring funding to levels appropriate to meet the needs of people experiencing economic hardship.

The Joint Standing Committee on Health and Human Services requests by letter that the Department of Health and Human Services review the general assistance program, the concepts presented in LD 1303 and LD 1375, and amount of funding needed to adequately fund the general assistance needs of the State. The letter asks the department to make recommendations to the Joint Standing Committee on Health and Human Services by February 15, 2010.

**LD 1339    An Act To Improve Oversight of Pharmaceutical Purchasing**

**Carried Over**

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

This bill requires pharmacy benefits managers to register with the Department of Professional and Financial Regulation, Bureau of Insurance before entering into any contracts for pharmacy benefits management in the State. The bill also sets forth standards for audits conducted by pharmacy benefits managers. The bill requires the State Auditor to develop audit procedures to ensure state agencies that have pharmacy benefits management contracts are compliant with state law relating to pharmacy benefits management and prescription drug rebates. The bill also expands the privacy provisions applicable to pharmacy benefits managers to ensure that patient prescription information, even deidentified information, is not used directly by the pharmacy benefits manager or sold by or transferred to others for use in pharmaceutical marketing or by insurance companies in making benefits decisions.

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This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053. This bill was carried over to await federal legislation, so as not to interfere with litigation and to allow the Bureau of Insurance time to consider a system for registering pharmacy benefit managers.

**LD 1340     An Act To Protect Consumers' Health Information Records**

**ONTP**

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

This bill concerns the confidentiality of health care information. This bill:

1. Asserts that medical records in the possession of a health care practitioner are the property of the patient and limits the costs a health care practitioner may recoup for providing electronic medical records;
2. Creates a definition of "business associate" of a health care practitioner and applies health care information confidentiality provisions to a business associate;
3. Excepts from the definition of "health care" the activity of communicating with a patient for the purpose of selling or using a product or service in most circumstances;
4. Allows business associates of a health care practitioner to obtain or create health care information only pursuant to a written contract with the health care practitioner;
5. Requires the written authorization from an individual for the sale or payment for the individual's health care information with certain exceptions;
6. Limits the ability of a health care practitioner or business associate to pay or be paid for the exchange of health care information concerning the sale or use of a product or service;
7. Clarifies that a health care practitioner or business associate is subject to the Notice of Risk to Personal Data Act in case of a security breach of health care information;
8. Requires the Department of Health and Human Services to designate an individual in the department to advise health care practitioners, business associates and individuals and to create educational material about the provisions of health care information confidentiality;
9. Clarifies that the provisions concerning the sale of health care information do not prevent a pharmacist from recouping costs in communicating with individuals to reduce medication errors and to improve patient safety; and
10. Requires the Department of Health and Human Services to study and report to the Joint Standing Committee on Health and Human Services on what health care information can be exchanged without authorization after removing individuals' identifiable information and what must require authorization.

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**LD 1354    Resolve, Directing the Department of Health and Human Services To  
Limit Prescriptions for Narcotic Drugs under MaineCare without Prior  
Authorization**

**ONTP**

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

This resolve directs the Department of Health and Human Services to:

1. Require that narcotic prescription drugs for each MaineCare patient be prescribed by a single medical provider unless prior authorization is obtained;
2. Require that narcotic prescription drugs for each MaineCare patient be dispensed by only one pharmacy or drug dispenser at a time unless prior authorization is obtained;
3. Require that narcotic prescription drugs for MaineCare patients not be prescribed for the treatment of pain arising from a noncancerous or nonterminal condition beyond a period of 30 days except by prior authorization; and
4. Require that narcotic prescription drugs for MaineCare patients not be prescribed for the treatment of chronic pain arising from a noncancerous or nonterminal condition except by a physician recognized by MaineCare as having specialized training and expertise in managing patients suffering from chronic pain.

**LD 1359    An Act To Improve the Use of Data from the Controlled Substances  
Prescription Monitoring Program**

**PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM MAJ ONTP MIN	S-125

This bill amends the Controlled Substances Prescription Monitoring Program as follows:

1. It provides that "dispenser" includes a prescriber and a licensed substance abuse treatment program, such as a methadone clinic, that administers or dispenses controlled substances. It further clarifies that "prescriber" includes nonphysician prescribers.
2. It requires the Department of Public Safety, State Bureau of Identification to report to the Controlled Substances Prescription Monitoring Program information related to arrests and convictions for crimes that include the use, possession, furnishing, sale or diversion of a controlled substance.
3. It requires the Office of the Chief Medical Examiner to file with the Controlled Substances Prescription Monitoring Program information concerning the death of a person in which a controlled substance or other drug may have contributed to the person's death.
4. If the Office of the Chief Medical Examiner has reported to the Controlled Substances Prescription Monitoring Program that a controlled substance or other drug may have contributed to a person's death, it requires the program to notify all prescribers and dispensers who reported information pertaining to the deceased person.

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5. It authorizes health care licensing boards to make the determination of "reasonable cause" that would allow the boards access to prescription monitoring information.

6. It expands access to prescription monitoring information to the MaineCare program and the Office of the Chief Medical Examiner and contains provisions regarding the confidentiality of prescription monitoring information possessed by the Office of the Chief Medical Examiner.

7. It directs the Department of Health and Human Services, Office of Substance Abuse to adopt rules to implement the law.

**Committee Amendment "A" (S-125)**

This amendment is the majority report of the committee. It replaces the bill. It authorizes release of information from the Controlled Substances Prescription Monitoring Program under the Maine Revised Statutes, Title 22, chapter 1603 to the MaineCare program for the purposes of managing care, monitoring the purchase of controlled substances and avoiding duplicate dispensing of controlled substances.

**Enacted Law Summary**

Public Law 2009, chapter 298 authorizes release of information from the Controlled Substances Prescription Monitoring Program under the Maine Revised Statutes, Title 22, chapter 1603 to the MaineCare program for the purposes of managing care, monitoring the purchase of controlled substances and avoiding duplicate dispensing of controlled substances.

**LD 1360 An Act To Allow Law Enforcement and Family Members To Petition the District Court To Initiate Assisted Outpatient Treatment**

**Carried Over**

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

This bill enables law enforcement or a family member of a person with a severe and persistent mental illness who is in need of assisted outpatient treatment to petition the District Court for an order that the person must participate in assisted outpatient treatment. The assisted outpatient treatment order lasts for 6 months and is renewable for an additional 12 months. The application, hearing, review and appeal process includes notice, a mental health examination, court-appointed or retained counsel, the right to present evidence and cross-examine witnesses and a record of the proceedings. The order to participate in assisted outpatient treatment includes within it an individualized treatment plan.

The bill requires the Department of Health and Human Services to provide community mental health services, including assignment of an assertive community treatment team, for a person who is ordered to participate in assisted outpatient treatment.

The bill requires providers of mental health services who apply for grants and contracts with the Department of Health and Human Services to provide community mental health treatment to persons ordered by a court to participate in assisted outpatient treatment.

The bill includes as a duty of the Department of Health and Human Services, under the category of safety net services, providing services for persons ordered to participate in assisted outpatient treatment.

This bill requires pharmacy benefits managers to register with the Department of Professional and Financial

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Regulation, Bureau of Insurance before entering into any contracts for pharmacy benefits management in the State. The bill also sets forth standards for audits conducted by pharmacy benefits managers. The bill requires the State Auditor to develop audit procedures to ensure state agencies that have pharmacy benefits management contracts are compliant with state law relating to pharmacy benefits management and prescription drug rebates. The bill also expands the privacy provisions applicable to pharmacy benefits managers to ensure that patient prescription information, even deidentified information, is not used directly by the pharmacy benefits manager or sold by or transferred to others for use in pharmaceutical marketing or by insurance companies in making benefits decisions.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053.

**LD 1363 An Act To Establish and Promote Statewide Collaboration and Coordination in Public Health Activities and To Enact a Universal Wellness Initiative**

**PUBLIC 355**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER ROSEN R	OTP-AM	H-407 H-436 PERRY A

This bill coordinates and streamlines the public health system in this State. It prepares the state public health system for national federally recognized public health accreditation and ensures the effective, efficient and evidence-based delivery of essential public health services. The bill recognizes and formally establishes Healthy Maine Partnerships, district coordinating councils for public health and the Statewide Coordinating Council for Public Health.

The bill also establishes a universal wellness initiative using the existing resources of the public health infrastructure. The initiative requires the development and distribution of a resource toolkit for the uninsured and a health risk assessment for all people of the State with a focus on the uninsured and those facing health disparities. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to issue an annual report card on health for each public health district in the State and for the state health plan to publish the report cards.

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

This amendment provides a definition for "municipal health department" and provides for accreditation of municipal health departments. It adds a provision that allows municipal health departments to enter into data-sharing agreements with the Department of Health and Human Services if the agreement protects the confidentiality and security of individually identifiable health information.

**House Amendment "A" (H-436)**

This amendment removes from the membership of the Statewide Coordinating Council for Public Health the 4 appointed Legislators.

**Enacted Law Summary**

Public Law 2009, chapter 355 coordinates and streamlines the public health system in this State. It prepares the state public health system for national federally recognized public health accreditation and ensures the effective, efficient and evidence-based delivery of essential public health services. The law recognizes and formally

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establishes Healthy Maine Partnerships, district coordinating councils for public health and the Statewide Coordinating Council for Public Health.

The law also establishes a universal wellness initiative using the existing resources of the public health infrastructure. The law requires the development and distribution of a resource toolkit for the uninsured and a health risk assessment for all people of the State with a focus on the uninsured and those facing health disparities. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to issue an annual report card on health for each public health district in the State and for the state health plan to publish the report cards. The law allows municipal health departments to enter into data-sharing agreements with the Department of Health and Human Services if the agreement protects the confidentiality and security of individually identifiable health information.

**LD 1364    An Act To Stimulate the Economy by Expanding Opportunities for  
Personal Assistance Workers**

**Carried Over**

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

This bill establishes the reimbursement by the Department of Health and Human Services for personal assistance services through standardized rates, beginning October 1, 2009, that apply to all providers and workers in programs, institutional settings, in-home services and community support services.

This bill was carried over by Joint Order, H.P. 1053 to any special or regular session of the 124th Legislature in order to allow the Department of Health and Human Services to conduct a thorough analysis that considers the potential economic benefit of increasing the wages of direct care workers as well as the cost of turnover, training requirements, federal dollars leveraged, and costs to the state. The department will present the result to the Joint Standing Committee on Health and Human Services during the next legislative session.

**LD 1375    An Act Regarding the Formula for the General Assistance Program**

**ONTP**

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

This bill requires the Department of Health and Human Services to reimburse a municipality 90 percent of the municipality's general assistance costs if the unemployment rate of the municipality for the previous three months exceeds the average of the statewide unemployment rate for the comparable calendar quarters for the previous five years. This bill also requires the department to pay a statutorily increased reimbursement of general assistance costs for certain economic conditions as long as those conditions exist.

The Joint Standing Committee on Health and Human Services requests by letter that the Department of Health and Human Services review the general assistance program, the concepts presented in LD 1303 and LD 1375, and amount of funding needed to adequately fund the general assistance needs of the State. The letter asks the department to make recommendations to the Joint Standing Committee on Health and Human Services by February 15, 2010.

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**LD 1376      Resolve, To Reduce Homelessness for People with Mental Illness or  
Dual Diagnoses**

**ONTP**

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

This resolve directs the Department of Health and Human Services to conduct a 2-year pilot program to demonstrate the effectiveness of placing homeless individuals who have been diagnosed with mental illness or dually diagnosed with mental illness and chemical dependency in stable housing and providing long-term support in accordance with Maine's Plan to End and Prevent Homelessness adopted March 11, 2008 by the Maine State Housing Authority's Statewide Homeless Council. The program involves 9 caseworkers serving 20 clients each in finding the clients stable housing using rental assistance vouchers and continuing outreach and support to the clients for the term of the program.

**LD 1395      An Act To Amend the Maine Certificate of Need Act of 2002**

**PUBLIC 383  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM MAJ OTP-AM MIN	H-497 H-541 PERRY A

This bill clarifies that a portion of an ambulatory surgical facility functioning as the office of a health care practitioner that contains major medical equipment is considered to be a health care facility.

This bill adds medical office buildings owned or subsidized by a hospital or a hospital's parent company to the definition of "hospital" and deletes the definition of "replacement equipment."

This bill eliminates indexing and changes the capital expenditure threshold from \$2,400,000 to \$2,000,000.

This bill eliminates the exemption of replacement equipment from the certificate of need requirements.

This bill changes the category of rules adopted for procedures after voluntary nursing facility reductions from major substantive to routine technical rules.

This bill exempts energy-efficient improvements in nursing facilities from MaineCare neutrality calculations. This bill includes the cost of energy-efficient improvements in nursing facilities in the overall improvement cost when determining whether the thresholds are triggered.

This bill states that the certificate of need record opens on the day the Department of Health and Human Services receives a certificate of need application instead of the day the department receives a letter of intent.

This bill requires the certificate of need applicant to schedule a meeting within 30 days of filing a letter of intent, instead of requiring the meeting to occur within 30 days. The department is required to give public notice that there will be a public informational meeting within 10 business days, instead of 5, of receipt of an applicant's certificate that the complete certificate of need application is on file with the department.

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This bill eliminates the requirement for a public informational meeting and a public hearing for simplified reviews.

This bill authorizes the department to collect fines without a civil court action and gives the recipient of the notice of imposition of a fine an opportunity to request an administrative hearing on the matter. This bill increases the civil fine from a maximum of \$5,000 to not more than \$50,000.

This bill removes redundancies and aligns the procedural timelines when applicants seek both a certificate of public advantage and a certificate of need.

This bill specifies that activity newly subject to certificate of need as a result of this Act is not subject to the capital investment fund until the certificate of need review cycle beginning January 1, 2013.

### **Committee Amendment "A" (H-496)**

The amendment is the majority report of the committee. The amendment changes the bill by:

1. Retaining the current exemption from certificate of need for medical office buildings owned or subsidized by a hospital or a hospital's parent company;
2. Bringing the threshold amounts up to the current levels, which brings the thresholds for major medical equipment and new technology to \$1,600,000 and the threshold for capital expenditures to \$3,100,000;
3. Eliminating the exemption for the replacement of major medical equipment from the certificate of need requirements and instead applying a simplified review and approval process for certificate of need;
4. Removing provisions in the bill related to energy-efficient projects for nursing facilities;
5. Lowering the proposed increase in the penalty for violations from \$50,000 to \$10,000; and
6. Removing the provision for a combined application for applicants seeking both a certificate of need and a certificate of public advantage.

### **Committee Amendment "B" (H-497)**

This amendment is the minority report of the committee. The amendment changes the bill by:

1. Retaining the current exemption from certificate of need for medical office buildings owned or subsidized by a hospital or a hospital's parent company;
2. Bringing the threshold amounts up to the current levels, which brings the thresholds for major medical equipment and new technology to \$1,600,000 and the threshold for capital expenditures to \$3,100,000;
3. Retaining the exemption from the certificate of need requirements for the replacement of major medical equipment by the owner and instead applying a threshold of \$2,000,000 for review;
4. Applying a simplified review process for major medical equipment that costs more than \$2,000,000;
5. Including replacement equipment that is not major medical equipment in the list of capital equipment that does not require a certificate of need;
6. Removing provisions in the bill related to energy-efficient projects for nursing facilities;
7. Lowering the proposed increase in the penalty for violations from \$50,000 to \$10,000; and

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8. Removing the provision for a combined application for applicants seeking both a certificate of need and a certificate of public advantage.

### House Amendment "A" To Committee Amendment "B" (H-541)

This amendment corrects an error by inserting a word that was inadvertently omitted from Committee Amendment "B."

### Enacted Law Summary

Public Law 2009, chapter 383 makes the following changes to the Maine Certificate of Need Act of 2002:

- 1) Clarifies that a portion of an ambulatory surgical facility functioning as the office of a health care practitioner that contains major medical equipment is considered to be a health care facility,
- 2) Retains the current exemption from certificate of need for medical office buildings owned or subsidized by a hospital or a hospital's parent company;
- 3) Brings the threshold amounts up to the current levels, which brings the thresholds for major medical equipment and new technology to \$1,600,000 and the threshold for capital expenditures to \$3,100,000;
- 4) Eliminates of all indexing, which annually adjusts threshold amounts to reflect changes in the Consumer Price Index medical index;
- 5) Allows the exemption from the certificate of need requirements for the replacement major medical equipment by the owner that is a cost of \$2,000,000 or less;
- 6) Applies a simplified review and approval process for certificate of need to major medical equipment above the \$2,000,000 threshold;
- 7) Including replacement equipment that is not major medical equipment in the list of capital expenditures that do not require a certificate of need;
- 8) Changes the category of rules from major substantive to routine technical rules for procedures after voluntary nursing facility reductions;
- 9) Clarifies and changes provisions related to maintenance of record, the schedule for related meetings, the amount of time for public notice, and the elimination of the requirement for a public informational meeting and a public hearing for simplified reviews; and
- 10) Authorizes the department to collect fines up to \$10,000 without a civil court action and provisions that give the recipient of the notice of the fine an opportunity to request an administrative hearing on the matter.

Public Law 2009, chapter 383 was enacted as an emergency measure effective June 12, 2009.

LD 1396     **An Act To Establish a Mental Health Services Advisory Commission To  
Improve Mental Health Services in the State**

ONTP

Sponsor(s)

PERRY A

Committee Report

ONTP

Amendments Adopted

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This bill establishes the Mental Health Services Advisory Commission to look at how mental health services are delivered statewide and to advise, consult and assist the Governor and the executive, legislative and judicial branches of State Government with activities of State Government related to the delivery of mental health services.

**LD 1408     An Act To Establish the Universal Childhood Immunization Program**

**Carried Over**

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

This bill creates the Universal Childhood Immunization Program to provide immunizations and cover the costs of recommended vaccines for children in the State not covered by the federal Vaccines for Children Program. The bill creates the Maine Vaccine Board to determine the costs of purchasing and administering the vaccines and directs the board to assess these costs to appropriate health insurers in the State based on each insurer's share of nonelderly insureds in the State.

This bill requires pharmacy benefits managers to register with the Department of Professional and Financial Regulation, Bureau of Insurance before entering into any contracts for pharmacy benefits management in the State. The bill also sets forth standards for audits conducted by pharmacy benefits managers. The bill requires the State Auditor to develop audit procedures to ensure state agencies that have pharmacy benefits management contracts are compliant with state law relating to pharmacy benefits management and prescription drug rebates. The bill also expands the privacy provisions applicable to pharmacy benefits managers to ensure that patient prescription information, even deidentified information, is not used directly by the pharmacy benefits manager or sold by or transferred to others for use in pharmaceutical marketing or by insurance companies in making benefits decisions.

This bill was carried over to any special or regular session of the 124th Legislature by Joint Order, H.P. 1053. This bill was carried over in anticipation of available funding.

**LD 1411     Resolve, Regarding Legislative Review of Portions of Chapter 120:  
Release of Data to the Public, a Major Substantive Rule of the Maine  
Health Data Organization**

**RESOLVE 84  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization.

### **Enacted Law Summary**

Resolve 2009, chapter 84 provides for authorization of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization. Chapter 120 governs the manner and extent to which data submitted to or assembled by the Maine Health Data Organization (MHDO) or its predecessor agencies will be made available to the public. It defines the scope of the exceptions to the Freedom of Access Law and outlines procedures for determining whether data are confidential or privileged and for protecting file data. The rule changes several definitions to be consistent with MHDO statutes and rules. It adds the insured group or policy number to the

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list of data elements that may indirectly identify patients and are subject to external review and comments. It also establishes a data advisory committee composed of individuals listed in the rule who may be impacted by the release of group numbers.

Resolve 2009, chapter 84 was enacted as an emergency measure effective June 2, 2009.

**LD 1412      Resolve, Regarding Legislative Review of Portions of Chapter 101:  
MaineCare Benefits Manual, Chapter III, Section 21, Home and  
Community Benefits for Members with Mental Retardation or Autistic  
Disorder, a Major Substantive Rule of the Department of Health and  
Human Services, Office of MaineCare Services**

**RESOLVE 85  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services, Office of MaineCare Services.

### Enacted Law Summary

Resolve 2009, chapter 85 approves portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services, Office of MaineCare Services. The proposed rule makes changes in rates for the home and community based services waiver. It reduces rates for home support, community support, employment specialist services and work support. It removes the behavioral ad on for services. It eliminates intensive family centered support as a type of home support. The rule creates an additional level of support for home support shared living and home support family centered support model.

Resolve 2009, chapter 85 was passed as an emergency measure effective June 2, 2009.

**LD 1416      An Act To Update Terms and Make Changes in Child Care and  
Transportation Benefits under the Temporary Assistance for Needy  
Families Program**

**PUBLIC 291**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT	OTP-AM	H-405

This bill makes the following changes relating to the food stamp program and to the TANF and ASPIRE-TANF programs:

It changes the terms "food stamp" to "food supplement" and "food stamp program" to "food supplement program."

It changes references to mailing food stamps or coupons to the issuance of food allotments by an electronic benefits transfer system. It eliminates the requirement to print brochures in other languages and to print announcements in French.

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It adds cross-references to the federal Deficit Reduction Act of 2005 in the statute that authorizes the administration of the TANF program and the ASPIRE program.

It eliminates a requirement that transitional transportation benefits be given for 90 days and inserts a maximum benefit duration of 12 months. For transitional child care benefits, it eliminates references to income standards and rates of payment and authorizes the department instead to establish those by rule.

It reinstates authority to transfer certain funds and a reporting requirement that were mistakenly repealed during the First Regular Session of the 123rd Legislature.

It eliminates a reporting requirement comparing TANF benefit levels to those in other New England states; the provision was intended to have been repealed in the First Regular Session of the 123rd Legislature.

It eliminates a minimum participation requirement in the ASPIRE program to require the department to operate the ASPIRE program in accordance with the federal Deficit Reduction Act of 2005 requirements.

It allows the Department of Health and Human Services to establish maximum eligibility limits, for fiscal year 2009-10 only, that are not less than 200% of the federal poverty guidelines for certain families for transitional child care services.

It requires the Department of Health and Human Services to report back with legislation correcting the Maine Revised Statutes to reflect the change in the name of the food stamp program and benefits.

### **Committee Amendment "A" (H-405)**

This amendment authorizes the Department of Health and Human Services to make certain transfers of funds to the ASPIRE-TANF program account from the TANF program account. It requires the department to establish maximum rates for child care beginning October 1, 2011. The amendment deletes sections of the bill regarding fund transfers and authorization to decrease maximum income eligibility for transitional child care services.

### **Enacted Law Summary**

Public Law 2009, chapter 291 changes the terms "food stamp" to "food supplement" and "food stamp program" to "food supplement program." It changes references to mailing food stamps or coupons to the issuance of food allotments by an electronic benefits transfer system. It eliminates the requirement to print brochures in other languages and to print announcements in French.

It adds cross-references to the federal Deficit Reduction Act of 2005 in the statute that authorizes the administration of the TANF program and the ASPIRE program.

It eliminates a requirement that transitional transportation benefits be given for 90 days and inserts a maximum benefit duration of 12 months. For transitional child care benefits, it eliminates references to income standards and rates of payment and authorizes the department instead to establish those by rule.

The law eliminates a reporting requirement comparing TANF benefit levels to those in other New England states; the provision was intended to have been repealed in the First Regular Session of the 123rd Legislature.

It eliminates a minimum participation requirement in the ASPIRE program to require the department to operate the ASPIRE program in accordance with the federal Deficit Reduction Act of 2005 requirements.

It requires the Department of Health and Human Services to report back with legislation correcting the Maine Revised Statutes to reflect the change in the name of the food stamp program and benefits.

The law authorizes the Department of Health and Human Services to make certain transfers of funds to the

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ASPIRE-TANF program account from the TANF program account. It requires the department to establish maximum rates for child care beginning October 1, 2011.

**LD 1417 An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants**

**PUBLIC 215**

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

This bill authorizes the Department of Health and Human Services to investigate complaints against unlicensed assistive persons of abuse, neglect or misappropriation of property of a client, patient or resident in a home or health care setting. It requires the Maine Registry of Certified Nursing Assistants to list and include a notation to the unlicensed assistive person's listing on the registry when the department's decision becomes final that a complaint was substantiated. This is a limited expansion of the registry. The bill identifies the information that must be included in registry notations. It requires the department to notify an individual of the right to request a hearing to contest a finding that a complaint was substantiated and gives the individual the right to petition the department to have a finding of neglect removed from the registry if the finding of neglect is a one-time occurrence and there is no pattern of neglect. It identifies unlicensed assistive persons who may not be employed or placed by a licensed, certified or registered agency or facility and authorizes the department to adopt routine technical rules.

**Enacted Law Summary**

Public Law 2009, chapter 215 authorizes the Department of Health and Human Services to investigate complaints against unlicensed assistive persons of abuse, neglect or misappropriation of property of a client, patient or resident in a home or health care setting. It requires the Maine Registry of Certified Nursing Assistants to list and include a notation to the unlicensed assistive person's listing on the registry when the department's decision becomes final that a complaint was substantiated. This is a limited expansion of the registry and identifies specific information that must be included in registry notations. The law requires the department to notify an individual of the right to request a hearing to contest a finding that a complaint was substantiated and gives the individual the right to petition the department to have a finding of neglect removed from the registry if the finding of neglect is a one-time occurrence and there is no pattern of neglect. It identifies unlicensed assistive persons who may not be employed or placed by a licensed, certified or registered agency or facility and authorizes the department to adopt routine technical rules.

**LD 1419 An Act To Implement Respectful Language Amendments**

**PUBLIC 299**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM	H-402

This bill makes several changes throughout the Maine Revised Statutes to avoid certain terms or phrases that might be construed as disrespectful. The terminology removed is replaced with more respectful alternatives that place people first. Part A removes the terms "common drunkard," "lunatic," "mentally deranged" and "senile" from the statutes and removes language that refers to persons being "afflicted" with a condition. Part B removes references to "mental retardation" and "mentally retarded" and changes the reference to "persons with developmental disabilities."

**Committee Amendment "A" (H-402)**

This amendment removes a section of the bill that changes terminology in the section of law related to licensing of

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private mental hospitals. It removes all of Part B in the bill, which proposes to change references in law related to "mental retardation" to respectful terminology. The amendment directs the Department of Health and Human Services to review the statutes and identify the sections that use the terms "mental retardation" and "mentally retarded" and report recommendations for changes to the Joint Standing Committee on Health and Human Services. The amendment authorizes the Joint Standing Committee on Health and Human Services to submit a bill to the Second Regular Session of the 124th Legislature based on these recommendations.

### Enacted Law Summary

Public Law 2009, chapter 299 makes several changes throughout the Maine Revised Statutes to avoid certain terms or phrases that might be construed as disrespectful. The terminology removed is replaced with more respectful alternatives that place people first. Part A removes the terms "common drunkard," "lunatic" and "senile" from the statutes and removes language that refers to persons being "afflicted" with a condition. Part B directs the Department of Health and Human Services to review the statutes and identify the sections that use the terms "mental retardation" and "mentally retarded" and report recommendations for changes to the Joint Standing Committee on Health and Human Services. The amendment authorizes the Joint Standing Committee on Health and Human Services to submit a bill to the Second Regular Session of the 124th Legislature based on these recommendations.

### LD 1429 An Act To Strengthen the Workplace Smoking Laws and Other Laws Governing Smoking

PUBLIC 300

#### Sponsor(s)

MILLS P

#### Committee Report

OTP-AM

#### Amendments Adopted

S-177

This bill does the following:

1. It prohibits designated smoking areas indoors in places of employment and provides a definition of permitted outdoor designated smoking areas;
2. It repeals the laws on smoking in hospitals, nursing homes and jury rooms that differed from the public place and workplace laws;
3. It clarifies in the laws governing workplace smoking that "business facility" may include a private residence or unit or apartment within a residential facility during the period of time that the private residence or unit or apartment is a place of employment; and
4. It clarifies that "residential facility" means a facility licensed by the Department of Health and Human Services.

#### Committee Amendment "A" (S-177)

This amendment removes the provision of the bill relating to exposure to secondhand smoke being a nuisance and trespass.

### Enacted Law Summary

Public Law 2009, chapter 300 does the following:

1. It prohibits designated smoking areas indoors in places of employment and provides a definition of permitted outdoor designated smoking areas;
2. It repeals the laws on smoking in hospitals, nursing homes and jury rooms that differed from the public place and workplace laws;

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3. It clarifies in the laws governing workplace smoking that "business facility" may include a private residence or unit or apartment within a residential facility during the period of time that the private residence or unit or apartment is a place of employment; and

4. It clarifies that "residential facility" means a facility licensed by the Department of Health and Human Services.

**LD 1433 An Act Regarding the Creation of Capitated Behavioral Health Pilot Programs**

**ONTP**

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

This bill establishes 2 capitated behavioral health pilot programs, one in Kennebec County and Somerset County and one in Aroostook County, to serve eligible adult residents of those counties. The programs must provide an array of behavioral health services that meets the State's obligations under the consent decree in Bates v. Harvey, Kennebec County Superior Court Civil Action Docket No. 89-88; provide a core set of behavioral health services that are necessary, efficient and effective; and reduce the use of expensive treatment options, such as inpatient hospitalization, in favor of less intensive, community-based behavioral health service. The pilot programs will be overseen by an oversight committee consisting of Legislators and evaluated by an entity with experience in evaluating capitated behavioral health systems.

**LD 1435 An Act To Amend Sentinel Events Reporting Laws To Reduce Medical Errors and Improve Patient Safety**

**PUBLIC 358**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	S-248

This bill defines additional terms in the law dealing with sentinel event reporting, including "health care facility acquired infection," "immediate jeopardy," "near miss" and "root cause analysis." It also amends the definition of "sentinel event." The bill adds a list of serious reportable events derived from a publication of the National Quality Forum and requires health care facilities to report suspected sentinel events as well as sentinel events. The bill also requires hospitals to follow a standardized procedure for the identification, notification and reporting requirements and allows health care facilities to voluntarily notify the Department of Health and Human Services, Division of Licensing and Regulatory Services of the occurrence of a near miss. This bill gives immunity to a person who in good faith reports a suspected sentinel event or a sentinel event, or expresses regret or an apology to the patient or the patient's family. This bill also increases the civil penalty to no more than \$25,000, instead of \$5,000, authorizes the division to collect the civil penalty without going to court and gives the health care facility the right to request an administrative hearing to contest the imposition of a penalty. In addition, it provides injunctive relief to require compliance with the sentinel events reporting law.

**Committee Amendment "A" (S-248)**

This amendment replaces the bill. It removes the definition of "health care facility acquired infection," modifies the definitions of "major permanent loss of function" and "sentinel event" and modifies notification requirements related to transfers of patients from one facility to another. It removes provisions related to mandatory reporting of suspected sentinel events, immunity for expressions of regret or apologies, the Department of Health and Human

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Services' responsibility for determining the reportability of sentinel events and the confidentiality of records for final administrative actions. The amendment also gives the Joint Standing Committee on Health and Human Services authority to submit a bill related to the recommendations of the CY 2008 Sentinel Events report dated April 28, 2009 to the Second Regular Session of the 124th Legislature. The amendment excludes protected professional competence review information from the root cause analysis submitted to the department's Division of Licensing and Regulatory Services. It requires the division to determine whether a suspected sentinel event constitutes a sentinel event, to complete an initial review and to take other action within the jurisdiction of the division. It provides that personnel responsible for sentinel event oversight shall report to the division's licensing personnel only immediate jeopardy as defined in the Maine Revised Statutes, Title 22, section 8752, subsection 2-A and each condition of participation in the federal Medicare program related to the immediate jeopardy for which the provider is out of compliance.

It maintains the provisions related to compliance, which increases the penalty for violations and authorizes the division to collect the penalty without going to court, but reduces the penalty from the bill's proposal of \$25,000 per unreported sentinel event to \$10,000 per violation.

### **Enacted Law Summary**

Public Law 2009, chapter 358 modifies the sentinel event reporting laws. The law defines additional terms related to sentinel event reporting, including "immediate jeopardy," "near miss" and "root cause analysis" and modifies the definitions of "major permanent loss of function" and "sentinel event." It requires hospitals to follow a standardized procedure for identification, notification and reporting requirements and allows health care facilities to voluntarily notify the Department of Health and Human Services, Division of Licensing and Regulatory Services of the occurrence of a near miss. It modifies notification requirements related to transfers of patients from one facility to another. The law adds root cause analysis to the reporting requirements but includes a provision to exclude protected professional competence review information from the root cause analysis submitted to the department's Division of Licensing and Regulatory Services. The law gives immunity to a person who in good faith reports a near miss, suspected sentinel events, actual sentinel events or root cause analysis. It requires the division to determine whether a suspected sentinel event constitutes a sentinel event, to complete an initial review and to take other action within the jurisdiction of the division. The law allows the division to conduct on-site visits. Personnel responsible for sentinel event oversight shall report only immediate jeopardy to the division's licensing personnel along with each condition of participation in the federal Medicare program related to the immediate jeopardy for which the provider is out of compliance. This law also authorizes the division to collect penalties without going to court, increases the penalty to no more than \$10,000 and gives the health care facility the right to request an administrative hearing to appeal the imposition of a penalty. In addition, it provides injunctive relief to require compliance with the sentinel events reporting law. The law also gives the Joint Standing Committee on Health and Human Services authority to submit a bill related to the recommendations of the CY 2008 Sentinel Events report dated April 28, 2009 to the Second Regular Session of the 124th Legislature.

**LD 1452      Resolve, Establishing the Committee To Study the Feasibility of  
                  Instituting Testing for Sports-related Head Injuries**

**ONTP**

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

This resolve establishes the Committee To Study the Feasibility of Instituting Testing for Sports-related Head Injuries.

*Joint Standing Committee on Health and Human Services*

**LD 1464 An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities**

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES		H-364

This bill requires licensed, certified or registered providers to secure a criminal background check prior to hiring or placing a person who will have direct contact with a consumer. Providers will pay for the criminal background checks. Some providers are currently required by statute to obtain criminal background checks, and this bill adds several more providers, including hospitals, nursing facilities, ambulatory surgical facilities, intermediate care facilities for persons with mental retardation, assisted housing programs, children's homes, end-stage renal disease facilities, drug treatment centers, child placing agencies, hospice programs, agencies and facilities providing mental health services, temporary nurse agencies and nursery schools. This bill authorizes the Department of Health and Human Services to investigate complaints against temporary nurse agencies and provides enforcement mechanisms for violations. This bill requires the department to use income from penalties to improve the quality of care for residents of long-term care facilities.

This bill was carried over by Joint Order, H.P. 1053 to any special or regular session of the 124th Legislature due to action of the Joint Standing Committee on Appropriations and Financial Affairs.

**Committee Amendment "A" (H-364)**

This amendment adds an appropriations and allocations section.

**LD 1490 An Act Regarding the Transfer of Patient Health Care Information through an Electronic Health Information Exchange**

**PUBLIC 387  
EMERGENCY**

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

This bill is emergency legislation.

This bill amends the law on the confidentiality of patient health care information by adding a health information exchange to the provision that allows health care practitioners and health care facilities to disclose information to agents, employees and contractors of practitioners and facilities to carry out the usual and customary activities relating to the delivery of health care and for the purposes of billing, risk management, quality assurance, utilization review and peer review. The bill provides an opt-out mechanism for individuals.

It authorizes the MaineCare program to transfer that same information for the purposes of diagnosis, treatment or care of MaineCare members while retaining protection for sensitive health information that is controlled by other provisions of state or federal law and providing an opt-out mechanism for members.

This bill requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2011.

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See LD 563. See biennial budget, LD 353, Public Law 2009, chapter 213 which provides funding for a statewide demonstration of an electronic health information exchange in the Bureau of Medical Services 0129 account of \$1,000,000 General Fund funds in FY10 and \$700,000 federal ARRA funds in FY10.

### **Enacted Law Summary**

Public Law 2009, chapter 387 amends the law on the confidentiality of patient health care information by adding a health information exchange to the provision that allows health care practitioners and health care facilities to disclose information to agents, employees and contractors of practitioners and facilities to carry out the usual and customary activities relating to the delivery of health care and for the purposes of billing, risk management, quality assurance, utilization review and peer review. The law provides an opt-out mechanism for individuals.

It authorizes the MaineCare program to transfer that same information for the purposes of diagnosis, treatment or care of MaineCare members while retaining protection for sensitive health information that is controlled by other provisions of state or federal law and providing an opt-out mechanism for members.

This law requires a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2011.

Public Law 2009, chapter 387 was enacted as an emergency measure effective June 12, 2009.

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**SUBJECT INDEX**

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Enacted

LD 400	An Act To Implement the Recommendations of the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care	PUBLIC 420 EMERGENCY
LD 572	An Act To Expand the Membership of the Maine Elder Death Analysis Review Team	PUBLIC 149
LD 877	Resolve, To Review the Maine Registry of Certified Nursing Assistants	RESOLVE 68
LD 1000	An Act To Amend the Provision Creating the Long-term Care Partnership Program	PUBLIC 101 EMERGENCY
LD 1015	Resolve, To Study Aging and Outdated Long-term Care Facilities	RESOLVE 52
LD 1078	An Act To Strengthen Sustainable Long-term Supportive Services for Maine Citizens	PUBLIC 279
LD 1164	An Act To Amend the Maine Certificate of Need Act of 2002 To Change Nursing Facilities Review Thresholds for Energy Efficiency Projects and for Replacement Equipment	PUBLIC 430
LD 1245	Resolve, To Improve the Continuity of Care for Individuals with Behavioral Issues in Long-term Care	RESOLVE 122 EMERGENCY
LD 1417	An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants	PUBLIC 215

Not Enacted

LD 16	Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities	DIED ON ADJOURNMENT
LD 217	Resolve, To Increase Transparency in the Long-term Care Planning and Delivery Process To Ensure Maine's Elderly Can Make Informed Choices	ONTP
LD 416	An Act To Provide Funding to the ElderCare Network	ACCEPTED ONTP REPORT
LD 524	An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens	DIED ON ADJOURNMENT

LD 573	An Act Requiring Assisted Living Facilities To Provide Automated External Defibrillator Availability	ACCEPTED ONTP REPORT
LD 794	Resolve, To Adjust Copayment Rules To Ensure Access to Home-based Care Services	ONTTP
LD 939	An Act To Amend the Laws Governing Assisted Living Programs	ONTTP
LD 1024	Resolve, To Establish the Commission To Examine Restructuring the Management of the Institutional Long-term Care Delivery System	ONTTP
LD 1261	Resolve, To Require the Department of Health and Human Services To Provide Cost-of-living Adjustments for Nursing Facilities and Certain Medical and Remedial Private Nonmedical Institutions	ONTTP
LD 1276	An Act To Ensure That High-quality Services Are Provided to Behavioral Health Clients	ONTTP
LD 1364	An Act To Stimulate the Economy by Expanding Opportunities for Personal Assistance Workers	

*Certificate of Need/Capital Investment Fund*

Enacted

LD 239	An Act To Eliminate the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund	PUBLIC 194 EMERGENCY
LD 1122	Resolve, Regarding Legislative Review of Portions of Chapter 101: Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance	RESOLVE 83 EMERGENCY
LD 1260	An Act To Amend the Certificate of Need Act of 2002 for Nursing Facility Projects	PUBLIC 429
LD 1395	An Act To Amend the Maine Certificate of Need Act of 2002	PUBLIC 383 EMERGENCY

*Child Care*

Enacted

LD 80	Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules for the Certification of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Division of Licensing and Regulatory Services	RESOLVE 8 EMERGENCY
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*Child Development*

Enacted

LD 969	An Act To Amend the Laws Governing the Maine Children's Growth Council	PUBLIC 392 EMERGENCY
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LD 1069      **Resolve, To Direct the Maine Children's Growth Council To  
Study the Connections between Higher Education and Early  
Childhood Education**      **RESOLVE 77**

*Children's Services*

Enacted

LD 423      **An Act To Provide a Safe Sleeping Environment for Children  
with Disabilities To Enable Them To Remain in Their Homes**      **PUBLIC 100**

LD 1115      **Resolve, To Establish the Task Force on Kinship Families**      **RESOLVE 136  
EMERGENCY**

LD 1263      **An Act To Amend the Laws Concerning Child Abuse and Neglect  
Councils**      **PUBLIC 204**

Not Enacted

LD 575      **An Act To Preserve the Commitment Made to Children in the  
State's Care**      **ACCEPTED ONTP  
REPORT**

LD 1072      **An Act To Provide Support for Children with Special Needs in  
Adoptive Families**      **ACCEPTED ONTP  
REPORT**

*Departmental Organization and Administration*

Enacted

LD 361      **An Act To Provide for a Certificate of Birth Resulting in  
Stillbirth**      **PUBLIC 311  
EMERGENCY**

Not Enacted

LD 675      **An Act To Lower the Cost of State Government in the  
Departments under the Purview of the Joint Standing Committee  
on Health and Human Services**      **ONTP**

*Developmental Disabilities*

Enacted

LD 654      **Resolve, To Review Statutes, Rules and Policies Regarding  
Mental Retardation, Pervasive Developmental Disorders and  
Other Cognitive and Developmental Disorders**      **RESOLVE 123**

LD 1419      **An Act To Implement Respectful Language Amendments**      **PUBLIC 299**

Not Enacted

LD 637      **An Act To Ensure Services for Adults with Developmental  
Disabilities**

LD 809      **An Act To Preserve the Viability of Services to Maine's Citizens  
with Mental Retardation**      **ONTP**

## *Health*

### Enacted

LD 319	An Act To Track the Prevalence of Childhood Obesity in Maine	PUBLIC 407
LD 395	Resolve, To Further Regulate the Use of Tanning Booths by Minors	RESOLVE 119 EMERGENCY
LD 574	Resolve, To Increase the Blood Supply	RESOLVE 21
LD 865	An Act To Change the Maine HIV Advisory Committee	PUBLIC 203
LD 1071	An Act To Add a Member to the Advisory Council on Health Systems Development	PUBLIC 179
LD 1228	Resolve, To Direct Action on Health Disparities of the Passamaquoddy Tribe and Washington County	RESOLVE 93 EMERGENCY
LD 1259	An Act To Increase Access to Nutrition Information	PUBLIC 395
LD 1363	An Act To Establish and Promote Statewide Collaboration and Coordination in Public Health Activities and To Enact a Universal Wellness Initiative	PUBLIC 355

### Not Enacted

LD 17	An Act To Prohibit the Sale of Energy Drinks to Minors	ONTP
LD 19	An Act To Amend the Laws Regarding Public Rest Rooms	ONTP
LD 99	An Act To Allow Authorization for the Release of HIV Information on a General Medical Information Release Form	ONTP
LD 163	An Act To Require Health Care Practitioners To Distribute Free Samples of Medications in Certain Circumstances	ONTP
LD 251	An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor	ONTP
LD 424	Resolve, Directing the Department of Education and the Department of Health and Human Services To Adopt Rules Requiring a Tetanus, Diphtheria and Pertussis Booster Vaccination in School-age Children	ONTP
LD 701	An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan	
LD 802	An Act To Require Reporting on Medical Services or Treatment Provided to Minors without Parental Consent	ONTP
LD 975	An Act To Establish the Maine Medical Marijuana Act	ONTP

LD 1070	Resolve, Directing the University of Maine at Orono To Conduct a Pilot Project Regarding the Benefits of Medical Marijuana	ONTP
LD 1153	An Act To Require the Department of Health and Human Services To Procure an Equal Supply of Vaccine from Each Manufacturer of That Vaccine under Certain Circumstances	ONTP
LD 1408	An Act To Establish the Universal Childhood Immunization Program	
LD 1452	Resolve, Establishing the Committee To Study the Feasibility of Instituting Testing for Sports-related Head Injuries	ONTP

### *Health Information and Data*

#### Enacted

LD 101	An Act To Extend the Operation of the Maine Health Data Processing Center and To Amend the Maine Health Data Organization Statutes	PUBLIC 71 EMERGENCY
LD 1411	Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 84 EMERGENCY
LD 1490	An Act Regarding the Transfer of Patient Health Care Information through an Electronic Health Information Exchange	PUBLIC 387 EMERGENCY

#### Not Enacted

LD 563	An Act To Pay a State Share into the HealthInfoNet System	ONTP
LD 854	Resolve, Directing the Department of Health and Human Services To Create a New Health Care Internet Infrastructure	ONTP
LD 1340	An Act To Protect Consumers' Health Information Records	ONTP

### *Hospitals*

#### Enacted

LD 322	An Act To Clarify the Prohibition on Payment for Health Care Facility Mistakes or Preventable Adverse Events	PUBLIC 31
LD 724	Resolve, To Create a Working Group To Provide Transparency Concerning Operating Expenses for Hospitals	RESOLVE 66
LD 960	Resolve, Requiring Rulemaking by the Maine Health Data Organization in Consultation with the Maine Quality Forum Regarding Clostridium Difficile and Methicillin-resistant Staphylococcus Aureus	RESOLVE 82
LD 1038	An Act Regarding Screening for Methicillin-resistant Staphylococcus Aureus	PUBLIC 346
LD 1435	An Act To Amend Sentinel Events Reporting Laws To Reduce Medical Errors and Improve Patient Safety	PUBLIC 358

Not Enacted

LD 757 An Act To Improve the Transparency of Certain Hospitals

LD 1057 An Act To Require Hospitals To Make Publicly Available the  
Cost of Medical Procedures

ONTP

*Licensing*

Enacted

LD 119 An Act To Amend the Laws Governing Public Water System  
Operation Fees

PUBLIC 15

LD 479 An Act To Recognize Maine Youth Camps

PUBLIC 211

LD 1165 An Act To Improve Children's Safety in Public Swimming Pools

PUBLIC 206

Not Enacted

LD 114 An Act To Amend the Laws Regarding Overnight Parking of  
Recreational Vehicles

ACCEPTED ONTP  
REPORT

LD 1464 An Act To Amend Licensing, Certification and Registration  
Requirements for Health Care Providers and Other Facilities

*Maternal/Infant*

Not Enacted

LD 1116 An Act To Ensure Health Care Practitioners Understand and  
Screen for Domestic Abuse for Pregnant Women and New  
Mothers

ONTP

LD 1117 An Act To Create a Statewide Breast-feeding Resource System at  
Women, Infants and Children Offices

ONTP

*Medicaid/MaineCare*

Enacted

LD 252 An Act Regarding the Transfer of Nursing Facilities

PUBLIC 97

LD 480 Resolve, Regarding Legislative Review of Portions of MaineCare  
Benefits Manual, Chapter III, Section 97, Private Non-Medical  
Institution Services, a Major Substantive Rule of the Department  
of Health and Human Services, Office of MaineCare Services,  
Division of Policy and Performance

RESOLVE 40  
EMERGENCY

LD 611 Resolve, To Provide Reimbursement in the MaineCare Program  
for Board-certified Behavior Analysts

RESOLVE 33

LD 625	Resolve, To Ensure All Children Covered by MaineCare Receive Early and Periodic Screening, Diagnosis and Treatment Services	RESOLVE 26
LD 1412	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services	RESOLVE 85 EMERGENCY
<u>Not Enacted</u>		
LD 18	An Act To Ensure Access to MaineCare Services	ONTP
LD 320	Resolve, Regarding the Use of MaineCare for Catastrophic Illness	ONTP
LD 359	An Act To Ensure That MaineCare Reimbursements to Hospitals Do Not Pay For Hospital Advertisements	ONTP
LD 405	An Act To Reevaluate the Scope of Coverage for the Childless Adult Waiver Program	ONTP
LD 552	Resolve, Authorizing Coverage of Enteral Formula under the MaineCare Program	ONTP
LD 700	An Act To Restore Funding for Bed-hold Days at Private Nonmedical Institutions	ACCEPTED ONTP REPORT
LD 795	Resolve, To Enhance Public Information about the MaineCare Program	ONTP
LD 940	An Act To Estimate the Financial Costs to Providers in Implementing MaineCare Rules	ONTP
LD 1050	An Act To Establish a Waiting Period for MaineCare Participants	ONTP
LD 1055	An Act To Alter MaineCare Benefits as Allowed by the Federal Deficit Reduction Act of 2005	ACCEPTED ONTP REPORT
LD 1058	Resolve, To Eliminate the Regional Wage Adjustment Applied to Nursing Homes	ACCEPTED ONTP REPORT
LD 1113	An Act To Exempt Private Nonmedical Institutions from the Service Provider Tax	ONTP
LD 1142	Resolve, To Ensure Access to Speech and Hearing Services	ONTP
LD 1244	Resolve, To Advance Health Care in Maine	ONTP
LD 1278	An Act To Exempt Services Provided by Alzheimer Care Facilities from the Tax on Private Nonmedical Institution Services	ONTP
LD 1302	An Act To Prohibit Full-time State Employees from Enrollment in MaineCare	ONTP

## *Mental Health*

### Enacted

LD 337	An Act Regarding Emergency Involuntary Admission of a Participant in the Department of Health and Human Services' Progressive Treatment Program to a State Mental Institute	PUBLIC 276
LD 341	An Act To Amend the Department of Health and Human Services' Progressive Treatment Program	PUBLIC 321
LD 609	An Act To Amend the Laws Governing Involuntary Hospitalization Procedures	PUBLIC 281

### Not Enacted

LD 1281	An Act To Increase the Efficiency and Effectiveness of Licensing Behavioral Health Care Providers	
LD 1360	An Act To Allow Law Enforcement and Family Members To Petition the District Court To Initiate Assisted Outpatient Treatment	
LD 1396	An Act To Establish a Mental Health Services Advisory Commission To Improve Mental Health Services in the State	ONTP
LD 1433	An Act Regarding the Creation of Capitated Behavioral Health Pilot Programs	ONTP

## *Oral Health/Dental Care*

### Not Enacted

LD 233	An Act To Include Independent Practice Dental Hygienists in MaineCare	
LD 624	Resolve, To Implement Certain Recommendations of the Report of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People	
LD 768	An Act To Improve the Dental Health of Children by Making Fluoride Treatments More Available	ONTP
LD 1086	Resolve, Directing the Department of Health and Human Services To Implement an Oral Health Capitated Care System for Children Covered by MaineCare and the Children's Health Insurance Program	ONTP
LD 1229	Resolve, Directing the Department of Health and Human Services To Extend MaineCare Dental and Oral Health Services	LEAVE TO WITHDRAW

## *Poverty and Homelessness*

### Enacted

LD 1127	An Act To Define Services for Maine Runaway and Homeless Youth	PUBLIC 155
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Not Enacted

- |         |  |      |
|---------|--|------|
| LD 576  | Resolve, To Require the Department of Health and Human Services and the Maine State Housing Authority To Create Efficiencies in Existing Services for Persons Who Are Homeless | ONTP |
| LD 1376 | Resolve, To Reduce Homelessness for People with Mental Illness or Dual Diagnoses   | ONTP |

*Prescription Drugs*

Not Enacted

- |         |  |      |
|---------|--|------|
| LD 821  | An Act To Support Collection and Proper Disposal of Unwanted Drugs   |      |
| LD 1262 | An Act To Restrict Gifts to Health Care Practitioners from Pharmaceutical and Medical Device Manufacturers |      |
| LD 1291 | Resolve, Establishing a Study Commission on In Utero Narcotic Drug Exposure                                | ONTP |
| LD 1339 | An Act To Improve Oversight of Pharmaceutical Purchasing   |      |

*Public Assistance*

Enacted

- |         |   |            |
|---------|---|------------|
| LD 1416 | An Act To Update Terms and Make Changes in Child Care and Transportation Benefits under the Temporary Assistance for Needy Families Program | PUBLIC 291 |
|---------|---|------------|

Not Enacted

- |         |  |                         |
|---------|--|-------------------------|
| LD 254  | An Act To Enact a 5-point Welfare Reform Program   | ACCEPTED ONTP<br>REPORT |
| LD 315  | Resolve, Directing the Department of Health and Human Services and the Department of Agriculture, Food and Rural Resources To Develop a Plan To Facilitate the Procurement of Local Produce by Food Stamp Recipients | ONTP                    |
| LD 321  | An Act To Impose a State Residency Requirement for Eligibility for General Assistance  | ONTP                    |
| LD 752  | Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Soft Drinks   | ONTP                    |
| LD 753  | Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Taxable Food Items  | ONTP                    |
| LD 1303 | An Act To Improve the General Assistance Program   | ONTP                    |

LD 1375 An Act Regarding the Formula for the General Assistance Program ONTP

*Public Health*

Not Enacted

LD 721 Resolve, Directing the Department of Health and Human Services To Raise Public Awareness of Reflex Sympathetic Dystrophy Syndrome ONTP

LD 819 An Act To Encourage Transparency in Disclosing the Ingredients in Vaccinations for Children to Parents and Guardians ONTP

LD 881 Resolve, To Ensure the Health of Maine Children by Requiring a Certain Vaccination ONTP

LD 916 An Act Regarding Trans Fat ONTP

*Substance Abuse*

Enacted

LD 623 An Act To Provide the Office of Chief Medical Examiner Access to Controlled Substances Prescription Monitoring Program Data for the Purpose of Conducting Cause of Death Investigations PUBLIC 196

LD 1359 An Act To Improve the Use of Data from the Controlled Substances Prescription Monitoring Program PUBLIC 298

Not Enacted

LD 228 An Act To Prevent Teenage Substance Abuse and Suicide ONTP

LD 362 An Act To Support New Mothers Who Are in Substance Abuse Treatment Programs ONTP

LD 599 An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent DIED BETWEEN HOUSES

LD 600 Resolve, To Encourage Physicians To Administer the Injectable Painkiller Toradol in Lieu of Other Opioids ONTP

LD 738 An Act To Require Patients of Opioid Treatment Programs To Release Medical Information to a Designated Primary Care Physician ONTP

LD 941 Resolve, To Assist Families with Substance Abuse Issues ONTP

LD 1354 Resolve, Directing the Department of Health and Human Services To Limit Prescriptions for Narcotic Drugs under MaineCare without Prior Authorization ONTP

*Tobacco Sale and Use*

**Enacted**

<b>LD 67</b>	<b>An Act To Protect Maine's State Parks and State Historic Sites</b>	<b>PUBLIC 65 EMERGENCY</b>
<b>LD 81</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Office of the Attorney General</b>	<b>RESOLVE 3 EMERGENCY</b>
<b>LD 462</b>	<b>An Act To Amend the Retail Tobacco and Liquor Licensing Laws</b>	<b>PUBLIC 199 EMERGENCY</b>
<b>LD 820</b>	<b>An Act To Prohibit Smoking in Outdoor Eating Areas</b>	<b>PUBLIC 140</b>
<b>LD 1230</b>	<b>An Act To Prohibit the Delivery of Tobacco Products to Minors</b>	<b>PUBLIC 398</b>
<b>LD 1429</b>	<b>An Act To Strengthen the Workplace Smoking Laws and Other Laws Governing Smoking</b>	<b>PUBLIC 300</b>

**Not Enacted**

<b>LD 155</b>	<b>An Act To Ban Smoking on Public Beaches and in Public Parks</b>	<b>ONTP</b>
<b>LD 408</b>	<b>An Act To Clarify the Term of a Retail Tobacco License</b>	<b>ONTP</b>

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



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON INSURANCE AND  
FINANCIAL SERVICES**

July 2009

**STAFF:**

COLLEEN MCCARTHY REID  
LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

**MEMBERS:**

SEN. PETER B. BOWMAN, CHAIR  
SEN. JUSTIN L. ALFOND  
SEN. EARLE L. MCCORMICK

REP. SHARON ANGLIN TREAT, CHAIR  
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REP. LESLIE T. FOSSEL

***Joint Standing Committee on Insurance and Financial Services***

**LD 4      An Act To Remove the Age Restriction for Serving as a Corporator of a Mutual Financial Institution**

**PUBLIC 19**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-5

This bill repeals the section of law that requires a corporator of a mutual financial institution to retire from membership on the board of corporators upon reaching 72 years of age.

**Committee Amendment "A" (S-5)**

This amendment replaces the bill. As in the bill, the amendment repeals the requirement that a corporator of a mutual financial institution must retire at 72 years of age. The amendment also clarifies that the governing body of a mutual financial institution may, in its bylaws, set limits on membership terms and tenure of corporators.

**Enacted Law Summary**

Public Law 2009, chapter 19 repeals the requirement that a corporator of a mutual financial institution must retire at 72 years of age and clarifies that the governing body of a mutual financial institution may, in its bylaws, set limits on membership terms and tenure of corporators.

**LD 20      An Act To Require Insurance Companies To Cover the Cost of Prosthetics**

**Carried Over**

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

This bill requires health insurance policies, contracts and certificates to provide coverage for prosthetics. The provisions of this bill apply to all policies, contracts and certificates issued or renewed on or after January 1, 2010.

LD 20 has been carried over to the next special or regular session of the 124th Legislature pursuant to joint order, H.P. 1053.

**LD 21      An Act To Encourage the Diagnosis and Treatment of Autism Spectrum Disorders**

**ONTP**

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

This bill requires health insurance policies, contracts and certificates to provide coverage for diagnostic testing and screening for autism spectrum disorders. The provisions of this bill apply to all policies, contracts and certificates issued or renewed on or after January 1, 2010.

## Joint Standing Committee on Insurance and Financial Services

A related bill, LD 1198, An Act to Reform Insurance Coverage To Include Diagnosis for Autism Spectrum Disorders, has been carried over to the next special or regular session of the 124th Legislature pursuant to joint order, H.P. 1053.

**LD 62      An Act To Ensure an Adequate Time Frame within Which To Rebuild a Home** **ONTP**

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

This bill prohibits an insurer of a home from requiring the homeowner to begin rebuilding the insured home in less than 36 months from the date of the loss by fire.

**LD 103      An Act To Ensure Protection from Harassment for Purchasers of Real Property through Auction** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BRYANT B	ONTP	

This bill requires the owner of real property that is to be sold by auction, and the auctioneer who will conduct the auction, to provide an opportunity for any person who owns personal property located on the real property to claim that personal property before the auction. Personal property that is claimed in this manner is not included in the auction of the real property, and the auctioneer must make that clear at the beginning of the auction. If the person who claims the personal property has not removed it by the date of the auction, the person is responsible for removing the personal property as soon as possible or within a time period established by the agreement of the person and the new owner of the real property.

**LD 123      An Act Regarding the Electronic Submission of Filings** **PUBLIC 14**

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

This bill amends the Maine Insurance Code to require that rate and form filings be made electronically in a format required by the Superintendent of Insurance.

### Enacted Law Summary

Public Law 2009, chapter 14 amends the Maine Insurance Code to require that rate and form filings be made electronically in a format required by the Superintendent of Insurance.

*Joint Standing Committee on Insurance and Financial Services*

**LD 148 An Act To Provide Notice of Foreclosures to Tenants**

**ONTP**

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

This bill requires mortgagees to provide notice of foreclosure proceedings to all occupants of mortgaged premises subject to the foreclosure action by mailing a copy of the complaint to the physical address of the mortgaged premises. The notice must be mailed no less than 14 calendar days after the foreclosure proceeding is commenced.

While LD 148 was voted "Ought Not to Pass", a related substantive provision requiring notice of foreclosure judgments to tenants was incorporated into LD 1418, An Act to Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures. See LD 1418, which was enacted as Public Law 2009, chapter 402.

**LD 157 An Act To Enhance Oversight of Fraternal Benefit Societies**

**PUBLIC 13**

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

This bill gives the Superintendent of Insurance similar administrative and enforcement authority over fraternal benefit societies as the superintendent currently has relating to nonfraternal entities such as insurers and multiple employer welfare arrangements. The superintendent's current authority is significantly restricted and inadequate to ensure compliance with Maine law by such entities authorized to operate in Maine. The bill also amends the definition of "insurer" to include fraternal benefit societies. In addition, the bill brings Maine law more up to date with the regulation of fraternal benefit societies in other states.

**Enacted Law Summary**

Public Law 2009, chapter 13 gives the Superintendent of Insurance similar administrative and enforcement authority over fraternal benefit societies as the superintendent currently has relating to nonfraternal entities such as insurers and multiple employer welfare arrangements. The superintendent's current authority is significantly restricted and inadequate to ensure compliance with Maine law by such entities authorized to operate in Maine. The law also amends the definition of "insurer" to include fraternal benefit societies. In addition, the changes bring Maine law more up to date with the regulation of fraternal benefit societies in other states.

**LD 165 An Act To Supervise and Regulate Real Estate Settlement Agents and Exchange Facilitators in Order To Protect Consumers**

**PUBLIC 61**

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

## *Joint Standing Committee on Insurance and Financial Services*

This bill regulates those entities that operate as escrow agencies. The bill requires escrow agencies to be licensed by the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and requires agencies to demonstrate financial responsibility by obtaining fidelity bonds, surety bonds and insurance. The bill also requires escrow agencies to maintain certain records of escrow transactions and prohibits certain practices for the protection of consumers.

### **Committee Amendment "A" (H-40)**

This amendment replaces the bill. In section 1, the amendment regulates those entities that operate as exchange facilitators, requiring those entities to be licensed by the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and to demonstrate financial responsibility by obtaining fidelity bonds or surety bonds and insurance. In section 2, the amendment requires residential mortgage settlement agencies to register with the Bureau of Consumer Credit Protection. The amendment gives the Superintendent of Consumer Credit Protection authority to examine a settlement agency and investigate complaints alleging a violation of existing laws, such as the federal Real Estate Settlement Procedures Act of 1974, the Funded Settlement Act and the Maine Consumer Credit Code, for the protection of consumers. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 61 provides for the regulation of exchange facilitators and residential mortgage settlement agencies.

In section 1, the law regulates those entities that operate as exchange facilitators, requiring those entities to be licensed by the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and to demonstrate financial responsibility by obtaining fidelity bonds or surety bonds and insurance. Exchange facilitators are defined as those entities that facilitate a tax-deferred real estate transaction in accordance with Section 1031 of the federal Internal Revenue Code.

In section 2, the law requires residential mortgage settlement agencies to register with the Bureau of Consumer Credit Protection. The law gives the Superintendent of Consumer Credit Protection authority to examine a settlement agency and investigate complaints alleging a violation of existing laws, such as the federal Real Estate Settlement Procedures Act of 1974, the Funded Settlement Act and the Maine Consumer Credit Code, for the protection of consumers.

### **LD 191 An Act Regarding Insurance Copayments for Short-term Prescriptions**

**ONTP**

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

This bill requires an individual or group health insurer, a health maintenance organization that provides health coverage for prescription drugs and a 3rd-party administrator or pharmaceutical benefits manager to adjust the copayment to accommodate a short-term prescription. The copayment must be proportional. The bill requires the Superintendent of Insurance to adopt routine technical rules that include a penalty provision. The penalty provision must require an insurer that does not comply with the requirements and rules to pay a contribution to the Unused Pharmaceutical Disposal Program Fund established under the Maine Revised Statutes, Title 22, section 2700, subsection 5. As part of the rule-making process, notice must be given to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters. The requirements apply to policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after

# Joint Standing Committee on Insurance and Financial Services

January 1, 2010.

## LD 216 An Act To Amend the Law Governing Property Insurance on a Primary Residence

ONTP

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

This bill allows a homeowner to insure the primary residence of the homeowner for an alternative insured value, which is less than the actual cash value of the residence. It requires the execution of a rider that meets the requirements of the Superintendent of Insurance to indicate the homeowner's choice of insuring at the alternative insured value. The bill also requires the superintendent to adopt routine technical rules to establish the approved form for the alternative insured value rider.

## LD 234 An Act To Expand Access to Oral Health Care

PUBLIC 307

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES SULLIVAN	OTP-AM MAJ ONTP MIN	H-433

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 dental services performed by an independent practice dental hygienist if those services would be covered under the policy or contract and those services are within the lawful scope of practice of the independent practice dental hygienist. The bill applies to all individual and group policies and contracts issued or renewed on or after January 1, 2010.

### Committee Amendment "A" (H-433)

This amendment is the majority report of the committee. The amendment requires the Department of Professional and Financial Regulation, Bureau of Insurance to submit a report related to the experience of carriers with the mandate requiring coverage for dental services performed by a licensed independent practice dental hygienist. The report must be submitted by February 1, 2013. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is authorized to report out a bill to the First Regular Session of the 126th Legislature.

### Enacted Law Summary

Public Law 2009, chapter 307 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 dental services performed by an independent practice dental hygienist if those services would be covered under the policy or contract and those services are within the lawful scope of practice of the independent practice dental hygienist. The law applies to all individual and group health insurance policies and contracts issued or renewed on or after January 1, 2010.

Public Law 2009, chapter 307 also requires the Department of Professional and Financial Regulation, Bureau of Insurance to submit a report related to the experience of carriers with the mandate requiring coverage for dental services performed by a licensed independent practice dental hygienist. The report must be submitted by February 1, 2013. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is authorized to report out a bill to the First Regular Session of the 126th Legislature.

*Joint Standing Committee on Insurance and Financial Services*

**LD 255      An Act To Allow Persons Licensed for the Practice of Manicuring To  
Provide Treatment for Diabetics**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to allow a person licensed for the practice of manicuring to perform pedicures for a person with diabetes as a medical treatment covered by health insurance.

**LD 257      An Act To Establish the Health Technology Clinical Committee**

**Carried Over**

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

This bill requires the Maine Quality Forum to establish a health technology assessment program to make determinations as to which health technologies and health care services will be included as covered benefits in publicly funded health care plans. The bill establishes the Health Technology Clinical Committee, a 5-member committee of health care providers, to conduct the assessments and make the coverage determinations based on reviews of scientific evidence.

LD 257 has been carried over to the next special or regular session of the 124th Legislature pursuant to joint order, H.P. 1053.

**LD 274      An Act To Require That Insurance Contracts Include a Plain Language  
Summary**

**ONTP**

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

This bill requires separate plain language summaries, signed by the insured and a representative of the insurer, for individual life insurance, health insurance and property insurance policies and contracts issued, renewed or delivered on or after the effective date of these provisions.

***Joint Standing Committee on Insurance and Financial Services***

**LD 290      An Act To Allow Maine Residents To Purchase Health Insurance from  
Out-of-state Insurers**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE MARRACHE	ONTP MAJ OTP-AM MIN	

This bill permits out-of-state health insurers, which are referred to as regional insurers in the bill, to offer their individual and group health plans for sale in this State if certain requirements of Maine law are met, including minimum capital and surplus and reserve requirements, disclosure and reporting requirements and grievance procedures. The bill defines regional insurers as those insurers authorized to transact individual or group health insurance in one of the following states: Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont. It also permits Maine health insurers to offer individual health plans of out-of-state parent or subsidiary health insurers if similar requirements are met. If out-of-state health plans are offered for sale in this State, the bill requires that prospective enrollees be provided adequate disclosure of how the plans differ from Maine health plans in a format approved by the Superintendent of Insurance. The bill takes effect January 1, 2010.

**Committee Amendment "A" (H-169)**

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

1. It removes language from the bill that would have authorized out-of-state health insurers to offer group health plans for sale in the State, and retains language that authorizes out-of-state health insurers to offer individual health plans for sale in the State.
2. It clarifies that the out-of-state insurer must respond to any consumer complaints raised to the Department of Professional and Financial Regulation, Bureau of Insurance.
3. It clarifies that the term "health insurance" does not include accidental injury, specified disease, hospital indemnity, dental, vision, disability income, long-term care, Medicare supplement or other limited benefit health insurance.
4. It adds an appropriations and allocations section.

Committee Amendment "A" was not adopted.

**LD 323      An Act To Improve Transparency in the Health Insurance Markets**

**ONTP**

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

This bill amends the Maine Insurance Code to require that health insurers provide updated information to group enrollees regarding the status of their employer-sponsored insurance coverage when a notice of termination for nonpayment has been issued, post on their publicly accessible websites current versions of their individual and small group policies that have the most residents of the State enrolled and send clear explanations of benefits to explain

## Joint Standing Committee on Insurance and Financial Services

the services and payments made by insurance companies on behalf of their policyholders.

While LD 323 was voted "Ought Not to Pass", the substantive provisions of the bill are included in LD 1205, An Act to Establish the Health Care Bill of Rights. See LD 1205, which was enacted as Public Law 2009, chapter 439.

**LD 377      An Act To Amend the Procedure for Foreclosure Regarding Timing and Sale**

**ONTP**

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

This bill allows a court upon a showing of good cause to extend a deadline for a notice of sale or conducting a public sale in a foreclosure action.

While LD 377 was voted "Ought Not to Pass", the substantive provision in the bill was incorporated into LD 1418, An Act to Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures. See LD 1418, which was enacted as Public Law 2009, chapter 402.

**LD 390      An Act To Clarify Guaranteed Fund Protection for Deferred Compensation Accounts**

**PUBLIC 118  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM	S-58

This bill is a concept draft pursuant to Joint Rule 208. The purpose of this bill is to clarify how a guaranteed fund would protect certain deferred compensation investments following the insolvency of a deferred compensation provider.

### Committee Amendment "A" (S-58)

This amendment replaces the concept draft. The amendment provides that the annuity contracts issued to individuals participating in governmental retirement benefit plans are protected through the Maine Life and Health Insurance Guaranty Association whether those annuities are allocated or unallocated. The amendment also specifies that the financial interest of participants in those plans is protected up to \$250,000 in the aggregate in present value of annuity benefits. The amendment adds an emergency preamble and provides that the Act applies to an insolvency of an insurance company that is a member of the Maine Life and Health Insurance Guaranty Association that occurs on or after the date the Act is approved.

### Enacted Law Summary

Public Law 2009, chapter 118 provides that the annuity contracts issued to individuals participating in governmental retirement benefit plans are protected through the Maine Life and Health Insurance Guaranty Association whether those annuities are allocated or unallocated. The law also specifies that the financial interest of participants in those plans is protected up to \$250,000 in the aggregate in present value of annuity benefits.

Public Law 2009, chapter 118 was enacted as an emergency measure effective May 11, 2009; however, the law applies to an insolvency of an insurance company that is a member of the Maine Life and Health Insurance Guaranty Association that occurs on or after May 11, 2009.

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**LD 392      An Act To Reduce Minimum Participation to 60% for Group Health Insurance      ONTP**

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

Under current law, a carrier's minimum participation requirements for a small group health plan may not exceed 75%. This bill reduces the minimum participation requirement to 60%.

**LD 425      An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities      Carried Over**

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

This bill requires individual and group health insurance policies and health maintenance organization contracts to provide coverage for children's early intervention services after a referral from a primary care provider for children from birth to 3 years of age if the child has an identified developmental disability or delay as described in the federal Individuals with Disabilities Education Act, Part C. The bill limits coverage to \$3,200 per year per child up to a maximum of \$9,600 by the child's 3rd birthday. The bill applies to all policies, contracts and certificates issued or renewed on or after January 1, 2010.

LD 425 has been carried over to the next special or regular session of the 124th Legislature pursuant to joint order, H.P. 1053.

**LD 446      An Act To Protect Consumers from Credit Card and Debit Card Holds      ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN BOWMAN	ONTP MAJ OTP MIN	

This bill prohibits a merchant from placing a hold on the credit or funds available to a consumer using a credit card or debit card in excess of the actual transaction amount unless the merchant reduces the hold to the actual transaction amount within one hour of the completion of the sale. A fine of \$250 for the first violation and \$1,000 for subsequent violations is provided.

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LD 503 An Act To Regulate Foreclosure Negotiators

PUBLIC 327

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	S-216

This bill clarifies that businesses acting as foreclosure negotiators relating to residential mortgages are subject to the laws regulating debt management service providers, but exempts those businesses from certain provisions of current law, such as the requirements to provide credit counseling services and to provide the consumer with certain internal business records. In addition, since foreclosure negotiators arrange for the purchase of property, the bill establishes a 7-day period during which an agreement may be cancelled as opposed to the current law's ongoing right to cancel, which is tailored to the activities of traditional debt management service providers. The bill retains consumer protections such as the requirement to register with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, post a surety bond to ensure compliance and accountability with the law and provide written agreements to consumers. The bill has an effective date of January 1, 2010.

## Committee Amendment "A" (S-216)

This amendment replaces the bill. The amendment clarifies that a business acting as a foreclosure negotiator relating to a residential mortgage is subject to the laws regulating debt management service providers but exempts that business from certain provisions of current law, such as the requirements to provide credit counseling services and to provide the consumer with certain internal business records. In addition, since a foreclosure negotiator arranges for the purchase of property, the amendment provides that an agreement may be cancelled until the date of the transfer of the property. The amendment requires that a foreclosure negotiator notify a consumer with contact information for a housing counselor and advise the consumer about whether the consumer will be liable for any deficiency resulting from the transfer. The amendment also gives a consumer the right to recover consequential damages for violations.

The amendment retains consumer protections such as the requirement to register with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, post a surety bond to ensure compliance and accountability with the law and provide written agreements to a consumer.

## Enacted Law Summary

Public Law 2009, chapter 327 clarifies that a business acting as a foreclosure negotiator relating to a residential mortgage is subject to the laws regulating debt management service providers but exempts that business from certain provisions of current law, such as the requirements to provide credit counseling services and to provide the consumer with certain internal business records. The law does not exempt foreclosure negotiators from provisions in current law protecting consumers such as the requirement to register with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, post a surety bond to ensure compliance and accountability with the law and provide written agreements to a consumer.

Public Law 2009, chapter 327 requires that a foreclosure negotiator notify a consumer with contact information for a housing counselor and advise the consumer about whether the consumer will be liable for any deficiency resulting from the transfer. In addition, since a foreclosure negotiator arranges for the purchase of property, the law provides that an agreement may be cancelled until the date of the transfer of the property. The law also gives a consumer the right to recover consequential damages for violations.

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**LD 511 An Act To Support Pretrial Diversion Programs for Issuers of Worthless Checks**

**PUBLIC 99**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-105

This bill amends the definition of "debt" in the Maine Fair Debt Collection Practices Act to give district attorneys the option of using check diversion programs. Public Law 2007, chapter 214 added language that limited the check diversion options available to district attorneys. This bill strikes that language.

**Committee Amendment "A" (H-105)**

This amendment replaces the bill. The amendment excludes from the definition of "debt collector" those pretrial diversion programs for issuers of worthless checks operated under the supervision of state or district attorneys' offices, while applying conditions and protections found in the federal Fair Debt Collection Practices Act. It requires that a private entity operating a pretrial diversion program for issuers of worthless checks register with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. The amendment also requires the Superintendent of Consumer Credit Protection to review the contract between the private entity and the state or district attorney and the form communications used by private entities before granting a registration. It also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2009, chapter 99 excludes from the definition of "debt collector" those pretrial diversion programs for issuers of worthless checks operated under the supervision of state or district attorneys' offices, while applying conditions and protections found in the federal Fair Debt Collection Practices Act. The law requires that a private entity operating a pretrial diversion program for issuers of worthless checks register with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. The law also requires the Superintendent of Consumer Credit Protection to review the contract between the private entity and the state or district attorney and the form communications used by private entities before granting a registration.

**LD 606 An Act To Enable the Maine Employers' Mutual Insurance Company To Better Serve the Needs of All Employers**

**PUBLIC 32**

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

Current law permits the Maine Employers' Mutual Insurance Company to offer employment practices liability insurance to its policyholders that have an average of 100 or fewer employees. This bill removes that limitation and allows the company to offer that insurance to its policyholders regardless of the number of employees employed by the policyholder.

**Enacted Law Summary**

Current law permits the Maine Employers' Mutual Insurance Company to offer employment practices liability insurance to its policyholders that have an average of 100 or fewer employees. Public Law 2009, chapter 32 removes that limitation and allows the company to offer that insurance to its policyholders regardless of the number

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of employees employed by the policyholder.

**LD 616 An Act To Strengthen the Board of the Maine Insurance Guaranty Association**

**PUBLIC 116**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM	S-59

This bill ensures that a majority of the Maine Insurance Guaranty Association board is made up of Maine-domiciled property and casualty companies.

**Committee Amendment "A" (S-59)**

The amendment replaces the bill. The amendment provides that at least 3 of the 7 members of the Maine Insurance Guaranty Association board represent Maine-domiciled property and casualty companies, instead of at least 4 members as proposed in the bill. The amendment also requires a board member to resign if the member insurer ceases writing new business in the State.

**Enacted Law Summary**

Public Law 2009, chapter 116 provides that at least 3 of the 7 members of the Maine Insurance Guaranty Association board represent Maine-domiciled property and casualty companies. The law also requires a board member to resign if the member insurer ceases writing new business in the State.

**LD 641 An Act To Notify Municipal Assessors of Foreclosure Actions**

**ONTP**

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

This bill requires notice to be sent to the municipal assessor of a foreclosure of a property in that municipality upon commencement of the foreclosure and 60 days prior to the completion of the foreclosure. The notice must contain the address and identifying information of the property, the name of the deed holder of the foreclosed property and the name and address of the new deed holder of the property once the foreclosure is completed.

While LD 641 was voted "Ought Not to Pass", a related substantive provision requiring a mortgagee to notify the municipal assessor within 3 days of filing a copy of a foreclosure complaint or a clerk's certificate of the filing of the foreclosure with the registry of deeds was incorporated into LD 1418, An Act to Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures. See LD 1418, which was enacted as Public Law 2009, chapter 402.

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**LD 688      An Act To Equalize Annuity and Structured Settlement Annuity  
Benefits with Life Insurance under the Maine Life and Health  
Insurance Guaranty Association**

**PUBLIC 77  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	S-40

This bill increases the maximum benefit the Maine Life and Health Insurance Guaranty Association may be obligated to cover from \$100,000 to \$300,000 for net cash surrender and net cash withdrawal benefits for life insurance, annuity benefits and structured settlement annuities. The aggregate of \$300,000 in benefits with respect to one life contract and a structured settlement annuity remain the same.

**Committee Amendment "A" (S-40)**

This amendment replaces the bill. The amendment increases the maximum benefit the Maine Life and Health Insurance Guaranty Association may be obligated to cover from \$100,000 to \$250,000 for annuity benefits and structured settlement annuities. The bill proposed an increase to \$300,000. The amendment does not include any increase in the maximum benefit for net cash surrender and net cash withdrawal benefits for life insurance, which was proposed in the bill. The amendment also adds an emergency preamble and clause and provides that it applies to an insolvency of an insurance company who is a member of the Maine Life and Health Insurance Guaranty Association that occurs on or after the effective date of the Act.

**Enacted Law Summary**

Public Law 2009, chapter 77 increases the maximum benefit the Maine Life and Health Insurance Guaranty Association may be obligated to cover from \$100,000 to \$250,000 for annuity benefits and structured settlement annuities.

Public Law 2009, chapter 77 was enacted as an emergency measure effective May 4, 2009; however, the law provides that it applies to an insolvency of an insurance company who is a member of the Maine Life and Health Insurance Guaranty Association that occurs on or after May 4, 2009.

**LD 715      An Act To Enable the Use of Credit Cards for Governmental  
Transactions**

**PUBLIC 113**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P MARRACHE	OTP-AM	H-100

This bill allows a county, municipality or quasi-municipal corporation to impose a surcharge for the use of a credit card to pay for taxes, fines, fees and services provided as long as the amount of the surcharge is disclosed to the consumer prior to payment and the amount does not exceed the costs incurred by the governmental entity for providing the credit card payment option.

**Committee Amendment "A" (H-100)**

This amendment replaces the bill. The amendment allows a county, municipality or quasi-municipal corporation and the Judicial Department to impose a surcharge for the use of a credit card or debit card to pay for taxes, fines and

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services provided as long as the surcharge is disclosed to the consumer prior to payment and the amount does not exceed the costs incurred by the governmental entity. The amendment clarifies that a surcharge may be imposed for the use of a debit card if the governmental entity is charged a fee associated with debit card transactions. The amendment requires that the governmental entity disclose to the consumer that the consumer can avoid the surcharge by paying by cash, check or other means not a credit card or debit card. The amendment also clarifies that the governmental entity has no liability to the credit card or debit card company or card processor for nonpayment of credit card or debit card charges by the consumer.

### **Enacted Law Summary**

Public Law 2009, chapter 113 allows a county, municipality or quasi-municipal corporation and the Judicial Department to impose a surcharge for the use of a credit card or debit card to pay for taxes, fines and services provided as long as the surcharge is disclosed to the consumer prior to payment and the amount does not exceed the costs incurred by the governmental entity. The law requires that the governmental entity disclose to the consumer that the consumer can avoid the surcharge by paying by cash, check or other means not a credit card or debit card.

Public Law 2009, chapter 113 permits a surcharge to be imposed for the use of a debit card if the governmental entity is charged a fee associated with debit card transactions. The law also clarifies that the governmental entity has no liability to the credit card or debit card company or card processor for nonpayment of credit card or debit card charges by the consumer.

**LD 728      An Act To Protect Homeowners in Foreclosure Proceedings**

**ONTP**

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

This bill extends the period of redemption in residential foreclosure proceedings initiated on or after October 1, 2009 on any mortgage to one year. The bill also requires the use of alternative dispute resolution in foreclosures.

**LD 754      An Act Regarding Subrogation of Medical Payments Coverage**

**PUBLIC 222**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEGG	OTP-AM MAJ ONTP MIN	H-168

This bill strikes language in the law that allows subrogation or priority over the insured of medical payments in certain instances in a casualty insurance policy for any hospital, nursing, medical or surgical services or of any expenses paid or reimbursed under the medical payments coverage in the policy in the event the insured is entitled to receive payment.

### **Committee Amendment "A" (H-168)**

This amendment, which is the majority report of the committee, replaces the bill. The amendment allows subrogation or priority over the insured of medical payments in certain instances in a casualty insurance policy for any hospital, nursing, medical or surgical services or of any expenses paid or reimbursed under the medical payments coverage in the policy only when an insured's awarded or settled damages exceed \$20,000.

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## Enacted Law Summary

Public Law 2009, chapter 222 allows subrogation or priority over the insured of medical payments in certain instances in a casualty insurance policy for any hospital, nursing, medical or surgical services or of any expenses paid or reimbursed under the medical payments coverage in the policy only when an insured's awarded or settled damages exceed \$20,000.

### LD 782 An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention Measures and Products

ACCEPTED ONTP  
REPORT

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

The bill requires that health insurance policies provide coverage for nutritional wellness and prevention measures that are shown to be beneficial to the enrollee and recommended by the enrollee's physician. The bill applies to all individual and group policies issued or renewed on or after January 1, 2010.

#### Committee Amendment "A" (H-283)

This amendment replaces the bill and is the minority report of the committee. The amendment requires health insurance coverage for medically necessary liquid nutrition therapy for persons with chronic illnesses. The amendment applies to all individual and group policies issued or renewed on or after January 1, 2010. The amendment also adds an appropriations and allocations section.

Committee Amendment "A" was not adopted.

### LD 783 An Act To Protect the Privacy of Consumer Financial Information

ACCEPTED ONTP  
REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEGG BARTLETT	ONTP MAJ OTP-AM MIN	

Currently, state law conforms to the opt-out provisions of the federal Gramm-Leach-Bliley Act regarding the disclosure of nonpublic personal information. This bill puts in place an opt-in requirement so that financial services providers, including banks, credit unions, securities firms and mortgage companies, must have permission from individuals before disclosing nonpublic personal information to nonaffiliated 3rd parties. The bill is contingent on approval by voters at a statewide referendum.

#### Committee Amendment "A" (H-144)

This amendment is the minority report of the committee. The amendment clarifies the enforcement authority of regulators within the Department of Professional and Financial Regulation and the Attorney General. The amendment removes certain provisions of the bill to preserve the privacy protections already available to consumers in the Maine Insurance Information and Privacy Protection Act and makes technical changes to conform the language to current law. The amendment also removes the provision in the bill making it contingent upon approval by voters at a statewide referendum.

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Committee Amendment "A" was not adopted.

**LD 825      An Act To Allow the Consecutive Purchase of 6-month Health Insurance Policies** **ONTP**

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

This bill extends the length of time that an insurer may issue individual short-term health insurance as a replacement policy for an additional term of 6 months.

**LD 859      An Act To Control Premium Costs in the Small Group Health Insurance Market** **ONTP**

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

This bill requires a benefits-incurred-to-premiums-earned loss ratio of 78% for one year or 80% over a 3-year average in the small group insurance market.

A related provision to increase the minimum loss ratio in individual and small group health plans was included in LD 1205, An Act to Establish a Health Care Bill of Rights as originally drafted but was not included in LD 1205 as enacted. See LD 1205, which was enacted as Public Law 2009, chapter 439.

**LD 896      An Act To Ensure Adequate Insurance Coverage for Family Child Care Providers** **PUBLIC 185**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE BOWMAN	OTP-AM MAJ ONTP MIN	H-214

This bill makes it clear that insurers issuing homeowner's insurance policies are not liable under those policies for losses or damages arising out of the services provided by certified family child care providers in an insured's home unless coverage is specifically provided under the policy or a rider providing business liability coverage is attached to the policy. The bill prohibits an insurer from refusing to issue, renew or cancel a policy if the insured can demonstrate satisfactory evidence of liability insurance coverage for the operations of the family child care. The bill also prohibits insurers from restricting coverage under any rider for a family child care provider based on the number of children cared for in the home except as provided in the family child care provider's certification.

**Committee Amendment "A" (H-214)**

This amendment replaces the bill. As in the bill, the amendment prohibits an insurer from refusing to issue or renew or from cancelling a homeowner's policy if the insured can demonstrate satisfactory evidence of liability coverage for the operations of the family child care business. The amendment proposes language to conform to existing

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language used in the Maine property insurance cancellation control laws.

The amendment makes it clear that insurers issuing homeowners policies are not liable under those policies for losses arising out of the family child care business unless coverage is specifically provided under the policy or a rider providing business liability coverage. The amendment also clarifies the circumstances under which a property insurer has no duty to defend or indemnify a family child care provider who has obtained business liability coverage for the operations of the family child care business. The amendment requires the insurer to disclose to family child care providers that the failure to maintain separate insurance coverage for business liability may result in the cancellation or nonrenewal of the homeowners insurance policy.

The amendment removes the provision in the bill that prohibited an insurer from restricting coverage under any rider for a family child care provider based on the number of children cared for in the home except as provided in the family child care provider's certification.

### **Enacted Law Summary**

Public Law 2009, chapter 185 prohibits an insurer from refusing to issue or renew or from cancelling a homeowner's policy if the insured can demonstrate satisfactory evidence of liability coverage for the operations of the family child care business. The law makes it clear that insurers issuing homeowners policies are not liable under those policies for losses arising out of the family child care business unless coverage is specifically provided under the policy or a rider providing business liability coverage. In addition, the law clarifies the circumstances under which a property insurer has no duty to defend or indemnify a family child care provider who has obtained business liability coverage for the operations of the family child care business.

Public Law 2009, chapter 185 also requires the insurer to disclose to family child care providers that the failure to maintain separate insurance coverage for business liability may result in the cancellation or nonrenewal of the homeowners insurance policy.

### **LD 917 An Act To Prevent the Unauthorized or Deceptive Use of the Names of Financial Institutions**

**PUBLIC 103**

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

This bill prohibits the unauthorized or deceptive use of the name of a financial institution, credit union, holding company, affiliate or subsidiary in any advertisement or solicitation. The bill also grants to the Superintendent of Financial Institutions the authority to impose civil penalties and provides financial institutions, credit unions, holding companies, affiliates and subsidiaries with remedies against unauthorized or deceptive uses of their names.

### **Enacted Law Summary**

Public Law 2009, chapter 103 prohibits the unauthorized or deceptive use of the name of a financial institution, credit union, holding company, affiliate or subsidiary in any advertisement or solicitation. The law also grants to the Superintendent of Financial Institutions the authority to impose civil penalties and provides financial institutions, credit unions, holding companies, affiliates and subsidiaries with remedies against unauthorized or deceptive uses of their names.

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LD 970 **An Act To Amend the Laws Governing Notification after a Security Breach Involving Personal Information**

PUBLIC 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST	OTP-AM	H-145

This bill amends the security breach notification laws. The bill makes it clear that the release or use of personal information acquired through a security breach by an unauthorized person constitutes a violation of the law. The bill also requires that any delay for law enforcement purposes in notification to persons affected by a security breach may not be longer than 7 business days.

**Committee Amendment "A" (H-145)**

This amendment clarifies that notification to persons affected by a security breach may not be delayed longer than 7 business days after law enforcement has determined notification will not compromise any criminal investigation. The amendment also provides that the changes to the security breach notification laws apply to a security breach discovered on or after the effective date of the changes.

**Enacted Law Summary**

Public Law 2009, chapter 161 amends the security breach notification laws. The law makes it clear that the release or use of personal information acquired through a security breach by an unauthorized person constitutes a violation of the law. The law also requires that notification to persons affected by a security breach may not be delayed longer than 7 business days after law enforcement has determined notification will not compromise any criminal investigation.

Public Law 2009, chapter 161 provides that the changes to the security breach notification laws apply to a security breach discovered on or after the effective date of the law.

LD 979 **An Act To Require the Disclosure of Insurance Policy Limits to an Injured Party**

PUBLIC 189

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ ONTP MIN	S-95

This bill requires an insurer to disclose the liability coverage limits of its insured to a claimant.

**Committee Amendment "A" (S-95)**

This amendment is the majority report of the committee and replaces the bill. The amendment retains the substantive provisions of the bill, but reallocates the language to the appropriate chapter of the Maine Revised Statutes, Title 24-A.

**Enacted Law Summary**

Public Law 2009, chapter 189 requires an insurer to disclose the liability coverage limits of its insured to a claimant.

***Joint Standing Committee on Insurance and Financial Services***

**LD 1001      Resolve, To Require the Office of Employee Health and Benefits To Report on Its Demonstration Project To Provide Access to Fitness Programs for State Employees**

**RESOLVE 78**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH ALFOND	OTP-AM	H-286

This resolve requires the Department of Administrative and Financial Services, Bureau of Human Resources, division of employee health and benefits to contract with a health insurance provider that will offer a health and wellness program for state employees that allows an employee of the State to enroll in a monthly membership with a fitness center of the employee's choice.

**Committee Amendment "A" (H-286)**

This amendment replaces the resolve and changes the title. The amendment requires the Executive Director of the Office of Employee Health and Benefits within the Department of Administrative and Financial Services to report on the demonstration project to provide access to fitness programs for state employees. The amendment requires the report to provide information on the number of participating state employees, the number and location of participating fitness centers, the types of fitness services used and the number of visits to fitness centers by state employees and the financial impact on the group health plan. The report must be submitted no later than February 1, 2010. The amendment also authorizes the Joint Standing Committee on Insurance and Financial Services to submit legislation concerning the report to the Second Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 78 requires the Executive Director of the Office of Employee Health and Benefits within the Department of Administrative and Financial Services to report on the demonstration project to provide access to fitness programs for state employees. The law requires the report to provide information on the number of participating state employees, the number and location of participating fitness centers, the types of fitness services used and the number of visits to fitness centers by state employees and the financial impact on the group health plan. The report must be submitted no later than February 1, 2010. The law also authorizes the Joint Standing Committee on Insurance and Financial Services to submit legislation concerning the report to the Second Regular Session of the 124th Legislature.

**LD 1002      Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State and the Impact of Any Federal Health Care Reform**

**RESOLVE 135**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN BOWMAN	OTP-AM MAJ ONTP MIN	H-353 S-330 DIAMOND

This resolve requires the Legislative Council to contract for an update to a 2002 study of the feasibility of establishing a single-payor health plan in the State. The update is contingent on the successful securing of outside funding by August 1, 2009. The updated study must be submitted to the Second Regular Session of the 124th Legislature during which the Joint Standing Committee on Insurance and Financial Services may submit

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legislation based on the updated study.

**Committee Amendment "A" (H-353)**

This amendment adds a requirement that the updated study include a preliminary analysis of the impact of any federal health care reform legislation on state legislation to establish a single-payor health care system or other mechanism for universal health care. The amendment also changes the dates contained in the resolve for securing commitments for outside funding from August 1, 2009 to October 1, 2009 and for submitting the report from December 2, 2009 to January 15, 2010. The amendment also adds an appropriations and allocations section.

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

This amendment strikes the General Fund appropriation from Committee Amendment "A".

**Enacted Law Summary**

Resolve 2009, chapter 135 requires the Legislative Council to contract for an update to a 2002 study of the feasibility of establishing a single-payor health plan in the State. The updated study must include a preliminary analysis of the impact of any federal health care reform legislation on state legislation to establish a single-payor health care system or other mechanism for universal health care. The update is contingent on the successful securing of outside funding by October 1, 2009. The updated study must be submitted by January 15, 2010 to the Second Regular Session of the 124th Legislature during which the Joint Standing Committee on Insurance and Financial Services may submit legislation based on the updated study.

**LD 1003      Resolve, Directing the Office of Program Evaluation and Government Accountability To Perform a Performance Evaluation and Cost-benefit Analysis of the Dirigo Health Program**

**ONTP**

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

This resolve directs the Office of Program Evaluation and Government Accountability to conduct a performance evaluation and cost-benefit analysis of the Dirigo Health Program from its inception to the present, including studying all legislation, policies, rulemaking, expenses, estimates of the cost of covering the uninsured and of privatizing the program, costs of insurance providers from out of the State, interactions of policyholders with providers and copayments. This resolve requires a report to be submitted to the Joint Standing Committee on Health and Human Services by December 2, 2009.

**LD 1004      An Act Relating to Self-insurance**

**PUBLIC 232**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W BOWMAN	OTP-AM	H-287

This bill amends the laws relating to workers' compensation group self-insurance reinsurance accounts to clarify that individual self-insurers authorized under Maine law and group self-insurers authorized under the laws of other states may participate in the account.

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## Committee Amendment "A" (H-287)

This amendment makes changes to the laws relating to workers' compensation group self-insurance reinsurance accounts to:

1. Authorize individual self-insurers authorized under Maine law to participate in an account; and
2. Authorize the formation of a protected cell mechanism under which group self-insurers authorized under the laws of other states may participate in an account, similar to the structure currently provided for in the National Association of Insurance Commissioners Protected Cell Company Model Act and in the Maine Revised Statutes, Title 24-A, section 784-A.

The amendment also adds an appropriations and allocations section.

### Enacted Law Summary

Public Law 2009, chapter 232 makes changes to the laws relating to workers' compensation group self-insurance reinsurance accounts. The law authorizes individual self-insurers authorized under Maine law to participate in a group self-insurance reinsurance account. The law also authorizes the formation of a protected cell mechanism under which workers' compensation group self-insurers authorized under the laws of other states may participate in a reinsurance account, similar to the structure currently provided for in the National Association of Insurance Commissioners Protected Cell Company Model Act and in the Maine Revised Statutes, Title 24-A, section 784-A.

## LD 1005 An Act To Continue Access to Dirigo Choice Health Insurance by Reducing Administrative Costs and Replacing the Savings Offset Payment

ONTP

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

This bill repeals the savings offset payment used to fund subsidies for the Dirigo Health Program and eliminates the administrative costs associated with the annual adjudicatory hearings. In place of the savings offset payment, the bill establishes a health access surcharge of 2.14% on all paid claims to be paid monthly as a source of funding for Dirigo Health Program subsidies. The bill changes the payment date for savings offset payments that have been previously assessed but not yet paid before the effective date of the bill. The bill also prohibits insurance carriers from including the costs of the health access surcharge used to support the Dirigo Health Program in health insurance premium rates.

While LD 1005 was voted "Ought Not to Pass", a related substantive provision replacing the savings offset payment with a health access surcharge of 2.14% on all paid claims was incorporated into LD 1264, An Act to Stabilize Funding and Enable DirigoChoice To Reach More Uninsured. See LD 1264, which was enacted as Public Law 2009, chapter 359.

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**LD 1040 An Act Relating to Health Benefit Plan Coverage of Chemotherapy**

**ONTP**

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

This bill requires that, if a carrier provides coverage for cancer chemotherapy, the carrier shall provide coverage for a prescribed orally administered cancer medication on a basis no less favorable than intravenously administered or injected cancer medications that are covered benefits.

**LD 1059 Resolve, To Enhance Health Care for Direct Care Workers**

**Carried Over**

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

This resolve requires the Department of Professional and Financial Regulation, Bureau of Insurance to establish a demonstration project named the Direct Care Workforce Health Coverage Working Group to help long-term care service providers unable to afford high-quality health insurance for their direct care workers to receive higher levels of reimbursement for MaineCare services they provide. The project will last 4 years and cost \$500,000. The bureau shall assess if this benefit affects worker retention. The bureau shall report to the joint standing committee of the Legislature having jurisdiction over insurance matters, which may submit legislation.

LD 1059 has been carried over to the next special or regular session of the 124th Legislature pursuant to joint order, H.P. 1053.

**LD 1063 An Act To Provide Consumer Disclosures and Protect Consumer Options in Life Insurance**

**PUBLIC 376**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-200

This bill provides disclosure to certain owners of life insurance policies from the insurance company of the availability of viatical settlement contracts. The bill also describes what constitutes violation of the Viatical and Life Settlements Act by an insurer.

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

This amendment replaces the bill. The amendment requires additional disclosures to consumers related to viatical and life settlements. The amendment requires the Superintendent of Insurance to develop a brochure informing consumers about their rights as owners of life insurance policies, including the alternatives to the lapse of a life insurance policy. The amendment requires life insurance companies to provide the brochure to consumers who are 60 years of age or older or have a chronic or terminal illness under certain circumstances. The amendment also

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makes technical changes to current law based on recommendations from the Department of Professional and Financial Regulation, Bureau of Insurance.

### **Enacted Law Summary**

Public Law 2009, chapter 376 requires additional disclosures to consumers related to viatical and life settlements. The law requires the Superintendent of Insurance to develop a brochure informing consumers about their rights as owners of life insurance policies, including the alternatives to the lapse of a life insurance policy. The law requires life insurance companies to provide the brochure to consumers who are 60 years of age or older or have a chronic or terminal illness under certain circumstances.

Public Law 2009, chapter 376 also makes technical changes to current law based on recommendations from the Department of Professional and Financial Regulation, Bureau of Insurance.

### **LD 1073 An Act To Provide for Insurance Coverage of Telemedicine Services**

**PUBLIC 169**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-146

This bill provides for coverage of health care services delivered through telemedicine. The bill allows for insurer approval of telemedicine networks, allows deductibles, copayments and coinsurance the same as for in-person health services and provides for coverage consistent with in-person health care services. The provisions of the bill apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2010.

### **Committee Amendment "A" (H-146)**

This amendment replaces the bill. The amendment requires that a carrier offering a health plan may not deny coverage for health care services provided through telemedicine if those services would be covered by the carrier were they provided through in-person consultation. The amendment requires that carriers provide coverage for telemedicine in a manner consistent with coverage for health care services provided through in-person consultation and requires that any deductible, copayment or coinsurance for telemedicine may not exceed the deductible, copayment or coinsurance applicable to an in-person consultation.

### **Enacted Law Summary**

Public Law 2009, chapter 169 requires that a carrier offering a health plan may not deny coverage for health care services provided through telemedicine if those services would be covered by the carrier were they provided through in-person consultation. The law requires that carriers provide coverage for telemedicine in a manner consistent with coverage for health care services provided through in-person consultation and requires that any deductible, copayment or coinsurance for telemedicine may not exceed the deductible, copayment or coinsurance applicable to an in-person consultation.

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**LD 1083    An Act Regarding the Payment of Medicare Part B Premiums for  
Employees Eligible for Medicare**

**PUBLIC 456**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-217

This bill requires the State to pay 100% of the premiums for Medicare Parts B and D for retirees eligible for coverage under the State's group health plan. The bill also requires that the standard health plan offered to eligible retirees must be a companion plan to Medicare coverage.

**Committee Amendment "A" (S-217)**

The amendment replaces the bill. The amendment requires the State to pay 100% of an active employee's premiums for Medicare Part B if an active employee eligible for Medicare elects to enroll in Medicare. The amendment requires the State to continue to pay the Medicare Part B premiums until the employee enrolls as an eligible retiree.

Public Law 2009, chapter 456 requires the State to pay 100% of an active employee's premiums for Medicare Part B if an active employee eligible for Medicare elects to enroll in Medicare. The law requires the State to continue to pay the Medicare Part B premiums until the employee enrolls as an eligible retiree.

**LD 1084    Resolve, To Improve Continuity of Coverage for Participants in  
Medicare Advantage Plans**

**RESOLVE 59**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-94

This resolve allows a Medicare participant who enrolls in Medicare Part B and elects to enroll in a standardized Medicare supplement plan and subsequently enrolls in a Medicare Advantage plan to maintain continuity in coverage if the member returns to a standardized Medicare supplement plan, if the standardized Medicare supplement plan provides no greater benefits than the Medicare Advantage plan.

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

This amendment replaces the resolve. The amendment requires the Department of Professional and Financial Regulation, Bureau of Insurance to amend its rules to extend from one year to 3 years the period during which a Medicare beneficiary who is enrolled in a Medicare Advantage plan may return to original Medicare and enroll in a standardized Medicare supplement plan.

**Enacted Law Summary**

Resolve 2009, chapter 59 requires the Department of Professional and Financial Regulation, Bureau of Insurance to amend its rules to extend from one year to 3 years the period during which a Medicare beneficiary who is enrolled in a Medicare Advantage plan may return to original Medicare and enroll in a standardized Medicare supplement plan.

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**LD 1091 An Act To Reduce the Cost of Health Insurance**

**ONTP**

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

This bill repeals the individual health insurance provisions relating to rating and reinsurance enacted as part of Public Law 2007, chapter 629 because the funding sources for those provisions were repealed by people's veto in November 2008. In their place, the bill makes the following changes to the individual and small group health insurance laws:

1. It amends guaranteed issuance and community rating for individual and small group health plans; and
2. It creates the Maine High-risk Reinsurance Pool Association. The purpose of the association is to provide reinsurance to spread the cost of high-risk individuals and small groups among all health insurers. The bill funds the high-risk reinsurance pool through an assessment on insurers.

**LD 1125 An Act To Improve the Home Foreclosure Process**

**ONTP**

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

This bill requires that a mortgagee who is initiating a foreclosure action in Superior Court or District Court must include a mortgagor answer form in the documents that are served on the mortgagor with the complaint. The mortgagor answer form must be placed on top of the documents and may serve as the mortgagor's answer to the foreclosure complaint. It must also provide an opportunity for the mortgagor to request mediation, if mediation is available.

While LD 1125 was voted "Ought Not to Pass", a related substantive provision requiring that a one-page form notice serving as both a sample answer and a request for mediation be attached to the front of a foreclosure complaint was incorporated into LD 1418, An Act to Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures. See LD 1418, which was enacted as Public Law 2009, chapter 402.

**LD 1144 An Act To Protect Tenants during Foreclosure**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX SULLIVAN	ONTP	

This bill requires a mortgagor to notify a tenant of the commencement of foreclosure proceedings against the premises rented by that tenant no later than one week after the commencement of those proceedings by sending a

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notice to the tenant by certified mail, return receipt requested, or by notifying the tenant in person. A mortgagor who fails to provide this notice shall provide one month's rent to the tenant at no cost to the tenant. A mortgagee or any other person may not evict a tenant until 30 days after the completion of the foreclosure proceedings.

While LD 1144 was voted "Ought Not to Pass", a related substantive provision requiring notice of foreclosure judgments to tenants was incorporated into LD 1418, An Act to Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures. See LD 1418, which was enacted as Public Law 2009, chapter 402.

**LD 1180     An Act To Clarify and Update the Laws Related to Life and Health Insurance**

**PUBLIC 244  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-288

This bill protects those who switch from one Medicare supplement plan to another from losing protection against medical underwriting or preexisting condition exclusions if during a past period they were covered under a Medicare Advantage plan rather than traditional Medicare with a Medicare supplement plan.

This bill expands the current law regarding notice to parents regarding coverage of dependent children to apply to adult children as well as minors, as long as the adult child consents. It also makes the requirement applicable to health maintenance organizations.

This bill repeals the provisions for special rate hearings on individual, small group, and Medicare supplement insurance. These provisions provide for shifting the burden of proof as to whether rates are excessive from the insurer to the Department of Professional and Financial Regulation, Bureau of Insurance or other party asserting they are excessive if certain conditions are met. Under the bill, the burden of proof remains with the insurer. This bill amends and strengthens the law prohibiting discrimination in insurance based on genetic information. The amendments conform state law to the federal Genetic Information Nondiscrimination Act of 2008.

This bill amends the State's continuity of coverage law with respect to group health insurance to conform to the federal Health Insurance Portability and Accountability Act of 1996. The current law waives medical underwriting and preexisting condition exclusions only to the extent that benefits would have been payable under a prior contract or policy. As amended, medical underwriting and preexisting condition exclusions in group health insurance policies are waived entirely in most cases as long as there was some prior coverage. This bill also specifies, consistent with the federal Health Insurance Portability and Accountability Act of 1996, that when a group policy is replaced by another group policy, the "look-back" period for preexisting exclusions is measured from the date of enrollment in the first policy. In addition, this bill adds a provision to the Maine Insurance Code to require compliance with the federal Children's Health Insurance Program Reauthorization Act of 2009, Section 311.

This bill clarifies the applicability of individual and small group rating laws to group health insurance policies issued to associations and other groups. Coverage of employees of small employers, including those covered through employee leasing companies, is subject to small group rating laws. Coverage of individuals not covered through employment is subject to individual rating laws.

This bill clarifies that rates for individual health insurance and certain small group health insurance are subject to approval by the Superintendent of Insurance. Current law provides for disapproval of rates but does not explicitly refer to approval of rates.

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This bill clarifies that the period of time after which interest is payable on an individual life insurance claim is 2 months.

This bill clarifies that the Standard Nonforfeiture Law for Individual Deferred Annuities applies to certain group annuities.

### **Committee Amendment "A" (H-288)**

This amendment clarifies the description of a type of policy excluded from a state law requiring compliance with the federal Children's Health Insurance Program Reauthorization Act of 2009. The amendment provides for a 2nd election period for persons eligible for federal Consolidated Omnibus Reconciliation Act of 1985 coverage under state law. The amendment combines changes made to the Maine Revised Statutes, Title 24-A, section 2736, subsection 1 by Part C and Part G of the bill to avoid a conflict. The amendment also adds an emergency preamble and emergency clause to the bill.

### **Enacted Law Summary**

Public Law 2009, chapter 244 makes the following changes to clarify and update the Maine Insurance Code related to life and health insurance.

1. The law protects those who switch from one Medicare supplement plan to another from losing protection against medical underwriting or preexisting condition exclusions if during a past period they were covered under a Medicare Advantage plan rather than traditional Medicare with a Medicare supplement plan.
2. The law expands the current law regarding notice to parents regarding coverage of dependent children to apply to adult children as well as minors, as long as the adult child consents. It also makes the requirement applicable to health maintenance organizations.
3. The law repeals the provisions for special rate hearings on individual, small group, and Medicare supplement insurance. These provisions provide for shifting the burden of proof as to whether rates are excessive from the insurer to the Department of Professional and Financial Regulation, Bureau of Insurance or other party asserting they are excessive if certain conditions are met. Under the law, the burden of proof remains with the insurer.
4. The law amends and strengthens the law prohibiting discrimination in insurance based on genetic information. The changes conform state law to the federal Genetic Information Nondiscrimination Act of 2008.
5. The law amends the State's continuity of coverage law with respect to group health insurance to conform to the federal Health Insurance Portability and Accountability Act of 1996. The current law waives medical underwriting and preexisting condition exclusions only to the extent that benefits would have been payable under a prior contract or policy. As amended, medical underwriting and preexisting condition exclusions in group health insurance policies are waived entirely in most cases as long as there was some prior coverage. This law also specifies, consistent with the federal Health Insurance Portability and Accountability Act of 1996, that when a group policy is replaced by another group policy, the "look-back" period for preexisting exclusions is measured from the date of enrollment in the first policy. In addition, this law adds a provision to the Maine Insurance Code to require compliance with the federal Children's Health Insurance Program Reauthorization Act of 2009, Section 311.
6. The law clarifies the applicability of individual and small group rating laws to group health insurance policies issued to associations and other groups. Coverage of employees of small employers, including those covered through employee leasing companies, is subject to small group rating laws. Coverage of individuals not covered through employment is subject to individual rating laws.
7. The law clarifies that rates for individual health insurance and certain small group health insurance are subject to approval by the Superintendent of Insurance. Current law provides for disapproval of rates but does not explicitly refer to approval of rates.

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8. The law clarifies that the period of time after which interest is payable on an individual life insurance claim is 2 months.

9. The law clarifies that the Standard Nonforfeiture Law for Individual Deferred Annuities applies to certain group annuities.

10. The law provides for a 2nd election period for persons eligible for federal Consolidated Omnibus Reconciliation Act of 1985 coverage under state law.

Public Law 2009, chapter 244 was enacted as an emergency measure effective June 3, 2009.

**LD 1194    An Act To Establish a Reinsurance Mechanism To Expand Health Insurance for Individuals and Groups**

**ONTP**

Sponsor(s)

ROSEN R

Committee Report

ONTP

Amendments Adopted

This bill repeals the Maine Individual Reinsurance Association enacted as part of Public Law 2007, chapter 629 because the funding source for the association was repealed by people's veto in November 2008. The bill establishes the Health Insurance Individual and Small Group Reinsurance Fund to provide reimbursement of certain high-cost claims for persons covered under individual and small group health plans. The fund would reimburse carriers for 90% of claims paid between \$25,000 and \$75,000 for each enrollee covered by the carrier on a calendar year basis.

**LD 1198    An Act To Reform Insurance Coverage To Include Diagnosis for Autism Spectrum Disorders**

**Carried Over**

Sponsor(s)

BOWMAN

Committee Report

Amendments Adopted

This bill requires group health insurance policies, contracts and certificates covering fewer than 50 members to provide coverage for the diagnosis and treatment of autism spectrum disorders for persons 21 years of age and under. Initially, coverage is subject to a maximum annual benefit of \$36,000 per year; beginning January 1, 2011, the maximum benefit must be adjusted annually for inflation using the medical care component of the United States Department of Labor Consumer Price Index. The provisions of this bill apply to group policies, contracts and certificates issued or renewed on or after January 1, 2010.

LD 1198 has been carried over to the next special or regular session of the 124th Legislature pursuant to joint order, H.P. 1053.

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LD 1205 An Act To Establish a Health Care Bill of Rights

PUBLIC 439

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BOWMAN	OTP-AM MAJ ONTP MIN	H-446 S-332 BOWMAN

This bill does the following.

1. Part A requires carriers to provide notice to policyholders when a policy has been reinstated and the premium paid following a cancellation notice for nonpayment of premium. It requires carriers to provide notice to plan enrollees regarding any exclusions or limits of coverage for childhood immunizations. Part A also requires carriers to post at least 5 individual and 5 small group health plans on its publicly accessible website for comparison purposes and sets minimum standards for explanation of benefits documents used by carriers.
2. Part B establishes standards for provider profiling programs used by carriers.
3. Part C requires carriers and health maintenance organizations to include certain information about product offerings in the annual report supplement to the Department of Professional and Financial Regulation, Bureau of Insurance.
4. Part D extends the notice period for carriers to notify policyholders of proposed rate increases. It also permits the Attorney General to request a rate hearing regarding proposed rate increases for individual health plans.
5. Part E increases the minimum loss ratio for individual and small group health plans to 85%. Part E also requires health maintenance organizations to disclose loss information upon request from contract holders in the same manner as insurance companies. Part E also authorizes the Superintendent of Insurance to adopt rules requiring small group health carriers to offer standardized small group health plans.
6. Part F requires the Superintendent of Insurance to undertake market conduct exams of health insurance companies no less frequently than once every 3 years, beginning in 2010.
7. Part G requires a carrier replacing a previous carrier to honor any prior authorizations for prescription drugs for an enrollee undergoing a course of treatment until the replacement carrier conducts a review of that prior authorization with the enrollee's prescribing provider.

**Committee Amendment "A" (H-446)**

This amendment is the majority report of the committee and does the following.

1. It amends Part A to require the Superintendent of Insurance, when making rules, to take into consideration national standards and to give the superintendent authority to define standard policy terms by rulemaking. It provides a one-time allocation to cover the costs of rulemaking.
2. It amends Part B to establish standards for provider profiling programs used by carriers for out-of-network providers.
3. It removes Part C, which requires carriers and health maintenance organizations to include certain information about product offerings in the annual report supplement to the Department of Professional and Financial Regulation,

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Bureau of Insurance.

4. Part C in this amendment permits the Attorney General to request a rate hearing regarding proposed rate increases for individual health plans. It removes the provisions in the bill that extended the notice period for carriers to notify policyholders of proposed rate increases.

5. Part D in this amendment requires a benefits-incurred-to-premiums-earned loss ratio of 78% for one year or 80% over a 3-year average in the small group insurance market. Part D authorizes the Superintendent of Insurance to adopt rules requiring small group health carriers to offer standardized small group health plans. Part D also authorizes the superintendent to study the impact of increases in the loss ratio in the individual market and the consideration of losses in all health insurance markets as part of rate filings.

6. Part D in this amendment clarifies that all rate filings and supporting information filed by carriers are public records except for certain health information protected by state or federal law and information related to the terms and conditions and reimbursement provisions contained in contracts between carriers and third parties.

7. Part E in this amendment requires the Superintendent of Insurance to undertake market conduct examinations of health insurance companies no less frequently than once every 5 years, beginning in 2010. Part E requires all health insurance carriers to be examined at least once by 2015.

8. Part F in this amendment requires a carrier replacing a previous carrier to honor any prior authorizations for prescription drugs for an enrollee undergoing a course of treatment until the replacement carrier conducts a review of that prior authorization with the enrollee's prescribing provider.

LD 1205, as amended, was reviewed by the Joint Standing Committee on Judiciary pursuant to Title 1, Maine Revised Statutes, section 434, which requires review and evaluation of new exceptions to laws governing public records.

### **Senate Amendment "B" To Committee Amendment "A" (S-332)**

This amendment makes the following changes.

1. It removes the requirement that carriers provide written notice of reinstatement of a group policy following a cancellation notice for nonpayment of premium. In place of the written notice requirement, this amendment requires carriers to provide a toll-free telephone number that certificate holders can call to determine if the policy has been cancelled or reinstated after payment of the premium.

2. It removes requirements of the bill that the Superintendent of Insurance establish additional requirements for explanation of benefits forms through rulemaking.

3. It removes the provisions that increase the minimum loss ratio for small group health plans.

4. It limits the requirement that a carrier replacing a previous carrier honor any prior authorizations for prescription drugs to a period not to exceed 6 months.

5. It corrects a conflict involving the section concerning the subject of the filing of rate information created by Public Law 2009, chapters 14 and 244 by incorporating the changes made in those laws with the changes proposed in Committee Amendment "A."

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

This amendment strikes that portion of Committee Amendment "A" that requires a benefits incurred to premiums earned loss ratio of 78% for one year or 80% over a 3-year average in the small group insurance market. This amendment also strikes language from Committee Amendment "A" that specifically exempts from the definition of

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"public records" information in filings that is protected health information required to be kept confidential by state or federal statute and descriptions of certain information in contracts between insurers and 3rd parties.

Senate Amendment "A" was not adopted.

### Enacted Law Summary

Public Law 2009, chapter 439 does the following.

1. Part A requires carriers to provide a toll-free telephone number that certificate holders can call to determine if the policy has been cancelled or reinstated after payment of the premium. It requires carriers to provide notice to plan enrollees regarding any exclusions or limits of coverage for childhood immunizations. Part A also requires carriers to post at least 5 individual and 5 small group health plans on its publicly accessible website for comparison purposes and sets minimum standards for explanation of benefits documents used by carriers.
2. Part B establishes standards for provider profiling programs used by carriers.
3. Part C permits the Attorney General to request a rate hearing regarding proposed rate increases for individual health plans.
4. Parts C and D clarify that all rate filings and supporting information filed by carriers are public records except for certain health information protected by state or federal law and information related to the terms and conditions and reimbursement provisions contained in contracts between carriers and third parties.
5. Part D authorizes the Superintendent of Insurance to adopt rules requiring small group health carriers to offer standardized small group health plans. Part D also authorizes the superintendent to study the impact of increases in the loss ratio in the individual market and the consideration of losses in all health insurance markets as part of rate filings.
6. Part E requires the Superintendent of Insurance to undertake market conduct examinations of health insurance companies no less frequently than once every 5 years, beginning in 2010. Part E requires all health insurance carriers to be examined at least once by 2015.
7. Part F requires a carrier replacing a previous carrier to honor any prior authorizations for prescription drugs for an enrollee undergoing a course of treatment until the replacement carrier conducts a review of that prior authorization with the enrollee's prescribing provider. It limits the requirement that a carrier replacing a previous carrier honor any prior authorizations for prescription drugs to a period not to exceed 6 months.

LD 1206 An Act To Fund the Dirigo Health Program through a High-risk Pool

ACCEPTED ONTP  
REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W	ONTP MAJ OTP-AM MIN	

Part A allows a maximum rate differential for individual health plans on the basis of age, occupation or industry and geographic area of 4:1 and a maximum rate differential on the basis of health status of 1.5:1.

Part A eliminates the Maine Individual Reinsurance Association which lacks funding due to the repeal by people's veto of portions of Public Law 2007, chapter 629, and establishes the Comprehensive Health Insurance Risk Pool

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Association, a high-risk pool for the individual health insurance market. Part A repeals the guaranteed issuance requirement for individual health insurance; the high-risk pool will become the mechanism to provide guaranteed access to individual coverage. The Part requires insurers that provide medical insurance as defined in the bill to pay an assessment of up to \$10 per covered person per month to support the costs of the high-risk pool and subsidy costs for the Dirigo Health Program.

Part A of the bill also authorizes the offering of individual health plans for young adults without the prior approval of the Superintendent of Insurance.

Part B of the bill requires that Dirigo Health apply an asset limit that is 3 times the limit applied by MaineCare to determine eligibility for subsidies in addition to the requirement that an individual's income be under 300% of the federal poverty level. Part B requires Dirigo Health enrollees to complete health assessments as a condition of receiving subsidies. Part B also repeals the savings offset payment as the source of funding for subsidies for the Dirigo Health Program and instead requires the Comprehensive Health Insurance Risk Pool Association to transfer 50% of revenues from insurer assessments to support subsidies.

Part C directs the Office of the Revisor of Statutes to include in the errors bill any sections necessary to correct cross-references to provisions of law repealed in this Act.

### **Committee Amendment "A" (H-465)**

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

1. The amendment requires that the high-risk pool association develop a standardized health questionnaire to be filled out by individuals to determine eligibility for the high-risk pool. The amendment reduces the maximum assessment to be paid by insurers to support the high-risk pool to \$4 and removes the requirement to transfer 50% of the assessment to the Dirigo Health program.
2. The amendment removes Part B of the bill.
3. This amendment corrects cross-references necessitated by changes made in Part A of the bill as amended by this amendment.

Committee Amendment "A" was not adopted.

### **LD 1264 An Act To Stabilize Funding and Enable DirigoChoice To Reach More Uninsured**

**PUBLIC 359**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BOWMAN	OTP-AM MAJ OTP-AM MIN	H-490

This bill requires the Board of Trustees of Dirigo Health to reach more uninsured and underinsured individuals through a more affordable product and to report to the Joint Standing Committee on Insurance and Financial Services regarding changes to the Dirigo Health Program by January 1, 2010. The bill replaces the savings offset payment, currently assessed at a variable rate up to 4% of paid claims determined each year depending on savings, with a fixed 2.14% access payment on paid claims paid monthly.

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

This amendment is the majority report of the committee. The amendment clarifies that access payments apply to claims paid on or after September 1, 2009 and establishes the payment date as 30 days after the end of each month.

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The amendment also establishes an effective date of October 1, 2009 and corrects a technical error.

### **Committee Amendment "B" (H-491)**

This amendment is the minority report of the committee. After the first year the access payment is implemented, it is reduced by 25% the 2nd year, 50% the 3rd year, 75% the 4th year and then eliminated. In addition to the duties included in the bill, the amendment directs the Board of Trustees of Dirigo Health to establish an asset test for eligibility, to require any new enrollees after the redesign of the DirigoChoice product to be uninsured before enrolling and to seek adequate federal funding to support the Dirigo Health Program and the Maine Individual Reinsurance Association.

The amendment expresses the Legislature's intent that the funding provided to Dirigo Health pursuant to the Maine Revised Statutes, Title 24-A, section 6917 be supplemented by the General Fund to maintain enrollment at the same level as on the effective date of the bill. The amendment also establishes an effective date of October 1, 2009. The amendment also adds an appropriations and allocations section.

Committee Amendment "B" was not adopted.

### **Senate Amendment "B" To Committee Amendment "A" (S-293)**

This amendment directs the Board of Trustees of Dirigo Health to change Dirigo Health effective June 30, 2010 in the following ways:

1. Adopt sliding scale vouchers to provide households with access to a range of approved insurance products;
2. Deny subsidies to households with assets exceeding \$50,000;
3. Enroll as new members only those who have been uninsured for at least 6 months;
4. Allow carriers to impose a 6-month waiting period for preexisting conditions; and
5. Adopt policies to offer more affordable products, spread subsidies over more households, emphasize preventive care and disease management, improve population health, reduce costs in the State's health care market and maximize federal initiatives.

Senate Amendment "B" to Committee Amendment "A" was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-288)**

This amendment removes the effective date of September 1, 2009 and clarifies that access payments apply to claims paid for plan years beginning on or after the date the section takes effect.

Senate Amendment "A" to Committee Amendment "A" was not adopted.

### **Enacted Law Summary**

Public Law 2009, chapter 359 replaces the savings offset payment, currently assessed at a variable rate up to 4% of paid claims determined each year depending on savings, with a fixed 2.14% access payment on paid claims paid monthly. The law clarifies that access payments apply to claims paid on or after September 1, 2009 and establishes the payment date as 30 days after the end of each month.

Public Law 2009, chapter 359 also requires the Board of Trustees of Dirigo Health to consider making changes to focus on coverage of uninsured and underinsured individuals through a more affordable DirigoChoice product and to report to the Joint Standing Committee on Insurance and Financial Services regarding those changes by January 1, 2010.

*Joint Standing Committee on Insurance and Financial Services*

**LD 1285 An Act To Create the Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance**

**ONTP**

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

This bill establishes the Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance. The bill requires insurers with knowledge or suspicion of fraudulent insurance acts to report those activities to the Superintendent of Insurance. The bill provides for the confidentiality of records relating to insurance fraud investigations in a manner similar to the provision of confidentiality under current state law for investigative and intelligence information in the possession of other law enforcement entities. The bill does permit the Insurance Fraud Division to share investigatory information with certain national and international agencies. The bill also extends the immunity provision in current law to certain communications between insurers with respect to fraudulent insurance acts.

**LD 1304 An Act Regarding First-party Automobile and Casualty Insurance**

**ONTP**

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

This bill responds to the opinion of the Maine Supreme Judicial Court in *Jipson v. Liberty Mutual Fire Insurance Company*, 2008 ME 57, 942 A.2d 1213, by making an automobile insurance policyholder's coverage excess coverage instead of gap-filling coverage.

**LD 1305 An Act To Provide for Prompt Resolution of Insurance Claims by Providing for a Direct Remedy by Consumers**

**ONTP**

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

This bill provides a private remedy for consumers who are victims of an unfair claim practice. This bill also allows an injured party to bring a direct action against an insurer under certain circumstances.

*Joint Standing Committee on Insurance and Financial Services*

**LD 1326 An Act To Amend the Laws Governing Licensed Financial Service Providers**

**PUBLIC 243  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVEJOY PERRY J	OTP-AM	H-284

The purpose of this bill is to more equitably allocate regulatory costs of the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection among licensed entities by increasing the cap on loan officer registration fees, permitting recovery of costs of certifying educational courses for providers, increasing loan broker license fees, establishing loan broker and debt management branch office licenses and increasing debt collector license fees.

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

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

**Enacted Law Summary**

Public Law 2009, chapter 243 is intended to more equitably allocate regulatory costs of the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection among licensed entities by increasing the cap on loan officer registration fees, permitting recovery of costs of certifying educational courses for providers, increasing loan broker license fees, establishing loan broker and debt management branch office licenses and increasing debt collector license fees.

Public Law 2009, chapter 243 was enacted as an emergency measure effective June 3, 2009.

**LD 1343 An Act To Promote Consumer Fairness in Tax Refund Anticipation Loans**

**PUBLIC 248**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM	H-285

This bill regulates businesses that provide refund anticipation loans or refund anticipation checks associated with tax refunds or tax credits. The bill requires those acting as facilitators of refund anticipation loans to register with the Bureau of Consumer Credit Protection and post bonds for the protection of consumers. The bill requires disclosures to consumers who enter into these transactions and prohibits certain practices by facilitators of refund anticipation loans.

**Committee Amendment "A" (H-285)**

This amendment replaces the bill. The amendment regulates businesses that facilitate refund anticipation loans or refund anticipation checks associated with tax refunds or tax credits. The amendment requires those acting as facilitators of refund anticipation loans or refund anticipation checks to register as loan brokers with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and post bonds for the protection of consumers. The bill requires disclosures to consumers who enter into these transactions and prohibits certain practices by facilitators of refund anticipation loans or refund anticipation checks.

## *Joint Standing Committee on Insurance and Financial Services*

### **Enacted Law Summary**

Public Law 2009, chapter 248 regulates businesses that facilitate refund anticipation loans or refund anticipation checks associated with tax refunds or tax credits. The law requires those acting as facilitators of refund anticipation loans or refund anticipation checks to register as loan brokers with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and post bonds for the protection of consumers. The law also requires disclosures to consumers who enter into these transactions and prohibits certain practices by facilitators of refund anticipation loans or refund anticipation checks.

**LD 1358    Resolve, To Study Implementation of Shared Decision Making To Improve Quality of Care and Reduce Unnecessary Use of Medical Services**

**RESOLVE 104**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-218

This bill requires health insurance carriers and the MaineCare program to implement shared decision making as a strategy for improving the quality of medical care and for controlling the unnecessary utilization of preference-sensitive health care services. Under the bill, the Maine Quality Forum is responsible for determining which medical services are preference-sensitive and for approving protocols and decision-making aids to assist health care providers in consulting with patients. If a provider follows the shared decision-making protocol, the health care provider may use compliance with the protocol as proof of informed consent when relevant to defending a medical malpractice action. The bill requires the Maine Quality Forum and the Maine Health Data Organization to evaluate the shared decision-making program and report to the Legislature by January 31, 2012.

### **Committee Amendment "A" (S-218)**

This amendment replaces the bill with a resolve and changes the title. The amendment requires the Maine Quality Forum to convene an advisory group of stakeholders to develop a plan for implementation of shared decision making as a strategy for improving the quality of medical care and for controlling the unnecessary use of preference-sensitive health care services. The amendment requires the Maine Quality Forum to submit a preliminary report on February 1, 2010 and a final report by February 1, 2011 to the joint standing committees of the Legislature having jurisdiction over health and human services matters and insurance and financial services matters.

### **Enacted Law Summary**

Resolve 2009, chapter 104 requires the Maine Quality Forum to convene an advisory group of stakeholders to develop a plan for implementation of shared decision making as a strategy for improving the quality of medical care and for controlling the unnecessary use of preference-sensitive health care services. The law requires the Maine Quality Forum to submit a preliminary report on February 1, 2010 and a final report by February 1, 2011 to the joint standing committees of the Legislature having jurisdiction over health and human services matters and insurance and financial services matters.

*Joint Standing Committee on Insurance and Financial Services*

LD 1365 An Act To Establish a Single-payer Health Care System

Carried Over

Sponsor(s)

PRIEST  
BOWMAN

Committee Report

Amendments Adopted

This bill establishes a universal access health care system that offers a choice of coverage through organized delivery systems or through a managed care system operated by the Maine Health Care Agency and channels all health care dollars through a dedicated trust fund.

1. Part A of the bill does the following.

It establishes the Maine Health Care Plan to provide security through high-quality, affordable health care for the people of the State. The plan becomes effective when 2 other New England states enact substantially similar legislation. All residents and nonresidents who maintain significant contact with the State are eligible for covered health care services through the Maine Health Care Plan. The plan is funded by the Maine Health Care Trust Fund, a dedicated fund receiving payments from payroll taxes and payments from the General Fund or any other sources. The Maine Health Care Plan provides a range of benefits, including hospital services, health care services from participating providers, laboratory and imaging procedures, home health services, rehabilitative services, prescription drugs and devices, mental health services, substance abuse treatment services, dental services, vision appliances, medical supplies and equipment and hospice care. Health care services under the Maine Health Care Plan are provided by participating providers in organized delivery systems and through the open plan, which is available to all providers. The plan is supplemental to other health care programs that may be available to plan members, such as MaineCare, Medicare, the Dirigo Health Program, the federal Civilian Health and Medical Program of the Uniformed Services, the federal Indian Health Care Improvement Act and workers' compensation. It establishes the Maine Health Care Agency to administer and oversee the Maine Health Care Plan, to act under the direction of the Maine Health Care Council and to administer and oversee the Maine Health Care Trust Fund. The Maine Health Care Council is the decision-making and directing council for the agency and is composed of 3 full-time appointees.

Part A directs the Maine Health Care Agency to establish programs to ensure quality, affordability, efficiency of care and health planning. The agency health planning program includes the establishment of global budgets for health care expenditures for the State and for institutions and hospitals. The health planning program also encompasses the certificate of need responsibilities of the agency pursuant to the Maine Revised Statutes, Title 22, chapter 103-A and the health planning responsibilities pursuant to Title 2, chapter 5. The agency is also required to contract with a 3rd-party administrator for claims processing and data collection services.

Part A also requires the State Controller to advance \$400,000 to the Maine Health Care Trust Fund on the effective date of the Part, July 1, 2010. This amount must be repaid by the Maine Health Care Agency by June 30, 2012.

2. Part B of the bill establishes the Maine Health Care Plan Transition Advisory Committee. Composed of 20 members, appointed and subject to confirmation, the committee is charged with holding public hearings, soliciting public comments and advising the Maine Health Care Council on the transition from the current health care system to the Maine Health Care Plan. Members of the committee serve without compensation but may be reimbursed for their expenses. The committee is directed to report to the Governor and to the Legislature every 6 months beginning July 1, 2010. The committee completes its work when the Maine Health Care Plan becomes effective.

3. Part C of the bill establishes the salaries of the members of the Maine Health Care Council and the executive director of the Maine Health Care Agency.

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4. Part D of the bill prohibits the sale on the commercial market of health insurance policies and contracts that duplicate the coverage provided by the Maine Health Care Plan. It allows the sale of health insurance policies and contracts that do not duplicate and are supplemental to the coverage of the Maine Health Care Plan.

5. Part E of the bill directs the Maine Health Care Agency to ensure employment retraining for administrative workers employed by insurers and providers who are displaced by the transition to the Maine Health Care Plan. It directs the Maine Health Care Agency to study the delivery and financing of long-term care services to plan members. Consultation is required with the Maine Health Care Plan Transition Advisory Committee, representatives of consumers and potential consumers of long-term care services and representatives of providers of long-term care services, employers, employees and the public. A report by the agency to the Legislature is due January 1, 2012.

The Maine Health Care Agency is directed to study the provision of health care services under the MaineCare and Medicare programs, waivers, coordination of benefit delivery and compensation, reorganization of State Government necessary to accomplish the objectives of the Maine Health Care Agency and legislation needed to carry out the purposes of the bill. The agency is directed to apply for all waivers required to coordinate the benefits of the Maine Health Care Plan and the MaineCare and Medicare programs. A report by the agency is due to the Legislature by March 1, 2011.

6. Part F of the bill clarifies that, throughout the Maine Revised Statutes, the words "payer" and "payor" may be used interchangeably and have the same meaning.

7. Part G of the bill establishes a 7.5% payroll tax on wages and earnings, including self-employed earnings, and dedicates that tax revenue to the Maine Health Care Trust Fund.

LD 1365 has been carried over to the next special or regular session of the 124th Legislature pursuant to joint order, H.P. 1053.

**LD 1366    An Act To Increase Access to Health Care by Providing Insurance Coverage for Telemedicine**

**LEAVE TO WITHDRAW**

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

This bill provides for coverage of health care services delivered through telemedicine. The bill allows deductibles, copayments and coinsurance the same as for in-person health services and provides for coverage consistent with in-person health care services. The provisions of the bill apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2010.

The substantive provisions in LD 1366 are included in LD 1073, An Act to Provide for Insurance Coverage of Telemedicine Services, which was enacted as Public Law 2009, chapter 169.

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LD 1397    **An Act To Allow Efficient Health Insurance Coverage**

**PUBLIC 357**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BOWMAN	OTP-AM	H-393

This bill allows carriers to include financial incentives to members to use designated providers and gives the Superintendent of Insurance the authority to approve a financial incentive pilot program similar to the pilot program used by the State Employee Health Plan that allows companies to offer products in which consumers can choose to travel further for improved quality, patient safety and efficiency without adversely affecting quality of care. This bill also enacts again language that is scheduled to be repealed July 1, 2009 regarding limits, including geographic access requirements, on the incentives used by health plans to encourage in-network designated providers.

**Committee Amendment "A" (H-393)**

This amendment makes technical changes to the bill.

**Enacted Law Summary**

Public Law 2009, chapter 357 allows carriers to include financial incentives to members to use designated providers and gives the Superintendent of Insurance the authority to approve a financial incentive pilot program similar to the pilot program used by the State Employee Health Plan that allows companies to offer products in which consumers can choose to travel further for improved quality, patient safety and efficiency without adversely affecting quality of care. This law also enacts again language scheduled to be repealed July 1, 2009 regarding limits, including geographic access requirements, on the incentives used by health plans to encourage in-network designated providers.

LD 1409    **An Act To Make Technical and Supervisory Amendments to the Laws  
Governing Banking and Consumer Credit**

**PUBLIC 228**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BOWMAN	OTP-AM	H-289

This bill eases regulatory burdens under Article 6 of the Maine Consumer Credit Code by eliminating the requirement for information concerning creditors and other entities subject to Article 6 that the administrator under the Maine Consumer Credit Code does not need or that can be found elsewhere, and allows the administrator under the Maine Consumer Credit Code to collect only the information considered necessary.

Currently, the filing deadline for financial institutions organized under the laws of this State is semiannually for condition reports and annually for income reports. The bill changes the filing deadlines to quarterly for both condition and income reports.

The bill requires a nondepository trust company to report the total fiduciary assets and income under management, in order to provide a more complete picture of the nondepository trust company's operations.

The bill clarifies that a financial institution that is chartered in a state other than this State may convert to become a financial institution chartered in this State.

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The bill clarifies that 3rd parties may seek judicial review of the activities of a receiver charged with liquidating a financial institution. The proposed amendment creates a review process for receivers that is similar to the review process that currently exists for conservators.

The bill establishes the Superintendent of Financial Institutions as a gatekeeper in deciding which activities are appropriate for state-chartered financial institutions under existing federal parity law. The bill ensures that the superintendent is informed of new activities undertaken by financial institutions and authorizes the superintendent to disapprove of any new activities based on consumer protection and safety and soundness considerations.

The bill establishes the Superintendent of Financial Institutions as a gatekeeper in deciding which activities are appropriate for state-chartered credit unions under existing federal parity law. The bill ensures that the superintendent is informed of new activities undertaken by credit unions and authorizes the superintendent to disapprove of any new activities based on consumer protection and safety and soundness considerations.

The bill allows the option of compensating those who serve on a credit union's board of directors in order to attract and retain well-qualified directors. The bill also contains an annual fee cap to prevent directors from receiving excessive compensation.

The bill clarifies the procedure with respect to the requirement that a credit union having total assets in excess of \$100,000,000 employ an independent public accountant to conduct an annual audit of the credit union.

The bill clarifies that a credit union that is chartered in a state other than this State may convert to become a credit union chartered in this State. The bill also permits a federally chartered credit union located outside of the State to convert to a credit union chartered in this State.

The bill replaces outdated terminology, "subsidiary savings institution," with current terminology, "subsidiary universal bank."

### **Committee Amendment "A" (H-289)**

This amendment does the following.

1. It removes the sections of the bill that proposed changes to the law regarding the permissible activities of state-chartered banks and credit unions under existing federal parity law.
2. It removes the section in the bill authorizing credit unions to compensate members of their boards of directors.
3. It clarifies that members of boards of directors of financial institutions are not liable to shareholders or creditors for consenting in good faith to the appointment of a receiver or conservator for a financial institution or to the acquisition by or combination with a financial institution holding company if grounds exist.

### **Enacted Law Summary**

Public Law 2009, chapter 228 eases regulatory burdens under Article 6 of the Maine Consumer Credit Code by eliminating the requirement for information concerning creditors and other entities subject to Article 6 that the administrator under the Maine Consumer Credit Code does not need or that can be found elsewhere, and allows the administrator under the Maine Consumer Credit Code to collect only the information considered necessary.

Currently, the filing deadline for financial institutions organized under the laws of this State is semiannually for condition reports and annually for income reports. The law changes the filing deadlines to quarterly for both condition and income reports. The law also requires a nondepository trust company to report the total fiduciary assets and income under management, in order to provide a more complete picture of the nondepository trust company's operations.

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The law clarifies that a financial institution that is chartered in another state may convert to become a financial institution chartered in this State.

The law clarifies that 3rd parties may seek judicial review of the activities of a receiver charged with liquidating a financial institution. The proposed amendment creates a review process for receivers that is similar to the review process that currently exists for conservators.

The law clarifies the procedure with respect to the requirement that a credit union having total assets in excess of \$100,000,000 employ an independent public accountant to conduct an annual audit of the credit union.

The law clarifies that a credit union that is chartered in another state or a federally chartered credit union located in another State may convert to become a credit union chartered in this State.

The law replaces outdated terminology, "subsidiary savings institution," with current terminology, "subsidiary universal bank."

**LD 1418    An Act To Preserve Home Ownership and Stabilize the Economy by  
Preventing Unnecessary Foreclosures**

**PUBLIC 402  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BOWMAN	OTP-AM	H-524 H-547 TREAT

This bill amends the laws pertaining to foreclosures.

1. It establishes the mandatory foreclosure mediation program within the Court Alternative Dispute Resolution Service.
2. It makes violation of provisions of the Maine Consumer Credit Code a violation of the Maine Unfair Trade Practices Act.
3. It requires that the words "judgment of foreclosure and sale," the street address of the real estate involved and the book and page number of the mortgage be on a foreclosure judgment when filed in the registry of deeds.
4. It clarifies that a foreclosure on a rental property does not terminate a tenancy.
5. It describes what a mortgagee must include in a notice of foreclosure to a mortgagor.
6. It requires a mortgagee to provide certain information to the Maine State Housing Authority about foreclosure, which the Maine State Housing Authority shall transmit to the Department of Professional and Financial Regulation.
7. It requires the Maine State Housing Authority to notify a mortgagor who is a party to a foreclosure about the mortgagor's rights and available resources as they relate to the foreclosure as well as the mandatory foreclosure mediation program. It also requires the Maine State Housing Authority to establish a statewide hotline to help mortgagors communicate with housing counselors certified by the United States Department of Housing and Urban Development.
8. It requires the Department of Professional and Financial Regulation to report quarterly on the number of

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foreclosure notifications received to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters.

9. It amends the procedure and notice for foreclosures.
10. It amends the procedure for commencement of foreclosure by civil action.

### **Committee Amendment "A" (H-524)**

This amendment retains the emergency preamble and emergency clause, but replaces the substantive provisions of the bill. The amendment does the following.

1. It establishes a court-supervised mediation process in judicial foreclosure proceedings on owner-occupied residential properties of one to 4 units. The mediation process is modeled after the program used in the State of Connecticut. Beginning July 1, 2009, the amendment allows the Supreme Judicial Court to implement the mediation program first in those judicial districts most affected by foreclosure filings, but requires the program to be implemented throughout the State by January 1, 2010. The mediation program applies to judicial foreclosure filings made after January 1, 2010 except in those judicial districts where the mediation program is implemented by the court on July 1, 2009. The court is authorized to establish fees to support the mediation program.
2. It makes violation of provisions of the Maine Consumer Credit Code related to mortgage lending a violation of the Maine Unfair Trade Practices Act.
3. It requires that the words "judgment of foreclosure and sale," the street address of the real estate involved and the book and page number of the mortgage be on a foreclosure judgment when filed in the registry of deeds.
4. It requires notice to municipalities and owners of mobile home parks after foreclosure judgments.
5. It requires at least 90 days' notice to tenants in judicial foreclosure proceedings and at least 21 days' notice to tenants in nonjudicial foreclosure proceedings.
6. It describes what a mortgagee must include in a notice of foreclosure to a mortgagor.
7. It requires a mortgagee to provide certain information to the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection about foreclosure and requires reporting on a quarterly basis to the Legislature related to foreclosures.
8. It requires the Bureau of Consumer Credit Protection to notify a mortgagor who is a party to a foreclosure about the mortgagor's rights and available resources as they relate to the foreclosure as well as the foreclosure mediation program. It also requires the Bureau of Consumer Credit Protection to coordinate an outreach program in consultation with the Maine State Housing Authority and to establish a statewide hotline to help mortgagors communicate with housing counselors certified by the United States Department of Housing and Urban Development.
9. It amends the procedure and notice for foreclosures.
10. It amends the procedure for commencement of foreclosure by civil action.
11. It allows a court upon a showing of good cause to extend a deadline for a notice of sale or conducting a public sale in a foreclosure action.
12. It removes the exemption under the real estate transfer tax laws for foreclosure sales and deeds in lieu of foreclosure and directs those tax revenues to the Bureau of Consumer Credit Protection to fund the agency's

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additional duties.

13. It adds an appropriations and allocations section.

LD 1418, as amended, was reviewed by the Joint Standing Committee on Judiciary pursuant to Title I, Maine Revised Statutes, section 434, which requires review and evaluation of new exceptions to laws governing public records.

### **House Amendment "A" To Committee Amendment "A" (H-547)**

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

1. It corrects a technical error;
2. It clarifies that the foreclosure mediation program applies to owner-occupied residential property with no more than 4 units that is the primary residence of the owner-occupant;
3. It requires the Maine Supreme Judicial Court to submit a report by February 15, 2013 evaluating the foreclosure mediation program. The amendment requires the court to report on the number of foreclosure mediations conducted and the results of foreclosure mediation and make recommendations as to whether the foreclosure mediation program should be modified, continued or repealed. The amendment 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; and
4. The amendment also fixes a subsection number to have the subsection numbers read consecutively with existing law.

### **Enacted Law Summary**

Public Law 2009, chapter 402 establishes a court-supervised mediation process in judicial foreclosure proceedings on owner-occupied residential properties of one to 4 units that are the primary residences of the owner-occupants. The mediation process is modeled after the program used in the State of Connecticut. Beginning July 1, 2009, the law allows the Supreme Judicial Court to implement the mediation program first in those judicial districts most affected by foreclosure filings, but requires the program to be implemented throughout the State by January 1, 2010. The mediation program applies to judicial foreclosure filings made after January 1, 2010 except in those judicial districts where the mediation program is implemented by the court on July 1, 2009. The court is authorized to establish fees to support the mediation program. The law also requires the Maine Supreme Judicial Court to submit a report by February 15, 2013 evaluating the foreclosure mediation program and 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.

The law makes violation of provisions of the Maine Consumer Credit Code related to mortgage lending a violation of the Maine Unfair Trade Practices Act.

The law requires that the words "judgment of foreclosure and sale," the street address of the real estate involved and the book and page number of the mortgage be on a foreclosure judgment when filed in the registry of deeds.

The law requires notice to municipalities and owners of mobile home parks after foreclosure judgments.

The law requires at least 90 days' notice to tenants in judicial foreclosure proceedings and at least 21 days' notice to tenants in nonjudicial foreclosure proceedings.

The law describes what a mortgagee must include in a notice of foreclosure to a mortgagor.

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The law requires a mortgagee to provide certain information to the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection about foreclosure and requires reporting on a quarterly basis to the Legislature related to foreclosures. The law requires the Bureau of Consumer Credit Protection to notify a mortgagor who is a party to a foreclosure about the mortgagor's rights and available resources as they relate to the foreclosure as well as the foreclosure mediation program. It also requires the Bureau of Consumer Credit Protection to coordinate an outreach program in consultation with the Maine State Housing Authority and to establish a statewide hotline to help mortgagors communicate with housing counselors certified by the United States Department of Housing and Urban Development.

The law amends the procedure for commencement of foreclosure by civil action and amends the procedure and notice for foreclosures. The law also allows a court upon a showing of good cause to extend a deadline for a notice of sale or conducting a public sale in a foreclosure action.

The law removes the exemption under the real estate transfer tax laws for foreclosure sales and deeds in lieu of foreclosure and directs those tax revenues to the Bureau of Consumer Credit Protection to fund the agency's additional duties.

Public Law 2009, chapter 402 was enacted as an emergency measure effective June 15, 2009.

**LD 1436      An Act To Create Economic Development in the State by Modernizing  
the State's Captive Insurance Laws**

**PUBLIC 335**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-220

The bill makes changes to the State's laws regulating captive insurance companies to encourage the formation of new captive insurance companies in the State. The changes in the bill are modeled after laws relating to captive insurance companies in Vermont, which has the highest number of captive insurance companies in the United States.

**Committee Amendment "A" (S-220)**

The amendment makes technical changes to the bill.

**Enacted Law Summary**

Public Law 2009, chapter 335 makes changes to the State's laws regulating captive insurance companies to encourage the formation of new captive insurance companies in the State. The changes in the law are modeled after laws relating to captive insurance companies in Vermont, which has the highest number of captive insurance companies in the United States.

**LD 1439      An Act To Conform State Mortgage Laws with Federal Laws**

**PUBLIC 362  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM A OTP-AM B OTP-AM C	H-532 PRIEST S-221

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Part A of this bill amends several mortgage lending provisions of the Maine Consumer Credit Code to correct inconsistencies within the law and to conform state law to federal developments that took place during calendar year 2008, including mandatory guidance from federal bank regulators; amendments to the mortgage provisions of federal truth-in-lending laws; and congressional enactment of a federal foreclosure relief law that contained additional changes to federal lending provisions.

Part B of the bill enables the State to participate in the national loan originator registration program that is also required by the recent federal foreclosure relief law.

Part C corrects cross-references.

### **Committee Amendment "A" (S-221)**

This amendment makes clarifying changes in Part A of the bill to retain existing provisions in Maine law not intended to be changed in the bill. The amendment also removes the presumption of compliance provision in the section of the bill relating to a creditor's obligation to verify a consumer's ability to repay a higher-priced mortgage loan.

The amendment makes changes to Part B of the bill to provide for an exemption from licensing as a mortgage loan originator for nonprofit organizations engaged in financing housing for low-income persons and for retail sellers of manufactured homes to the extent determined by the federal Department of Housing and Urban Development. The amendment clarifies the requirements for licensing related to an applicant's criminal history and credit history. The amendment also includes a provision making the duties of good faith and fair dealing apply to mortgage loan originators.

### **Committee Amendment "B" (S-222)**

This amendment makes clarifying changes in Part A of the bill to retain existing provisions in Maine law not intended to be changed in the bill.

The amendment makes changes to Part B of the bill to provide for an exemption from licensing as a mortgage loan originator for nonprofit organizations engaged in financing housing for low-income persons and for retail sellers of manufactured homes to the extent determined by the federal Department of Housing and Urban Development. The amendment clarifies the requirements for licensing related to an applicant's criminal history and credit history. The amendment also includes a provision making the duties of good faith and fair dealing apply to mortgage loan originators.

Committee Amendment "B" was not adopted.

### **Committee Amendment "C" (S-223)**

This amendment strikes Part A of the bill and retains only those provisions relating to conforming defined terms in Maine law with federal law.

This amendment makes changes to Part B of the bill to provide for an exemption from licensing as a mortgage loan originator for nonprofit organizations engaged in financing housing for low-income persons and for retail sellers of manufactured homes to the extent determined by the federal Department of Housing and Urban Development. The amendment clarifies the requirements for licensing related to an applicant's criminal history and credit history. The amendment also includes a provision making the duties of good faith and fair dealing apply to mortgage loan originators.

Committee Amendment "C" was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-251)**

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Like Committee Amendment "A" this amendment removes the presumption of compliance provision in the section of the bill relating to a creditor's obligation to verify a consumer's ability to repay a higher-priced mortgage loan. This amendment, however, also requires the creditor to evaluate certain information before verifying a consumer's repayment ability.

Senate Amendment "A" to Committee Amendment "A" was not adopted.

### **Senate Amendment "C" To Committee Amendment "A" (S-277)**

This amendment provides a presumption of compliance with laws that require a creditor to take into account a consumer's repayment ability before extending a higher-priced mortgage to a consumer if a creditor takes certain steps to evaluate a consumer's repayment ability.

Senate Amendment "C" to Committee Amendment "A" was not adopted.

### **Senate Amendment "B" To Committee Amendment "A" (S-276)**

Committee Amendment "A" removed the presumption of compliance provision in the section of the bill relating to a creditor's obligation to certify a consumer's ability to repay a higher-priced mortgage loan. This amendment restores the provision that establishes the presumption of compliance.

Senate Amendment "B" to Committee Amendment "B" was not adopted.

### **Senate Amendment "D" To Committee Amendment "A" (S-289)**

This amendment restores the provision that establishes the presumption of compliance if a creditor satisfies certain conditions relating to verification of a consumer's repayment ability that Committee Amendment "A" removed.

Senate Amendment "D" to Committee Amendment "A" was not adopted.

### **House Amendment "A" To Committee Amendment "A" (H-532)**

This amendment incorporates the changes proposed to Committee Amendment "A" made in Senate Amendment "D." The amendment also adds language from current law that describes the permissible 3rd-party documents a creditor may use as reasonably reliable evidence of a consumer's income or assets.

### **Enacted Law Summary**

Public Law 2009, chapter 362 amends several mortgage lending provisions of the Maine Consumer Credit Code to correct inconsistencies within the law and to conform state law to federal developments that took place during calendar year 2008, including mandatory guidance from federal bank regulators; amendments to the mortgage provisions of federal truth-in-lending laws; and congressional enactment of a federal foreclosure relief law that contained additional changes to federal lending provisions. The law includes a provision that establishes a presumption of compliance with the law if a creditor satisfies certain conditions relating to verification of a consumer's repayment ability for a higher-priced mortgage loan.

Public Law 2009, chapter 362 also enables the State to participate in the national loan originator registration program that is also required by the recent federal foreclosure relief law. The law provides for an exemption from licensing as a mortgage loan originator for nonprofit organizations engaged in financing housing for low-income persons and for retail sellers of manufactured homes to the extent determined by the federal Department of Housing and Urban Development. The law also includes a provision making the duties of good faith and fair dealing apply to mortgage loan originators.

Public Law 2009, chapter 362 was enacted as an emergency measure effective June 11, 2009.

*Joint Standing Committee on Insurance and Financial Services*

**LD 1444 An Act To Protect Consumers and Small Business Owners from Rising Health Care Costs**

**PUBLIC 350**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ ONTP MIN	S-219

Part A of the bill establishes the Advisory Council on Payment Reform to advise the Maine Health Data Organization and directs the council to develop a comprehensive set of proposed reforms to provide incentives for cost-effective and patient-centered health care.

Part B of the bill directs the Superintendent of Insurance to adopt rules for physician performance measurement, reporting and tiering programs to promote cost-effective and patient-centered care and create an advisory council.

Part C of the bill requires that hospitals and institutions licensed under the Maine Revised Statutes, Title 22, section 1811 that are public charities must provide a certain amount of free health care.

**Committee Amendment "A" (S-219)**

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

Part A directs the Advisory Council on Health Systems Development to develop recommendations on payment reform.

Part B directs the Superintendent of Insurance to adopt rules for physician performance measurement, reporting and tiering programs. The superintendent may consult with the advisory council.

Part C requires that the Department of Health and Human Services post on its publicly accessible website the federal Internal Revenue Service Form 990 and forms already filed by hospitals with the department within 30 days of the effective date of the bill, as amended.

**Enacted Law Summary**

Public Law 2009, chapter 350 does the following.

Part A directs the Advisory Council on Health Systems Development to develop recommendations on payment reform.

Part B directs the Superintendent of Insurance to adopt rules for physician performance measurement, reporting and tiering programs. The superintendent may consult with the advisory council.

Part C requires that the Department of Health and Human Services post on its publicly accessible website the federal Internal Revenue Service Form 990 and forms already filed by hospitals with the department within 30 days of the effective date of the bill, as amended.

*Joint Standing Committee on Insurance and Financial Services*

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*Consumer Credit*

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LD 715	An Act To Enable the Use of Credit Cards for Governmental Transactions	PUBLIC 113
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LD 1326	An Act To Amend the Laws Governing Licensed Financial Service Providers	PUBLIC 243 EMERGENCY
LD 1343	An Act To Promote Consumer Fairness in Tax Refund Anticipation Loans	PUBLIC 248

Not Enacted

LD 446	An Act To Protect Consumers from Credit Card and Debit Card Holds	ACCEPTED ONTP REPORT
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*Dirigo Health*

Enacted

LD 1264	An Act To Stabilize Funding and Enable DirigoChoice To Reach More Uninsured	PUBLIC 359
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Not Enacted

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Enacted

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Not Enacted

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Enacted

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Enacted

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Enacted

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Enacted

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



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON INLAND FISHERIES  
AND WILDLIFE**

July 2009

**STAFF:**

CURTIS C. BENTLEY, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

**MEMBERS:**

SEN. BRUCE S. BRYANT, CHAIR  
SEN. TROY DALE JACKSON  
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REP. DALE J. CRAFTS  
REP. THOMAS B. SAVIELLO

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 54      **An Act To Change the Coyote Night Hunting Season**

**PUBLIC 46**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCFADDEN RAYE	OTP-AM	H-29

LD 54 proposes to change the coyote night hunting season from January 1st to June 1st to December 1st to May 1st each year.

**Committee Amendment "A" (H-29)**

This amendment proposes to change the starting date of the night hunting season for coyotes from January 1st to December 16th and to keep the June 1st ending date that is current law.

**Enacted Law Summary**

Public Law 2009, chapter 46 makes December 16th the starting date for the open night hunting season on coyote.

LD 66      **An Act To Amend Maine's Endangered and Threatened Species List by  
Removing the Bald Eagle**

**PUBLIC 60**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM	S-44

LD 66 proposes to remove the bald eagle from Maine's list of threatened species.

**Committee Amendment "A" (S-44)**

This amendment provides a species that was listed as a state endangered or threatened species but was removed from that list after 2007 continues to receive the same protections against certain intentional acts as was provided that species when it was listed as a state endangered or threatened species.

**Enacted Law Summary**

Public Law 2009, chapter 60 removes the bald eagle from the list of threatened species in the State and provides a species that was listed as a state endangered or threatened species but was removed from that list after 2007 continues to receive the same protections against certain intentional acts as was given that species when it was listed as a state endangered or threatened species.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 70      An Act To Amend the Length Limits on Fish Caught on the Inland Waters**

**ONTP**

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

LD 70 requires that length limits established for fish taken from any inland body of water of the State are the same during the open-water fishing season and when waters have been opened for ice fishing by the Commissioner of Inland Fisheries and Wildlife for that body of water.

**LD 85      An Act To Simplify and Consolidate Maine's Fishing Laws and Rules**

**PUBLIC 214**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY	OTP-AM	S-128

LD 85 makes changes to the laws governing the season framework for open water and ice fishing to facilitate the Department of Inland Fisheries and Wildlife's simplifying and consolidating of open water and ice fishing seasons.

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

This amendment replaces the bill and amends the fishing laws to:

1. Exempt the rules adopted for open-water fishing and ice fishing from the 150-day limit for review by the Attorney General;
2. Repeal the prohibition on ice fishing at night;
3. Add drop nets to the list of fishing implements that are illegal to possess on or adjacent to inland waters except as otherwise provided in law;
4. Give the Commissioner of Inland Fisheries and Wildlife the ability to set, by rule, the open season for fishing in certain waters;
5. Exempt smelt wholesale dealers from using certain fishing implements to harvest smelts that are otherwise illegal;
6. Repeal the requirement that rules adopted by the commissioner that set forth the special fishing regulations for inland waters must include a list of waters where a person under 12 years of age may fish with a single-baited hook and line;
7. Authorize the Department of Inland Fisheries and Wildlife to stock Big Reed Pond in Piscataquis County with native fish species;
8. Remove language concerning the continued closed season on the dipping of smelts from Morrill Pond and its tributaries in Somerset County;

## *Joint Standing Committee on Inland Fisheries and Wildlife*

9. Remove the requirement that whenever the last day of open-water fishing season falls on a Saturday, the season is extended one day to include the following Sunday;
10. Remove the provision that allows the commissioner by rule to extend the open-water fishing season as long as such an extension does not pose a threat to the fishery because this authority is no longer needed;
11. Provide that a person must keep fishing lines during the open-water fishing season under the immediate supervision of that person;
12. Provide that a person may not leave an ice shack on the ice of any inland waters past April 1st of each year; and
13. Remove the prohibition against placing an ice shack on the ice of inland water more than 3 days before the start of ice fishing season.

### **Enacted Law Summary**

Public Law 2009, chapter 214 amends the fishing laws to:

1. Exempt the rules adopted for open-water fishing and ice fishing from the 150-day limit for review by the Attorney General;
2. Repeal the prohibition on ice fishing at night;
3. Add drop nets to the list of fishing implements that are illegal to possess on or adjacent to inland waters except as otherwise provided in law;
4. Give the Commissioner of Inland Fisheries and Wildlife the ability to set, by rule, the open season for fishing in certain waters;
5. Exempt smelt wholesale dealers from using certain fishing implements to harvest smelts that are otherwise illegal;
6. Repeal the requirement that rules adopted by the commissioner that set forth the special fishing regulations for inland waters must include a list of waters where a person under 12 years of age may fish with a single-baited hook and line;
7. Authorize the Department of Inland Fisheries and Wildlife to stock Big Reed Pond in Piscataquis County with native fish species;
8. Remove language concerning the continued closed season on the dipping of smelts from Morrill Pond and its tributaries in Somerset County;
9. Remove the requirement that whenever the last day of open-water fishing season falls on a Saturday, the season is extended one day to include the following Sunday;
10. Remove the provision that allows the commissioner by rule to extend the open-water fishing season as long as such an extension does not pose a threat to the fishery because this authority is no longer needed;
11. Provide that a person must keep fishing lines during the open-water fishing season under the immediate supervision of that person;
12. Provide that a person may not leave an ice shack on the ice of any inland waters past April 1st of each year; and

## *Joint Standing Committee on Inland Fisheries and Wildlife*

13. Remove the prohibition against placing an ice shack on the ice of inland water more than 3 days before the start of ice fishing season.

**LD 88      An Act To Permit Personal Watercraft on Lake St. George in Liberty**

**ACCEPTED ONTP  
REPORT**

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

LD 88 allows personal watercraft to be operated on Lake St. George in Liberty.

**Committee Amendment "A" (S-45)**

This amendment is a minority report. It changes the fine structure for certain violations of watercraft operation laws from fines of not less than \$100 or more than \$500 to a minimum fine of \$500.

**LD 124      An Act To Remove Game Sanctuary Status for Certain Lands in the  
Town of Orrington**

**PUBLIC 4**

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

LD 124 removes game sanctuary status for certain lands in the Town of Orrington.

**Enacted Law Summary**

Public Law 2009, chapter 4 removes game sanctuary status for certain lands in the Town of Orrington. Public Law 2009, chapter 269 enacted later in this session restores the game sanctuary status for this property.

**LD 132      An Act To Clarify Hunting and Trapping Laws for Youth**

**PUBLIC 69**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM	S-46

LD 132 amends the hunting and trapping laws to:

1. Provide penalties for adult supervisors, parents and guardians of minors who violate the laws governing fishing, hunting and trapping;
2. Conform the age requirement for licensure of nonresident anglers to that of resident anglers in accordance with an effort by the Department of Inland Fisheries and Wildlife to make fishing laws more consistent; and

## *Joint Standing Committee on Inland Fisheries and Wildlife*

3. Prohibit a person under 10 years of age from trapping bear. This is a safety concern of the Department of Inland Fisheries and Wildlife.

**Committee Amendment "A" (S-46)**

This amendment removes provisions of LD 132 relating to the licensure of youth anglers.

**Enacted Law Summary**

Public Law 2009, chapter 69 provides penalties for adult supervisors, parents and guardians of minors who violate the laws governing fishing, hunting and trapping and prohibits a person under 10 year of age from trapping bear.

**LD 137      Resolve, To Authorize a Trail To Be Built Connecting the Cascade Falls Trail with the Eastern Trail      ONTP**

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

LD 137 authorizes the Department of Inland Fisheries and Wildlife to enter into an agreement to allow a trail to be built across state-owned land in Saco.

**LD 138      An Act Regarding the Placement of Bait To Attract Wild Animals or Birds for Hunting      PUBLIC 70**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SARTY COURTNEY	OTP-AM	H-60

LD 138 requires the labeling of bait sites, owner permission to place baits and cleanup of bait areas within a specific period of time.

**Committee Amendment "A" (H-60)**

This amendment replaces the bill and amends the laws governing baiting to:

1. Require a person placing bait to plainly label the bait site with a 2-inch-by-4-inch tag identifying the name and address of the person establishing the bait site;
2. Provide that a person may not hunt at a bait site established by another person unless that person has permission from the person that established the bait site; and
3. Require the person that established the bait site to remove the bait and the bait label and clean up the bait site after the landowner requests the removal of that bait or within 20 days from the last day the person that established the bait site hunted over that bait.

The baiting requirements in this amendment do not apply to bear baiting or bait placed on the ice of inland waters.

**Enacted Law Summary**

## *Joint Standing Committee on Inland Fisheries and Wildlife*

Public Law 2009, chapter 70 amends the laws governing baiting to:

1. Require a person placing bait to plainly label the bait site with a 2-inch-by-4-inch tag identifying the name and address of the person establishing the bait site;
2. Provide that a person may not hunt at a bait site established by another person unless that person has permission from the person that established the bait site; and
3. Require the person that established the bait site to remove the bait and the bait label and clean up the bait site after the landowner requests the removal of that bait or within 20 days from the last day the person that established the bait site hunted over that bait.

These requirements do not apply to bear baiting or bait placed on the ice of inland waters.

**LD 139      An Act To Require a Guide License for Certain Outdoor Activities**

**ONTP**

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

LD 139 amends the definition of "guide" to include "recreational activities" as one of the enumerated activities within that definition for which a guide license may be required.

**LD 164      An Act To Save Lives on Maine Waters**

**ONTP**

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

LD 164 makes it mandatory, with certain exceptions, that everyone in a watercraft wear a personal flotation device.

**LD 168      An Act To Provide Complimentary Hunting and Fishing Licenses to Resident Disabled Veterans Who Served in Support Units Outside of Combat Zones**

**ACCEPTED ONTP  
REPORT**

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

LD 168 provides complimentary hunting and fishing licenses to resident disabled veterans who have served outside of a combat zone in support units for units in a combat zone.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 171      **An Act To Extend the Season for Training Hunting Dogs**

**PUBLIC 76  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-22

LD 171 bill is a concept draft pursuant to Joint Rule 208 and proposes to extend the season for training hunting dogs.

**Committee Amendment "A" (S-22)**

This amendment replaces the bill and does the following for a one year period.

1. It requires a person to possess a valid hunting license when training hunting dogs.
2. It extends the training season for dogs on bears by one month.
3. It changes the current limit on the number of dogs that can be trained on bear at one time from 4 dogs to 6 dogs.

The provisions of this amendment apply from July 1, 2009 to June 30, 2010.

**Enacted Law Summary**

Public Law 2009, chapter 76 does the following between July 1, 2009 and June 30, 2010.

1. It requires a person to possess a valid hunting license when training hunting dogs.
2. It extends the training season for dogs on bears by one month.
3. It changes the current limit on the number of dogs that can be trained on bear by a resident at one time from 4 dogs to 6 dogs.

Public Law 2009, chapter 76 was enacted as an emergency measure effective July 1, 2009.

LD 172      **Resolve, Requiring the Department of Inland Fisheries and Wildlife To  
Market Youth Fishing Day**

**ONTP**

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

LD 172 is a concept draft pursuant to Joint Rule 208. It proposed to direct the Department of Inland Fisheries and Wildlife to coordinate with the Department of Economic and Community Development, sportsmen's organizations, nonprofit organizations and other interested parties to promote the last Saturday in May as a statewide youth fishing event.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 179      An Act To Clarify Expenditures and the Use of Department-generated Revenues within the Department of Inland Fisheries and Wildlife**

**PUBLIC 146**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM	S-96

LD 179 provides that money received by the Department of Inland Fisheries and Wildlife from the sale, lease or rental of department-owned property or products must be deposited into the program account that originally expended funds for that property. It also establishes the Warden Service Aircraft Fund to fund the purchase and maintenance of aviation equipment.

**Committee Amendment "A" (S-96)**

This amendment clarifies that the Warden Service Aircraft Fund can be used for operational expenses.

**Enacted Law Summary**

Public Law 2009, chapter 146 provides that money received by the Department of Inland Fisheries and Wildlife from the sale, lease or rental of department-owned property or products must be deposited into the program account that originally expended funds for that property. It also establishes the Warden Service Aircraft Fund to fund the purchase and maintenance of aviation equipment.

**LD 225      Resolve, To Provide for the Long-term Funding of Programs of the Department of Inland Fisheries and Wildlife**

**RESOLVE 107**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-201

LD 225 is a concept draft pursuant to Joint Rule 208. It proposes to amend the Constitution of Maine, Article 9, Section 22 to provide for the segregation and protection of funding for those programs administered by the Department of Inland Fisheries and Wildlife that are not related to hunting, fishing or trapping.

**Committee Amendment "A" (S-201)**

This amendment replaces the resolution and directs the Department of Inland Fisheries and Wildlife to consult with hunting and fishing groups, environmental and conservation groups and other interested parties to identify long-term funding sources for the department other than the revenues currently realized by the department and to develop language and a strategy for amending the Constitution of Maine to protect funding for those programs administered by the department that are not related to hunting, fishing or trapping. It also requires the Department of Inland Fisheries and Wildlife to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010 and authorizes that committee to submit legislation to the Second Regular Session of the 124th Legislature regarding matters contained in the report.

**Enacted Law Summary**

Resolve 2009, chapter 107 directs the Department of Inland Fisheries and Wildlife to consult with hunting and fishing groups, environmental and conservation groups and other interested parties to identify long-term funding sources for the department other than the revenues currently realized by the department and to develop language and

## *Joint Standing Committee on Inland Fisheries and Wildlife*

a strategy for amending the Constitution of Maine to protect funding for those programs administered by the department that are not related to hunting, fishing or trapping. It also requires the Department of Inland Fisheries and Wildlife to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010 and authorizes that committee to submit legislation to the Second Regular Session of the 124th Legislature regarding matters contained in the report.

**LD 241 An Act To Create an Additional Hunting Season for Bear**

**ACCEPTED ONTP  
REPORT**

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

LD 241 is a concept draft pursuant to Joint Rule 208. This bill proposes to establish an additional open hunting season for bear to be held in the spring.

### **Committee Amendment "A" (S-48)**

This amendment is the minority report of the committee and turns the bill into a resolve directing the Commissioner of Inland Fisheries and Wildlife to create a spring bear hunting season by rule.

**LD 244 Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife**

**RESOLVE 38**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-65

LD 244 directs the Commissioner of Inland Fisheries and Wildlife to identify programs and functions within the Department of Inland Fisheries and Wildlife that are not directly related to an activity that requires a license, permit or registration issued by the department and to develop a plan to create a new division within the department to house those programs and functions. It also provides that the commissioner shall develop draft legislation to implement the plan and to specify that funding for the new division must come from General Fund revenues not subject to the Constitution of Maine, Article IX, Section 22. The plan and draft legislation must be submitted to the Joint Standing Committee on Inland Fisheries and Wildlife no later than 20 days from the effective date of this resolve.

### **Committee Amendment "A" (S-65)**

This amendment replaces the resolve and requires the Commissioner of Inland Fisheries and Wildlife to develop a methodology to articulate how Department of Inland Fisheries and Wildlife activities have benefited the general public and to determine what the general public expects from the department. The methodology must also allow the department to readily determine any new financial requirements or mandates on the department that require expenditures by the department that are not funded by the General Fund other than money subject to the Constitution of Maine, Article IX, Section 22 or by other special revenues or federal funds. It also requires the Commissioner of Inland Fisheries and Wildlife to report the methodology to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010.

### **Enacted Law Summary**

## *Joint Standing Committee on Inland Fisheries and Wildlife*

Resolve 2009, chapter 38 requires the Commissioner of Inland Fisheries and Wildlife to develop a methodology to articulate how Department of Inland Fisheries and Wildlife activities have benefited the general public and to determine what the general public expects from the department. The methodology must also allow the department to readily determine any new financial requirements or mandates on the department that require expenditures by the department that are not funded by the General Fund other than money subject to the Constitution of Maine, Article IX, Section 22 or by other special revenues or federal funds. It also requires the Commissioner of Inland Fisheries and Wildlife to report the methodology to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010.

**LD 253      An Act To Amend the Laws Governing Alien Big Game and Turkey  
Hunters and Nonresident Hunters**

**PUBLIC 390**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD SHERMAN	OTP-AM A OTP-AM B ONTP C	H-396

LD 253 repeals the requirement that an alien big game hunter be accompanied by a guide licensed by the State.

**Committee Amendment "B" (H-397)**

This amendment is the minority report of the committee and replaces the bill. It repeals the current prohibition on aliens hunting big game in the State without a guide and provides that an alien residing in New Brunswick or Quebec may not hunt big game or wild turkey in Maine without being accompanied by a licensed guide. Current law provides that a nonresident may not hunt bear with the use of dogs unless that person employs and hunts with a resident Maine guide and it limits the number of nonresident clients a guide can hunt with under that provision to 3 hunters. This amendment increases that number to 5.

**Committee Amendment "A" (H-396)**

This amendment replaces the bill. It repeals the current prohibition on aliens hunting big game in the State without a guide and provides that an alien residing in New Brunswick or Quebec may not hunt big game or wild turkey in Maine without being accompanied by a licensed guide unless that alien has written authorization from the Commissioner of Inland Fisheries and Wildlife to hunt big game or wild turkey without a guide. The commissioner may not grant such authority unless the alien owns or leases real property in the State, is current on the property taxes for that land and keeps that owned or leased property open for hunting by the public. If an alien meets those criteria, the commissioner must provide written permission to hunt big game or wild turkey in Maine without a guide to that alien and the alien's immediate family members who also hold a Maine hunting license.

Current law provides that a nonresident may not hunt bear with the use of dogs unless that person employs and hunts with a resident Maine guide and it limits the number of nonresident clients a guide can hunt with to 3 hunters. This amendment increases that number to 5.

**Enacted Law Summary**

Public Law 2009, chapter 390 repeals the current prohibition on aliens hunting big game in the State without a guide and provides that an alien residing in New Brunswick or Quebec may not hunt big game or wild turkey in Maine without being accompanied by a licensed guide unless that alien has written authorization from the Commissioner of Inland Fisheries and Wildlife to hunt big game or wild turkey without a guide. It provides that the commissioner may not grant such authority unless the alien owns or leases real property in the State, is current on the property taxes for that land and keeps that owned or leased property open for hunting by the public. If an alien meets those criteria the commissioner must provide written permission to hunt big game or wild turkey in Maine without a guide to that alien and the alien's immediate family members who also hold a Maine hunting license. Current law provides

## *Joint Standing Committee on Inland Fisheries and Wildlife*

that a nonresident may not hunt bear with the use of dogs unless that person employs and hunts with a resident Maine guide and it limits the number of nonresident clients a guide can hunt with to 3 hunters. Public Law 2009, chapter 390 increases that number to 5.

**LD 256      Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife  
To Explore Opportunities and Issues Surrounding Wild Turkey  
Hunting**

**RESOLVE 48**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON COURTNEY	OTP-AM	H-170

LD 256 directs the Department of Inland Fisheries and Wildlife to implement measures to increase the number of turkeys that may be taken by hunters and to establish rules to relieve the economic losses of farms and other businesses affected by the overpopulation of wild turkeys.

**Committee Amendment "A" (H-170)**

This amendment replaces the resolve and directs the Commissioner of Inland Fisheries and Wildlife to work with interested parties to explore the opportunities and issues surrounding the wild turkey hunt and the problem of nuisance turkeys in farming areas and to report the findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010.

**Enacted Law Summary**

Resolve 2009, chapter 48 directs the Commissioner of Inland Fisheries and Wildlife to work with interested parties to explore the opportunities and issues surrounding the wild turkey hunt and the problem of nuisance turkeys in farming areas and to report the findings and any recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010.

**LD 286      An Act To Encourage Young Hunters by Providing Them with  
Complimentary Licenses and Permits**

**ONTP**

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

LD 286 provides a complimentary license to hunt to a resident 10 years of age or older and under 16 years of age.

**LD 287      An Act To Survey Anglers Annually**

**ONTP**

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

## Joint Standing Committee on Inland Fisheries and Wildlife

LD 287 requires the Commissioner of Inland Fisheries and Wildlife to contract with a professional polling firm for an annual survey measuring the interests and opinions of anglers who fish in this State, both residents and nonresidents, including, but not limited to, their level of satisfaction with their fishing experiences.

### LD 288 An Act To Expand Super Pack License Opportunities

PUBLIC 132

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY JACKSON	OTP-AM	H-102

LD 288 provides that a super pack licensee is eligible for moose lottery bonus points and, unlike other license holders, accumulated bonus points are not eliminated if that person fails to purchase a new lottery chance the following year. It also expands the number and type of deer a super pack license holder is eligible to harvest.

#### Committee Amendment "A" (H-102)

This amendment removes the sections of the bill dealing with the moose lottery and the number of deer that can be taken under a super pack license. It retains the provision that reduces the number of antlerless deer permits that must be available in a wildlife management district from 5,000 permits to 3,500 permits before a super pack license holder is eligible to obtain an antlerless deer permit.

#### Enacted Law Summary

Public Law 2009, chapter 132 reduces the number of antlerless deer permits that must be available in a wildlife management district from 5,000 permits to 3,500 permits before a super pack license holder is eligible to obtain an antlerless deer permit.

### LD 289 An Act To Require Boating Safety Education

LEAVE TO  
WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PERRY J	LTW	

LD 289 requires boating safety education for all motorboat users in the State. It requires full compliance for all users by 2017, but creates a phase-in for implementation by age group.

### LD 303 An Act To Amend the Laws Governing Deer Hunting and To Extend the Coyote Hunting Season

PUBLIC 134

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-88

## Joint Standing Committee on Inland Fisheries and Wildlife

LD 303 allows the Commissioner of Inland Fisheries and Wildlife to set December 20th as the ending date for the open season for deer. Current law allows the commissioner to set December 15th as the ending date. LD 303 authorizes nonresidents who own 25 or more acres of land in this State and keep that land open to hunting to hunt deer on the Saturday preceding the first day of open season on deer, which is currently reserved for hunting by residents only. The bill expands the open season for hunting coyotes at night from December 20th to August 15th. Current law provides a season that runs from January 1st to June 1st.

### Committee Amendment "A" (S-88)

This amendment removes provisions from the bill that would allow certain nonresidents to hunt deer on the day reserved for resident hunters and that would extend the night hunting season for coyotes.

### Enacted Law Summary

Public Law 2009, chapter 134 authorizes the Commissioner of Inland Fisheries and Wildlife to set December 20th as the ending date for the open hunting season for deer. Current law allows the commissioner to set December 15th as the ending date.

## LD 308      **An Act To Clarify Standards by Which All-terrain Vehicles May Be Stopped**

**PUBLIC 389**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L BRYANT B	OTP-AM MAJ OTP-AM MIN	H-354

LD 308 requires a game warden to have a reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place before stopping an all-terrain vehicle.

### Committee Amendment "A" (H-354)

This amendment clarifies that the reasonable and articulable suspicion standard for all-terrain vehicle stops applies to all law enforcement officers and not just game wardens.

### Committee Amendment "B" (H-355)

This amendment, which is the minority report of the committee, adds an emergency preamble and emergency clause and clarifies that the reasonable and articulable suspicion standard for all-terrain vehicle stops applies to all law enforcement officers and not just game wardens. It repeals that standard on February 1, 2010. It also directs the Commissioner of Inland Fisheries and Wildlife to report on how the new standard affected the department's ability to enforce all-terrain vehicle laws and to interact with all-terrain vehicle operators in the field to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010 and gives that committee the authority to submit legislation to the Second Regular Session of the 124th Legislature regarding that report.

### Enacted Law Summary

Public Law 2009, chapter 389 requires a law enforcement officer to have a reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place before stopping an all-terrain vehicle.

***Joint Standing Committee on Inland Fisheries and Wildlife***

**LD 340      An Act To Provide Greater Access to ATVs by Lowering the Minimum Operating Age**

**DIED BETWEEN HOUSES**

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

LD 340 lowers the minimum age that a person may operate an ATV unaccompanied by an adult from 16 years of age to 14 years of age.

**LD 344      An Act To Allow Smelting on Mud Brook on Long Lake in Aroostook County**

**PUBLIC 218**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-129

Current law allows smelting on Mud Brook on Long Lake in Aroostook County until July 1, 2012. LD 344 allows smelting on Mud Brook beyond July 1, 2012. The bill also directs the Department of Inland Fisheries and Wildlife to study the feasibility of allowing smelting on Ouellette Brook and Paulette Brook on Long Lake in Aroostook County.

**Committee Amendment "A" (S-129)**

This amendment changes the title and removes the requirement that the Department of Inland Fisheries and Wildlife study the feasibility of allowing smelting on Ouellette Brook and Paulette Brook on Long Lake in Aroostook County.

**Enacted Law Summary**

**Public Law 2009, chapter 218 amends the law to allow smelting on Mud Brook beyond July 1, 2012.**

**LD 398      Resolve, To Develop a Management Plan for the Nonwildlife Components of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County**

**RESOLVE 35**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-66

LD 398 provides for the transfer of control and management responsibilities for state-owned land on Swan Island and Little Swan Island in Perkins Township, Sagadahoc County from the Department of Inland Fisheries and Wildlife to the Department of Conservation, Bureau of Parks and Lands.

**Committee Amendment "A" (S-66)**

## *Joint Standing Committee on Inland Fisheries and Wildlife*

This amendment replaces the bill with a resolve and directs the Department of Inland Fisheries and Wildlife and the Department of Conservation to establish a stakeholder group to evaluate the options available for the management of the nonwildlife components of Swan Island and Little Swan Island. It directs the departments to develop and enter into a memorandum of agreement for the management of the nonwildlife components of the islands based on the recommendations and findings of the stakeholder group. This amendment provides that by February 1, 2010 the departments shall report findings and recommendations of the stakeholder group and provide the departments' memorandum of agreement to the Joint Standing Committee on Inland Fisheries and Wildlife. It authorizes the Joint Standing Committee on Inland Fisheries and Wildlife to submit legislation to the Second Regular Session of the 124th Legislature based on that report.

### **Enacted Law Summary**

Resolve 2009, chapter 35 directs the Department of Inland Fisheries and Wildlife and the Department of Conservation to establish a stakeholder group to evaluate the options available for the management of the nonwildlife components of Swan Island and Little Swan Island. It directs the departments to develop and enter into a memorandum of agreement for the management of the nonwildlife components of the islands based on the recommendations and findings of the stakeholder group. Resolve 2009, chapter 35 provides that by February 1, 2010 the departments shall report findings and recommendations of the stakeholder group and provide the departments' memorandum of agreement to the Joint Standing Committee on Inland Fisheries and Wildlife and authorizes that committee to submit legislation to the Second Regular Session of the 124th Legislature based on that report.

**LD 402      An Act To Maintain and Improve ATV Trail Access**

**ONTP**

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

LD 402 is a concept draft pursuant to Joint Rule 208. It proposes to amend the current law to improve all-terrain vehicle trail access through landowner relations education for landowners and users and may include a small increase of registration fees to support this educational program.

**LD 414      An Act To Improve the Safety of Snowmobile Trails**

**ONTP**

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

LD 414 provides that a person or entity that receives money from the Snowmobile Trail Fund shall ensure that all trail markings and signs on the snowmobile trails maintained by that person or entity comply with guidelines regarding snowmobile trail signs published by the Department of Conservation and that a rope, cord, line, chain or similar material does not cross a snowmobile trail and is not used in any way to create a potential hazard on a snowmobile trail. A person or entity that violates these provisions is subject to a fine of not less than \$100 and not more than \$500 and, if the violation causes death or serious bodily injury, ineligibility to receive funding from the Snowmobile Trail Fund for 3 years.

*Joint Standing Committee on Inland Fisheries and Wildlife*

LD 415 An Act to Regulate Swim Areas on Inland Waters

PUBLIC 312

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON GOOLEY	OTP-AM	H-304

LD 415 prohibits the use of swim line-floats or regulatory markers for the purpose of protecting swimmers by a person other than a governmental entity or commercial campground that has obtained an organized swim area permit issued by the director. It defines "organized swim area" and "water safety zone." LD 415 makes a violation of any rule or notice posted at a public boat launch facility or otherwise published by the Department of Conservation, Bureau of Parks and Lands and the marking of waters contrary to rules of the Director of the Bureau of Parks and Lands civil violations. LD 415 makes mooring of a watercraft beyond the water safety zone to a buoy, beacon or permanent structure placed by the State; intentionally destroying, defacing, damaging, moving or sinking a buoy, beacon or marking device floating on the waters of the State or permanently fixed to land or structures adjacent to water; and mutilating or destroying a notice at a public facility Class E crimes.

**Committee Amendment "A" (H-304)**

This amendment replaces the bill and does the following.

1. It provides that a person may not place or maintain a swim line or developed swim area without a permit issued by the Director of the Bureau of Parks and Lands within the Department of Conservation.
2. It provides that the director may issue a permit for a developed swim area only to a qualified entity and defines "qualified entity" to mean a camping area, recreational camp or governmental entity or governmentally sponsored group.
3. It requires the director to establish by rule a fee for the permits, except that a developed swim area established and operated by the State or a governmental entity or a recreational camp may not be charged a fee and its permit does not expire as long as no alterations to the developed swim area are made after the permit is issued.
4. It expressly states that the provisions of the amendment may not be construed to affect private property rights or the State's ownership rights over inland waters.
5. It provides that a municipally appointed inland harbor master, code enforcement officer or law enforcement officer has the primary responsibility for enforcement of developed swim areas and makes a violation a civil violation for each day a violation occurs. After 3 or more violations within a 5-year period, subsequent violations are Class E crimes.

**Enacted Law Summary**

Public Law 2009, chapter 312 does the following.

1. It provides that a person may not place or maintain a swim line or developed swim area without a permit issued by the Director of the Bureau of Parks and Lands within the Department of Conservation.
2. It provides that the director may issue a permit for a developed swim area only to a qualified entity and defines "qualified entity" to mean a camping area, recreational camp or governmental entity or governmentally sponsored group.

## *Joint Standing Committee on Inland Fisheries and Wildlife*

3. It requires the director to establish by rule a fee for the permits, except that a developed swim area established and operated by the State or a governmental entity or a recreational camp may not be charged a fee and its permit does not expire as long as no alterations to the developed swim area are made after the permit is issued.
4. It expressly states that the provisions of this law may not be construed to affect private property rights or the State's ownership rights over inland waters.
5. It provides that a municipally appointed inland harbor master, code enforcement officer or law enforcement officer has the primary responsibility for enforcement of developed swim areas and makes a violation a civil violation for each day a violation occurs. After 3 or more violations within a 5-year period, subsequent violations are Class E crimes.

**LD 457      An Act Regarding Nuisance Beaver**

**ONTP**

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

Under current law, a municipality that wishes to remove a nuisance beaver must hire an animal control agent licensed by the Department of Inland Fisheries and Wildlife to trap the nuisance beaver. LD 457 requires the Commissioner of Inland Fisheries and Wildlife to authorize a municipality to remove nuisance beaver by hunting if the municipality demonstrates that beaver-related activities have repeatedly jeopardized the integrity of a public road.

**LD 482      An Act To Limit the Use of Seaplanes on West Harbor Pond**

**ONTP**

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

LD 482 prohibits the use of seaplanes on West Harbor Pond in Boothbay Harbor except for a person who owns property on the pond.

**LD 505      Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Rules Pertaining to Youth Spring Wild Turkey Hunting Day**

**ONTP**

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

LD 505 requires the Department of Inland Fisheries and Wildlife to amend its rules pertaining to the youth spring wild turkey hunting day so that a youth may hunt on that day without a license or a wild turkey permit.

***Joint Standing Committee on Inland Fisheries and Wildlife***

**LD 510      An Act To Require Reimbursement for Search and Rescue Operations**

**ONTP**

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

LD 510 establishes the Maine Rescue Card program, which insures the holder against costs that may be incurred by the State for search and rescue operations carried out on behalf of the holder. The fee for the card is \$20 annually. This bill also requires the Commissioner of Inland Fisheries and Wildlife to recover the costs directly related to a specific search and rescue operation from the person for whom the search and rescue operation was conducted unless that person either holds a Maine Rescue Card or a valid license or registration for outdoor recreational activities issued by the Department of Inland Fisheries and Wildlife.

**LD 525      An Act To Amend the Law Regarding Littering on Public Lands**

**PUBLIC 424**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM MAJ ONTP MIN	H-62 S-206

LD 525 expands the authority of a court to order the surrender of any permit or license issued by the Department of Inland Fisheries and Wildlife held by a person who violates the litter laws, regardless of whether the littering occurred on lands managed by the department.

**Committee Amendment "A" (H-62)**

This amendment includes registrations issued by the Department of Inland Fisheries and Wildlife to the list of licenses and permits the court may suspend for littering violations.

**Committee of Conference Amendment "A" (S-206)**

This is the Committee of Conference report and it does the following.

1. It incorporates the provisions of Senate Amendment "A" regarding the removal of the court's authority to order the surrender of a hunting or fishing license.
2. It adds language directing the Joint Standing Committee on Criminal Justice and Public Safety to review the State's litter control laws regarding the dumping of waste material or unwanted objects on public and private property without the permission of the landowner.
3. It directs that committee to determine changes needed to the State's litter control laws, in particular the penalty structure, to enhance the effectiveness of those laws in preventing the dumping of waste material or other unwanted objects on public and private property without the permission of the landowner, and to increase the successful prosecution of those responsible for such dumping.
4. It authorizes the Joint Standing Committee on Criminal Justice and Public Safety to submit legislation to the

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Second Regular Session of the 124th Legislature regarding this matter.

### Enacted Law Summary

Public Law 2009, chapter 424 does the following.

1. It incorporates the provisions of Senate Amendment "A" regarding the removal of the court's authority to order the surrender of a hunting or fishing license.
2. It adds language directing the Joint Standing Committee on Criminal Justice and Public Safety to review the State's litter control laws regarding the dumping of waste material or unwanted objects on public and private property without the permission of the landowner.
3. It directs that committee to determine changes needed to the State's litter control laws, in particular the penalty structure, to enhance the effectiveness of those laws in preventing the dumping of waste material or other unwanted objects on public and private property without the permission of the landowner, and to increase the successful prosecution of those responsible for such dumping.
4. It authorizes the Joint Standing Committee on Criminal Justice and Public Safety to submit legislation to the Second Regular Session of the 124th Legislature regarding this matter.

**LD 577      An Act To Create a Speed Limit on Long Lake and Brandy Pond in Cumberland County**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES HASTINGS	ONTP MAJ OTP MIN	

LD 577 establishes speed limits for the operation of watercraft on Long Lake and Brandy Pond in Cumberland County and provides that fine revenues from speeding violations must be used for enforcement operations by the Department of Inland Fisheries and Wildlife, Bureau of Warden Service. The speed limits are repealed December 31, 2012. It also requires the Commissioner of Inland Fisheries and Wildlife to report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the effectiveness and feasibility of the speed limits by no later than February 15, 2012.

**LD 603      An Act To Create Recreational Access to the Unorganized Territories**

**ONTP**

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

LD 603 is a concept draft pursuant to Joint Rule 208 and proposes to require the Department of Inland Fisheries and Wildlife to develop a plan to allow all-terrain vehicles access to the unorganized territories.

***Joint Standing Committee on Inland Fisheries and Wildlife***

**LD 626      An Act To Increase Participation in Funding the Activities of the  
Department of Inland Fisheries and Wildlife**

**ONTP**

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

LD 626 prohibits a person 16 years of age or older from operating a nonmotorized watercraft on inland waters without possessing a hunting, fishing or trapping license or a Wildlife Enthusiast's Conservation Appreciation, Recreation and Enjoyment or WE CARE license. It repeals the current voluntary WE CARE support program. LD 626 sets the fee for the WE CARE license at \$19 annually, and directs that revenues generated from the sale of the license must be deposited in the Maine Endangered and Nongame Wildlife Fund.

**LD 627      An Act To Allow a Senior Hunter To Take an Antlerless Deer in Any  
Zone Designated by the Department of Inland Fisheries and Wildlife**

**ACCEPTED ONTP  
REPORT**

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

LD 627 allows a resident of the State who is 70 years of age or older to lawfully take an antlerless deer during the open season on deer.

**LD 638      An Act To Exempt Snowmobiles and All-terrain Vehicles Operated at  
Demonstration Events from the Requirement of a Maine Registration**

**PUBLIC 184**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT JACKSON	OTP-AM	H-234

LD 638 allows a snowmobile owned or under the control of a snowmobile manufacturer to be operated without a Maine registration at a demonstration event organized to occur in this State if such operation is approved by the Commissioner of Inland Fisheries and Wildlife.

**Committee Amendment "A" (H-234)**

This amendment provides the same exemption from the registration requirement for all-terrain vehicles operated at a demonstration event as is provided for snowmobiles in the bill.

**Enacted Law Summary**

Public Law 2009, chapter 184 allows a snowmobile or all-terrain vehicle owned or under the control of a snowmobile or all-terrain vehicle manufacturer to be operated without a Maine registration at a demonstration event organized to occur in this State if such operation is approved by the Commissioner of Inland Fisheries and Wildlife.

***Joint Standing Committee on Inland Fisheries and Wildlife***

**LD 655      Resolve, Directing the Department of Inland Fisheries and Wildlife To  
Conduct a Study To Enhance Maine's Recreational Fishing Economy**

**RESOLVE 50**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY SHERMAN	OTP-AM	H-148

LD 655 directs the Commissioner of Inland Fisheries and Wildlife to conduct a study of fishery management and marketing plans and programs in states that are major destinations for the nation's anglers and make recommendations that would expand Maine's recreational fishing economy.

**Committee Amendment "A" (H-148)**

This amendment authorizes the Joint Standing Committee on Inland Fisheries and Wildlife to report out legislation based on the report required by LD 655.

**Enacted Law Summary**

Resolve 2009, chapter 50 directs the Commissioner of Inland Fisheries and Wildlife to conduct a study of fishery management and marketing plans and programs in states that are major destinations for the nation's anglers and develop recommendations that would expand Maine's recreational fishing economy. It directs the commissioner to report to the Joint Standing Committee on Inland Fisheries and Wildlife with the findings and recommendations from the study by January 15, 2010 and authorizes that committee to report out legislation based on the department's report.

**LD 656      An Act To Allow Members of the Armed Forces Who Are Not Residents  
but Own Property in this State To Obtain Resident Hunting and Fishing  
Licenses or Permits**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H	ONTP MAJ OTP-AM MIN	

LD 656 allows a member of the United States Armed Forces who is not a resident of the State but who owns property in the State to purchase a resident fishing, hunting or combination fishing and hunting license or permit.

**LD 667      An Act Regarding the Purchase of Fish for Stocking Inland Waters**

**ACCEPTED ONTP  
REPORT**

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

LD 667 provides that if the Commissioner of Inland Fisheries and Wildlife decides to stock more fish than can be produced by state-owned fish hatcheries in a given year, the commissioner shall purchase the additional fish from a

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privately owned fish hatchery.

**LD 676      An Act To Lower the Cost of State Government in the Departments  
under the Purview of the Joint Standing Committee on Inland Fisheries  
and Wildlife**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	ONTP MAJ OTP-AM MIN	

LD 676 deappropriates \$63,378 in fiscal year 2009-10 and \$87,584 in fiscal year 2010-11 from the Division of Public Information and Education within the Department of Inland Fisheries and Wildlife by eliminating a Public Service Manager I position.

**LD 699      Resolve, To Direct the Department of Inland Fisheries and Wildlife To  
Conduct an Evaluation of Its Sport Fishing Program**

**RESOLVE 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE TRAHAN	OTP-AM	H-149

LD 699 requires the Commissioner of Inland Fisheries and Wildlife to conduct fisheries management and research initiatives in a manner designed to enhance recreational fishing throughout the State.

**Committee Amendment "A" (H-149)**

This amendment replaces the resolve and directs the Commissioner of Inland Fisheries and Wildlife to evaluate the Department of Inland Fisheries and Wildlife's sport fishing program based on enumerated objectives and to report to the Joint Standing Committee on Inland Fisheries and Wildlife regarding that evaluation by January 31, 2010. It also authorizes the Joint Standing Committee on Inland Fisheries and Wildlife to submit legislation to the Second Regular Session of the 124th Legislature based on that report.

**Enacted Law Summary**

Resolve 2009, chapter 47 directs the Commissioner of Inland Fisheries and Wildlife to evaluate the Department of Inland Fisheries and Wildlife's sport fishing program based on enumerated objectives and to report to the Joint Standing Committee on Inland Fisheries and Wildlife regarding that evaluation by January 31, 2010. It also authorizes the Joint Standing Committee on Inland Fisheries and Wildlife to submit legislation to the Second Regular Session of the 124th Legislature based on that report.

**LD 714      An Act To Empower Anglers in Fish Stocking Decisions**

**PUBLIC 216**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRATT	OTP-AM	H-246

## *Joint Standing Committee on Inland Fisheries and Wildlife*

LD 714 requires the Department of Inland Fisheries and Wildlife to publish notification of any fish stocking and to hold a hearing if the department receives a sufficient number of requests for a hearing.

### **Committee Amendment "A" (H-246)**

This amendment replaces the bill and provides that when the Department of Inland Fisheries and Wildlife, Bureau of Resource Management plans to stock an inland water for the first time or to stock a new fish species or permanently stop stocking a fish species that is currently being stocked, the department shall notify the public through its website and by e-mail and allow for public comment on the stocking plan prior to implementing that plan. This requirement does not apply to private ponds or fishing programs for children.

### **Enacted Law Summary**

Public Law 2009, chapter 216 provides that when the Department of Inland Fisheries and Wildlife, Bureau of Resource Management plans to stock an inland water for the first time or to stock a new fish species or permanently stop stocking a fish species that is currently being stocked, the department shall notify the public through its website and by e-mail and allow for public comment on the stocking plan prior to implementing that plan. This requirement does not apply to private ponds or fishing programs for children.

**LD 719      An Act To Allow Nonresidents under 14 Years of Age To Fish without a License      ONTP**

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

LD 719 allows a nonresident under 14 years of age to fish without a license.

**LD 720      An Act To Permit the Commercial Harvesting of Illegal and Nuisance Fish Species      ONTP**

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

LD 720 directs the Commissioner of Inland Fisheries and Wildlife to create an inland waters commercial fishing license that allows the holder to harvest illegally introduced and nuisance fish species from the inland waters of the State for commercial purposes.

**LD 751      Resolve, To Transfer the Phillips Fish Hatchery to the Sandy River Land Trust      ONTP**

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

## *Joint Standing Committee on Inland Fisheries and Wildlife*

LD 751 directs the Commissioner of Inland Fisheries and Wildlife to transfer the Phillips Fish Hatchery in Phillips to the Sandy River Land Trust.

**LD 800      Resolve, To Establish a Landlocked Salmon Enhancement Pilot Project**

**ONTP**

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

LD 800 directs the Department of Inland Fisheries and Wildlife to develop a landlocked salmon enhancement pilot project designed to allow the harvest of salmon while at the same time protecting and enhancing the wild salmon population, producing trophy fish and determining the maximum attainable age of salmon.

**LD 807      An Act To Improve and Promote Maine's Landlocked Salmon Resources**

**Carried Over**

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

LD 807 provides that:

1. By no later than July 1, 2014 that no fewer than 75 inland waters containing landlocked salmon will be managed to produce salmon that exceed 4 pounds in weight;
2. By October 1, 2009, the Commissioner of Inland Fisheries and Wildlife will initiate a pilot project to stock Echo Lake and Eagle Lake on Mount Desert Island with only fall fingerling hatchery salmon on an alternate-year basis and the rule-making process to restrict salmon fishing to catch and release on one or more waters where salmon is the primary fishery; and
3. By October 1, 2009, the Commissioner of Inland Fisheries and Wildlife will initiate a 5-year experimental program to enhance landlocked salmon brood stock by taking landlocked salmon eggs from salmon brood stock that is 5 years of age or older and develop a new landlocked salmon brood stock source composed of wild salmon.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 811      An Act To Amend Certain Provisions of Fish and Wildlife Laws**

**PUBLIC 340**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM	S-168

LD 811 amends the laws governing inland fisheries and wildlife as follows.

## *Joint Standing Committee on Inland Fisheries and Wildlife*

1. It removes reference to the "Bureau of Administrative Services" from statute as most of the functions are now within the natural resource service center within the Department of Inland Fisheries and Wildlife. The functions that are remaining are licensing, registration and engineering, which are placed within the Division of Licensing, Registration and Engineering.
2. It adds the responsibility for land acquisition to the duties of the Bureau of Resource Management.
3. It clarifies that the newly established apprenticeship hunter license cannot be used by persons selected for moose permits who have never hunted but applied for a permit, and clarifies that persons who have held any type of license, including a junior license, may not purchase the apprenticeship hunter license.
4. It amends the existing law regarding submerged vehicles, snowmobiles and motorboats to enable the State to require the removal of an abandoned barge.
5. It requires a person doing damage to another person's property on a snowmobile to provide upon request the person's registration certificate to the property owner.
6. It makes online registration for ATVs consistent with snowmobiles, allowing a person to operate an ATV with the receipt from registering the ATV online until the person receives the certificate in the mail.
7. It eliminates the need to provide plates for temporary boat and ATV registrations, which is consistent with the law regarding snowmobiles.
8. It increases from \$10 to \$100 the value of items that are exempt from libel proceedings and adds archery equipment to items that are subject to forfeiture if used to commit violations of fish and wildlife laws.
9. It enhances enforcement of noise level limits on snowmobile and all-terrain vehicles that have been modified.
10. It makes the laws regarding placement of blinds, structures and stands consistent, whether temporary or permanent, and for all uses.
11. It increases from \$1 to \$2 the per passenger user fee imposed on outfitters carrying passengers on rapidly flowing rivers.
12. It changes the timeframe for when allocations are required on the West Branch Penobscot River from June 1st to August 31st to July 1st to August 31st.
13. It prohibits the discharging of muzzle-loading firearms or hunting wild birds or wild animals within 100 yards of a building or dwelling.

### **Committee Amendment "A" (S-168)**

This amendment:

1. Provides that the Commissioner of Inland Fisheries and Wildlife may allow authorized anglers who assist in the removal of invasive fish species to sell those fish;
2. Clarifies that the Commissioner of Inland Fisheries and Wildlife may award a cash prize for the winning entry selected in the migratory waterfowl permit design contest;
3. Removes the provisions of the bill regarding the placement of tree stands, blinds or structures on the land or on the ice of inland waters;

## *Joint Standing Committee on Inland Fisheries and Wildlife*

4. Includes the registration of recreational vehicles in the provisions of law regarding a suspended or revoked license or permit;
5. Clarifies that if a person is chosen in the moose hunting lottery, that person may not then purchase an apprentice hunting license to satisfy the licensing requirements to receive the moose permit;
6. Removes the proposed prohibition on hunting within 100 yards of a building;
7. Amends the definition of "building" for purposes of the prohibition against discharging a firearm or crossbow within 100 yards of a building to clarify that it includes a building that is designed to be occupied by people or domesticated animals;
8. Provides that a person may not carry a firearm during the open trapping season for the purpose of dispatching trapped animals if that person is prohibited from possessing a firearm under the Maine Revised Statutes, Title 15, section 393 and has not obtained a valid permit to carry a firearm;
9. Clarifies that the holder of a smelt wholesale dealer's license may use a drop net, a lift net or hook and line to take up to 8 quarts of smelts through man-made openings in the ice while fishing on the ice;
10. Removes the provision of the bill that increases the whitewater rafting user fee by \$1 per person; and
11. Clarifies that the operator of a snowmobile involved in an accident that results in property damage must provide certain information to the property owner if that property owner can be identified.

### **Enacted Law Summary**

#### **Public Law 2009, chapter 340:**

1. Removes reference to the "Bureau of Administrative Services" from statute as most of the functions are now within the natural resource service center within the Department of Inland Fisheries and Wildlife. The functions that are remaining are licensing, registration and engineering, which are placed within the Division of Licensing, Registration and Engineering;
2. Adds the responsibility for land acquisition to the duties of the Bureau of Resource Management;
3. Clarifies that if a person is chosen in the moose hunting lottery, that person may not then purchase an apprentice hunting license to satisfy the licensing requirements to receive the moose permit;
4. Clarifies that persons who have held any type of license, including a junior license, may not purchase the apprenticeship hunter license;
5. Amends the existing law regarding submerged vehicles, snowmobiles and motorboats to enable the State to require the removal of an abandoned barge;
6. Provides that the operator of a snowmobile involved in an accident that results in property damage must provide certain information to the property owner if that property owner can be identified;
7. Makes online registration for ATVs consistent with snowmobiles, allowing a person to operate an ATV with the receipt from registering the ATV online until the person receives the certificate in the mail;
8. Eliminates the need to provide plates for temporary boat and ATV registrations, which is consistent with the law regarding snowmobiles;

## *Joint Standing Committee on Inland Fisheries and Wildlife*

9. Increases from \$10 to \$100 the value of items that are exempt from libel proceedings. It also adds archery equipment to items that are subject to forfeiture if used to commit violations of fish and wildlife laws;
10. Enhances enforcement of noise level limits on snowmobile and all-terrain vehicles that have been modified;
11. Changes the timeframe for when allocations are required on the West Branch Penobscot River from June 1st to August 31st to July 1st to August 31st;
12. Provides that the Commissioner of Inland Fisheries and Wildlife may allow authorized anglers who assist in the removal of invasive fish species to sell those fish;
13. Clarifies that the Commissioner of Inland Fisheries and Wildlife may award a cash prize for the winning entry selected in the migratory waterfowl permit design contest;
14. Includes the registration of recreational vehicles in the provisions of law regarding a suspended or revoked license or permit;
15. Amends the definition of "building" for purposes of the prohibition against discharging a firearm or crossbow within 100 yards of a building to clarify that it includes a building that is designed to be occupied by people or domesticated animals;
16. Provides that a person may not carry a firearm during the open trapping season for the purpose of dispatching trapped animals if that person is prohibited from possessing a firearm under the Maine Revised Statutes, Title 15, section 393 and has not obtained a valid permit to carry a firearm; and
17. Clarifies that the holder of a smelt wholesale dealer's license may use a drop net, a lift net or hook and line to take up to 8 quarts of smelts through man-made openings in the ice while fishing on the ice.

**LD 822      An Act To Expand Turkey Hunting Opportunities**

**ONTP**

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

LD 822 amends the wild turkey hunting laws as follows.

1. It requires the Commissioner of Inland Fisheries and Wildlife to establish and set the bag limit for the fall and spring seasons at 2 wild turkeys per permit holder per season.
2. It requires the Commissioner of Inland Fisheries and Wildlife to issue upon application a complimentary wild turkey hunting permit to a person holding a valid junior hunting license.
3. It exempts a wild turkey harvested by a junior hunter during a youth wild turkey hunting day from bag limits.
4. It eliminates the current \$20 resident and \$47 nonresident wild turkey hunting permit fees and creates a single \$25 wild turkey hunting permit fee for both residents and nonresidents.
5. It sets the wild turkey hunting hours between 1/2 hour before sunrise and 1/2 hour after sunset.
6. It directs the Commissioner of Inland Fisheries and Wildlife to adopt a registration system that allows a hunter to

## Joint Standing Committee on Inland Fisheries and Wildlife

register a harvested wild turkey by telephone or over the Internet.

**LD 823 An Act To Increase Snowmobile Registration Fees**

**PUBLIC 226**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H	OTP-AM MAJ ONTP MIN	H-245

LD 823 amends the snowmobile registration laws to:

1. Establish a snowmobile nontrail registration for anglers, trappers and other snowmobilers who do not use a snowmobile trail that is funded in whole or in part by the Snowmobile Trail Fund;
2. Increase the snowmobile registration fee for a resident from \$35 to \$50;
3. Repeal the 10-day nonresident registration option; and
4. Make it a civil violation for a person to operate a snowmobile on a snowmobile trail that is funded in whole or in part by the Snowmobile Trail Fund if the person does not have a groomed trail system snowmobile registration and sets a fine of \$200 for that violation.

### **Committee Amendment "A" (H-245)**

This amendment replaces the bill and increases the resident snowmobile registration fee by \$5 and dedicates that amount to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

### **Enacted Law Summary**

Public Law 2009, chapter 226 increases the resident snowmobile registration fee by \$5 and dedicates that amount to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

**LD 824 An Act To Allow Authorized Agents to Process Moose Hunting Lottery Applications and Antlerless Deer Permit Applications**

**PUBLIC 186  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD	OTP-AM	H-235

LD 824 establishes a moose permit lottery only for residents who have applied for a permit for at least the 3 prior consecutive years and who have never been issued a moose permit.

### **Committee Amendment "A" (H-235)**

This amendment replaces the bill and allows municipal clerks or other agents appointed by the Commissioner of Inland Fisheries and Wildlife to process moose lottery applications and antlerless deer permit applications and to charge a \$2 agent fee for applications processed by the clerk or agent. It also adds an emergency preamble and an emergency clause.

### **Enacted Law Summary**

*Joint Standing Committee on Inland Fisheries and Wildlife*

Public Law 2009, chapter 186 allows municipal clerks or other agents appointed by the Commissioner of Inland Fisheries and Wildlife to process moose lottery applications and antlerless deer permit applications and to charge a \$2 agent fee for applications processed by the clerk or agent.

Public Law 2009, chapter 186 was enacted as an emergency measure effective May 21, 2009.

**LD 925 An Act To Allow Youth To Fish for Smelt on Worthley Pond**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	ONTP MAJ OTP-AM MIN	

LD 925 allows smelt fishing by a person under 17 years of age on Worthley Pond in the Town of Peru in Oxford County.

**Committee Amendment "A" (S-157)**

This amendment replaces the bill. It provides that a person may not fish for smelt in Worthley Pond within the Town of Peru, Oxford County but does authorize a person who has not attained 17 years of age to fish in that pond with a dip net. It sets a 2-quart daily bag limit and makes violating that limit a Class C crime. The amendment also prohibits smelting in Worthley Pond for commercial purposes, makes smelting in Worthley Pond for commercial purposes a Class D crime and imposes a fine of not less than \$1,000 for violating that prohibition.

**Senate Amendment "A" To Committee Amendment "A" (S-299)**

This amendment changes the maximum age from 17 years to 16 years of a person authorized to fish for smelt on Worthley Pond.

**LD 926 An Act To Allow Smelt Fishing in Metallak Brook, Upper Richardson Lake**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	ONTP MAJ OTP-AM MIN	

LD 926 allows smelting on Metallak Brook, a tributary of Upper Richardson Lake in Oxford County.

**Committee Amendment "A" (S-158)**

This amendment replaces the bill with a resolve allowing smelting on Metallak Brook for the 2010 smelting season only.

**Senate Amendment "A" To Committee Amendment "A" (S-245)**

This amendment allows smelting on Metallak Brook during the 2010 to 2014 smelting seasons and delays the repeal date from January 1, 2011 to January 1, 2015.

***Joint Standing Committee on Inland Fisheries and Wildlife***

**LD 927     An Act To Establish and Enhance Populations of Large Landlocked Salmon in Certain Inland Waters**

**ONTP**

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

LD 927 directs the Department of Inland Fisheries and Wildlife to manage certain inland waters primarily for landlocked salmon and provides bag limits and length restrictions for landlocked salmon in those waters.

**LD 929     Resolve, Regarding the Classification of Wildlife Management District 2**

**RESOLVE 121**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ ONTP MIN	S-140 S-238 BRYANT B

LD 929 amends the provision that authorizes the Commissioner of Inland Fisheries and Wildlife to establish the length of the moose hunting season by establishing a 3-week minimum moose hunting season while retaining the authority of the commissioner to determine the timing of those 3 weeks. It also requires that the moose hunting permit type allocation parameters for Wildlife Management District 2 match the permit type allocation parameters that were in effect for Wildlife Management District 3 in the 2008 moose hunt.

**Committee Amendment "A" (S-140)**

This amendment replaces the bill and provides that the moose hunting season may be no less than 3 weeks long. It also provides that Wildlife Management District 2 must be the same classification as Wildlife Management District 3 for purposes of moose hunting.

**Senate Amendment "A" To Committee Amendment "A" (S-238)**

This amendment replaces the committee amendment and provides that Wildlife Management District 2 must be the same classification as Wildlife Management District 3 for purposes of moose hunting.

**Enacted Law Summary**

Resolve 2009, chapter 121 provides that Wildlife Management District 2 must be the same classification as Wildlife Management District 3 for purposes of moose hunting.

**LD 930     Resolve, To Complete an All-terrain Vehicle Trail through Pittston Farm**

**ONTP**

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

***Joint Standing Committee on Inland Fisheries and Wildlife***

LD 930 requires the Department of Conservation, through the Land for Maine's Future Fund, to acquire a sufficient right-of-way to create an all-terrain vehicle trail that enters and leaves Pittston Farm in Rockwood, Maine, using eminent domain if necessary.

**LD 942      An Act To Allow Hunting on Sundays on Certain Land**

**ACCEPTED ONTP  
REPORT**

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

LD 942 allows the Department of Inland Fisheries and Wildlife to authorize a private landowner to open that property on Sunday to hunters who have permits to hunt on Sunday. It provides that the hunter must have obtained written permission from the landowner, which must be kept on the person while hunting and that the fee for a Sunday hunting permit is \$25.

**LD 1031      An Act To Protect Moose Populations and Hunting Opportunities**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H	ONTP MAJ OTP-AM MIN	

LD 1031 establishes the Moose Fund in the Department of Inland Fisheries and Wildlife to be used to fund or assist in funding research relating to moose. It provides that five percent of the money raised from the public chance drawing for moose hunting permits must be deposited in the fund and used to develop and maintain an accurate estimate of the moose population. LD 1031 also provides that ten percent of the money raised from the public chance drawing for moose hunting permits must be deposited in the fund and used for general research relating to moose, including, but not limited to, the health of the moose herd.

**Committee Amendment "A" (H-196)**

This amendment is the minority report and increases the moose hunting permit application fees by approximately 15% to cover the amount of money to be directed into the Moose Fund from those fees.

**LD 1099      Resolve, Directing the Department of Inland Fisheries and Wildlife To  
Conduct a Study To Identify All Publicly Owned Inland and Coastal  
Water Access Sites**

**ONTP**

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

## *Joint Standing Committee on Inland Fisheries and Wildlife*

LD 1099 requires the Commissioner of Inland Fisheries and Wildlife to contract with outside experts to conduct a study of all publicly owned inland and coastal water access sites, including walk-in and watercraft launching sites, to create a map of all sites and to identify the public's access opportunities and rights at each site.

**LD 1135      Resolve, To Establish the Commission To Examine the Establishment of  
a Wildlife Sanctuary on Blue Hill Bay**

**ONTP**

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

LD 1135 establishes a study commission to examine establishing in Hancock County a wildlife sanctuary in a tidal area that has ocean frontage on Blue Hill Bay.

**LD 1204      Resolve, To Develop a Watercraft Safety Education Plan**

**RESOLVE 76**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PERRY J	OTP-AM MAJ ONTP MIN	H-274

LD 1204 requires demonstration of successful completion of an approved course in boating safety for all youth noncommercial motorboat users born after January 1, 1992. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue temporary boating safety certificates that are valid for 90 days with the issuance of the identification number and validation stickers. LD 1204 requires that a person born after January 1, 1992 must present evidence of completion of a boating safety course if requested by a law enforcement officer. It also requires the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to jointly adopt rules to implement the bill and makes violating the boating safety requirements a civil violation. This bill also directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to implement a recreational boating safety education program.

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

This amendment replaces the bill with a resolve directing the Department of Inland Fisheries and Wildlife to develop a watercraft safety education plan in consultation with stakeholders and interested parties to provide watercraft operators with a basic understanding about the safe operation of watercraft. It also provides that the Department of Inland Fisheries and Wildlife must report its watercraft safety education plan and any findings and recommendations with draft implementing legislation to the Joint Standing Committee on Inland Fisheries and Wildlife by no later than January 5, 2010. This amendment gives that committee the authority to report out legislation to the Second Regular Session of the 124th Legislature regarding the report.

### **Enacted Law Summary**

Resolve 2009, chapter 76 replaces the bill with a resolve directing the Department of Inland Fisheries and Wildlife to develop a watercraft safety education plan in consultation with stakeholders and interested parties to provide watercraft operators with a basic understanding about the safe operation of watercraft. It also provides that the Department of Inland Fisheries and Wildlife must report its watercraft safety education plan and any findings and recommendations with draft implementing legislation to the Joint Standing Committee on Inland Fisheries and Wildlife by no later than January 5, 2010 and gives that committee the authority to report out legislation to the

## Joint Standing Committee on Inland Fisheries and Wildlife

Second Regular Session of the 124th Legislature regarding the report.

**LD 1237 An Act To Modify Maine's Fishway Laws**

**ONTP**

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

LD 1237 includes the Commissioner of Marine Resources with the Commissioner of Inland Fisheries and Wildlife in the laws governing fishways in dams, including a decision whether to initiate a fishway proceeding to consider the construction, repair or alteration of fishways in existing dams or other artificial obstructions and in a decision as to what action, if any, to order as a result of such a proceeding. It also allows 10 or more citizens of this State to petition the commissioners to initiate a fishway proceeding and sets forth conditions whereby the commissioners must order action as the result of a fishway proceeding.

**LD 1246 An Act To Promote Youth Hunting License Sales**

**PUBLIC 404**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL SIMPSON	OTP-AM	H-276 S-191 BRYANT B

LD 1246 allows the purchase of a lifetime resident license for a nonresident 15 years of age or younger.

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

This amendment replaces the bill and allows nonresidents to purchase lifetime licenses issued by the Department of Inland Fisheries and Wildlife. It also directs the Commissioner of Inland Fisheries and Wildlife to report on the administration and sale of lifetime licenses to nonresidents to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 5, 2011.

### **Senate Amendment "A" To Committee Amendment "A" (S-191)**

This amendment changes the fee for a lifetime nonresident infant combination license from \$800 in Committee Amendment "A" to \$1,200.

### **Enacted Law Summary**

Public Law 2009, chapter 404 allows nonresidents to purchase lifetime licenses issued by the Department of Inland Fisheries and Wildlife and directs the Commissioner of Inland Fisheries and Wildlife to report on the administration and sale of lifetime licenses to nonresidents to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 5, 2011.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1301 An Act To Require Snowmobile Safety Training**

**ONTP**

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

LD 1301 imposes restrictions on the operation of snowmobiles similar to restrictions on the operation of all-terrain vehicles for people 10 years of age or older and under 16 years of age.

**LD 1371 An Act To Restore Game Sanctuary Status for Certain Lands in the Town of Orrington**

**PUBLIC 269**

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

LD 1371 restores game sanctuary status for certain lands in the Town of Orrington that was removed by Public Law 2009, chapter 4.

**Enacted Law Summary**

Public Law 2009, chapter 269 restores game sanctuary status for certain lands in the Town of Orrington that was removed by Public Law 2009, chapter 4.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**SUBJECT INDEX**

*All-terrain Vehicles and Snowmobiles*

Enacted

LD 308	An Act To Clarify Standards by Which All-terrain Vehicles May Be Stopped	PUBLIC 389
LD 638	An Act To Exempt Snowmobiles and All-terrain Vehicles Operated at Demonstration Events from the Requirement of a Maine Registration	PUBLIC 184
LD 823	An Act To Increase Snowmobile Registration Fees	PUBLIC 226

Not Enacted

LD 340	An Act To Provide Greater Access to ATVs by Lowering the Minimum Operating Age	DIED BETWEEN HOUSES
LD 402	An Act To Maintain and Improve ATV Trail Access	ONTP
LD 414	An Act To Improve the Safety of Snowmobile Trails	ONTP
LD 603	An Act To Create Recreational Access to the Unorganized Territories	ONTP
LD 930	Resolve, To Complete an All-terrain Vehicle Trail through Pittston Farm	ONTP
LD 1301	An Act To Require Snowmobile Safety Training	ONTP

*Department of Inland Fisheries and Wildlife*

Enacted

LD 179	An Act To Clarify Expenditures and the Use of Department-generated Revenues within the Department of Inland Fisheries and Wildlife	PUBLIC 146
LD 225	Resolve, To Provide for the Long-term Funding of Programs of the Department of Inland Fisheries and Wildlife	RESOLVE 107
LD 244	Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife	RESOLVE 38

Not Enacted

LD 510	An Act To Require Reimbursement for Search and Rescue Operations	ONTP
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LD 626	An Act To Increase Participation in Funding the Activities of the Department of Inland Fisheries and Wildlife	ONTP
LD 676	An Act To Lower the Cost of State Government in the Departments under the Purview of the Joint Standing Committee on Inland Fisheries and Wildlife	ACCEPTED ONTP REPORT
LD 1099	Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Study To Identify All Publicly Owned Inland and Coastal Water Access Sites	ONTP

*Endangered and Threatened Species*

Enacted

LD 66	An Act To Amend Maine's Endangered and Threatened Species List by Removing the Bald Eagle	PUBLIC 60
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*Fish and Fishing*

Enacted

LD 85	An Act To Simplify and Consolidate Maine's Fishing Laws and Rules	PUBLIC 214
LD 344	An Act To Allow Smelting on Mud Brook on Long Lake in Aroostook County	PUBLIC 218
LD 655	Resolve, Directing the Department of Inland Fisheries and Wildlife To Conduct a Study To Enhance Maine's Recreational Fishing Economy	RESOLVE 50
LD 699	Resolve, To Direct the Department of Inland Fisheries and Wildlife To Conduct an Evaluation of Its Sport Fishing Program	RESOLVE 47
LD 714	An Act To Empower Anglers in Fish Stocking Decisions	PUBLIC 216

Not Enacted

LD 70	An Act To Amend the Length Limits on Fish Caught on the Inland Waters	ONTP
LD 172	Resolve, Requiring the Department of Inland Fisheries and Wildlife To Market Youth Fishing Day	ONTP
LD 287	An Act To Survey Anglers Annually	ONTP
LD 667	An Act Regarding the Purchase of Fish for Stocking Inland Waters	ACCEPTED ONTP REPORT
LD 720	An Act To Permit the Commercial Harvesting of Illegal and Nuisance Fish Species	ONTP
LD 751	Resolve, To Transfer the Phillips Fish Hatchery to the Sandy River Land Trust	ONTP

LD 800	Resolve, To Establish a Landlocked Salmon Enhancement Pilot Project	ONTP
LD 807	An Act To Improve and Promote Maine's Landlocked Salmon Resources	
LD 925	An Act To Allow Youth To Fish for Smelt on Worthley Pond	DIED BETWEEN HOUSES
LD 926	An Act To Allow Smelt Fishing in Metallak Brook, Upper Richardson Lake	DIED BETWEEN HOUSES
LD 927	An Act To Establish and Enhance Populations of Large Landlocked Salmon in Certain Inland Waters	ONTP
LD 1237	An Act To Modify Maine's Fishway Laws	ONTP

### *Hunting and Trapping*

#### Enacted

LD 54	An Act To Change the Coyote Night Hunting Season	PUBLIC 46
LD 132	An Act To Clarify Hunting and Trapping Laws for Youth	PUBLIC 69
LD 138	An Act Regarding the Placement of Bait To Attract Wild Animals or Birds for Hunting	PUBLIC 70
LD 171	An Act To Extend the Season for Training Hunting Dogs	PUBLIC 76 EMERGENCY
LD 253	An Act To Amend the Laws Governing Alien Big Game and Turkey Hunters and Nonresident Hunters	PUBLIC 390
LD 256	Resolve, To Direct the Commissioner of Inland Fisheries and Wildlife To Explore Opportunities and Issues Surrounding Wild Turkey Hunting	RESOLVE 48
LD 303	An Act To Amend the Laws Governing Deer Hunting and To Extend the Coyote Hunting Season	PUBLIC 134
LD 929	Resolve, Regarding the Classification of Wildlife Management District 2	RESOLVE 121

#### Not Enacted

LD 241	An Act To Create an Additional Hunting Season for Bear	ACCEPTED ONTP REPORT
LD 505	Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Rules Pertaining to Youth Spring Wild Turkey Hunting Day	ONTP

LD 627	An Act To Allow a Senior Hunter To Take an Antlerless Deer in Any Zone Designated by the Department of Inland Fisheries and Wildlife	ACCEPTED ONTP REPORT
LD 822	An Act To Expand Turkey Hunting Opportunities	ONTP
LD 942	An Act To Allow Hunting on Sundays on Certain Land	ACCEPTED ONTP REPORT
LD 1031	An Act To Protect Moose Populations and Hunting Opportunities	ACCEPTED ONTP REPORT

*Licenses and Permits*

Enacted

LD 288	An Act To Expand Super Pack License Opportunities	PUBLIC 132
LD 824	An Act To Allow Authorized Agents to Process Moose Hunting Lottery Applications and Antlerless Deer Permit Applications	PUBLIC 186 EMERGENCY
LD 1246	An Act To Promote Youth Hunting License Sales	PUBLIC 404

Not Enacted

LD 139	An Act To Require a Guide License for Certain Outdoor Activities	ONTP
LD 168	An Act To Provide Complimentary Hunting and Fishing Licenses to Resident Disabled Veterans Who Served in Support Units Outside of Combat Zones	ACCEPTED ONTP REPORT
LD 286	An Act To Encourage Young Hunters by Providing Them with Complimentary Licenses and Permits	ONTP
LD 656	An Act To Allow Members of the Armed Forces Who Are Not Residents but Own Property in this State To Obtain Resident Hunting and Fishing Licenses or Permits	ACCEPTED ONTP REPORT
LD 719	An Act To Allow Nonresidents under 14 Years of Age To Fish without a License	ONTP

*Sanctuaries and Wildlife Management Areas*

Enacted

LD 124	An Act To Remove Game Sanctuary Status for Certain Lands in the Town of Orrington	PUBLIC 4
LD 398	Resolve, To Develop a Management Plan for the Nonwildlife Components of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County	RESOLVE 35
LD 1371	An Act To Restore Game Sanctuary Status for Certain Lands in the Town of Orrington	PUBLIC 269

Not Enacted

LD 1135      Resolve, To Establish the Commission To Examine the      ONTP  
Establishment of a Wildlife Sanctuary on Blue Hill Bay

*Swim Areas, Animal Control, Sea Planes, Trails, Littering and Omnibus Bill*

Enacted

LD 415      An Act to Regulate Swim Areas on Inland Waters      PUBLIC 312

LD 525      An Act To Amend the Law Regarding Littering on Public Lands      PUBLIC 424

LD 811      An Act To Amend Certain Provisions of Fish and Wildlife Laws      PUBLIC 340

Not Enacted

LD 137      Resolve, To Authorize a Trail To Be Built Connecting the      ONTP  
Cascade Falls Trail with the Eastern Trail

LD 457      An Act Regarding Nuisance Beaver      ONTP

LD 482      An Act To Limit the Use of Seaplanes on West Harbor Pond      ONTP

*Watercraft*

Enacted

LD 1204      Resolve, To Develop a Watercraft Safety Education Plan      RESOLVE 76

Not Enacted

LD 88      An Act To Permit Personal Watercraft on Lake St. George in      ACCEPTED ONTP  
Liberty      REPORT

LD 164      An Act To Save Lives on Maine Waters      ONTP

LD 289      An Act To Require Boating Safety Education      LEAVE TO  
WITHDRAW

LD 577      An Act To Create a Speed Limit on Long Lake and Brandy Pond      ACCEPTED ONTP  
in Cumberland County      REPORT

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**APPENDIX A**

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**SESSION STATISTICS**

**OVERALL AND**

**BY INDIVIDUAL COMMITTEE**

**124th LEGISLATURE  
FIRST REGULAR SESSION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>		
<i>Bills referred and voted out</i>	1388	92.8%
<i><u>Bills Carried Over</u></i>	<u>87</u>	5.8%
<b>Total Bills referred</b>	<b>1475</b>	<b>98.6%</b>
<b>B. Bills reported out by law or joint order</b>	<b>7</b>	<b>0.5%</b>
<b>C. Bills introduced without reference</b>	<b>13</b>	<b>0.9%</b>
<b>D. <u>Bills referred, but not reported out</u></b>	<b><u>1</u><sup>1</sup></b>	
<b>Total Bills considered by Legislature</b>	<b>1496</b>	<b>100.0%</b>
 <b>Orders and Resolutions referred to Committees</b>		
<i>Joint Study Orders referred and voted out</i>	3	0.2%
<i>Joint Resolutions referred and voted out</i>	0	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>1</u>	<u>0.1%</u>
<b>Total Orders and Resolutions Referred</b>	<b>4</b>	<b>0.3%</b>
 <b>II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES</b>	<u>Number</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>		
<i>Ought to Pass</i>	92	6.6%
<i>Ought to Pass as Amended</i>	439	31.4%
<i>Leave to Withdraw</i>	24	1.7%
<i><u>Ought Not to Pass</u></i>	<u>573</u>	<u>41.0%</u>
<b>Total unanimous reports</b>	<b>1128</b>	<b>80.7%</b>
<b>B. Divided committee reports</b>		
<i>Two-way reports</i>	254	18.2%
<i>Three-way reports</i>	15	1.1%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>269</b>	<b>19.3%</b>
 <b>Total Committee reports</b>	<b>1397</b>	<b>94.0%</b>
 <b>III. CONFIRMATION HEARINGS</b>	<b>49</b>	<b>N/A</b>
 <b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of All Bills/Rules</u>
<b>A. Bills and Papers enacted or finally passed</b>		
<i>Joint Study Orders</i>	0	0.0%
<i>Public laws</i>	462	30.9%
<i>Private and Special Laws</i>	26	1.7%
<i>Resolves</i>	141	9.4%
<i><u>Constitutional Resolutions</u></i>	<u>1</u>	<u>0.1%</u>
<b>Total Enacted or Finally Passed</b>	<b>630</b>	<b>42.1%</b>
<b>B. Resolves to authorize major substantive rules</b>		
<i>Rules authorized without legislative changes</i>	8	40.0%
<i>Rules authorized with legislative changes</i>	9	45.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>3</u>	<u>15.0%</u>
<b>Total number of rules reviewed</b>	<b>20</b>	<b>100.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>14</b>	<b>100.0%</b>
<b>D. Bills vetoed or held by Governor</b>		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	1	0.1%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>
<b>Total</b>	<b>1</b>	<b>0.1%</b>

<sup>1</sup> LD 1177 was referred to the CJPS Committee, but was removed from the committee without a vote pursuant to JT. Rule 309.

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

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	63	92.6%	4.2%
<i>Bills Carried Over</i>	<u>5</u>	<u>7.4%</u>	<u>0.3%</u>
<b>Total Bills referred</b>	<b>68</b>	<b>100.0%</b>	<b>4.5%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>68</b>	<b>100.0%</b>	<b>4.5%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	4.8%	0.2%
<i>Ought to Pass as Amended</i>	22	34.9%	1.6%
<i>Leave to Withdraw</i>	3	4.8%	0.2%
<i>Ought Not to Pass</i>	17	27.0%	1.2%
<b>Total unanimous reports</b>	<b>45</b>	<b>71.4%</b>	<b>3.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	15	23.8%	1.1%
<i>Three-way reports</i>	3	4.8%	0.2%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>18</b>	<b>28.6%</b>	<b>1.3%</b>
<b>Total committee reports</b>	<b>63</b>	<b>92.6%</b>	<b>4.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>3</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	26	38.2%	1.7%
<i>Private and Special Laws</i>	1	1.5%	0.1%
<i>Resolves</i>	9	13.2%	0.6%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>36</b>	<b>52.9%</b>	<b>2.4%</b>
<b>B. Major substantive rules</b>			
<i>Authorized without legislative changes</i>	1	25.0%	5.0%
<i>Authorized with legislative changes</i>	2	50.0%	10.0%
<i>Not authorized by the Legislature</i>	<u>1</u>	<u>25.0%</u>	<u>5.0%</u>
<b>Total number of rules reviewed</b>	<b>4</b>	<b>100.0%</b>	<b>20.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>3</b>	<b>100.0%</b>	<b>21.4%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
APPROPRIATIONS AND FINANCIAL AFFAIRS**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	35	92.1%	2.3%
<i><u>Bills Carried Over</u></i>	<u>3</u>	<u>7.9%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>38</b>	<b>100.0%</b>	<b>2.5%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>38</b>	<b>100.0%</b>	<b>2.5%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	3	8.6%	0.2%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>31</u>	<u>88.6%</u>	<u>2.2%</u>
<b>Total unanimous reports</b>	<b>34</b>	<b>97.1%</b>	<b>2.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	1	2.9%	0.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>1</b>	<b>2.9%</b>	<b>0.1%</b>
<b>Total committee reports</b>	<b>35</b>	<b>92.1%</b>	<b>2.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	3	7.9%	0.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	2.6%	0.1%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>4</b>	<b>10.5%</b>	<b>0.3%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	85	91.4%	5.7%
<u><i>Bills Carried Over</i></u>	<u>8</u>	<u>8.6%</u>	<u>0.5%</u>
<b>Total Bills referred</b>	<b>93</b>	<b>100.0%</b>	<b>6.2%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>93</b>	<b>100.0%</b>	<b>6.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>	<b><u>% of this Committee's Reports</u></b>	<b><u>% of All Committee Reports</u></b>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	7	8.2%	0.5%
<i>Ought to Pass as Amended</i>	34	40.0%	2.4%
<i>Leave to Withdraw</i>	4	4.7%	0.3%
<u><i>Ought Not to Pass</i></u>	<u>28</u>	<u>32.9%</u>	<u>2.0%</u>
<b>Total unanimous reports</b>	<b>73</b>	<b>85.9%</b>	<b>5.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	10	11.8%	0.7%
<i>Three-way reports</i>	2	2.4%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>12</b>	<b>14.1%</b>	<b>0.9%</b>
<b>Total committee reports</b>	<b>85</b>	<b>91.4%</b>	<b>6.1%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>6</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>	<b><u>% of Comm Bills/Papers</u></b>	<b><u>% of All Bills/Papers</u></b>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	33	35.5%	2.2%
<i>Private and Special Laws</i>	2	2.2%	0.1%
<i>Resolves</i>	11	11.8%	0.7%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>46</b>	<b>49.5%</b>	<b>3.1%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
CRIMINAL JUSTICE AND PUBLIC SAFETY**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	82 <sup>1</sup>	96.5%	5.5%
<u><i>Bills Carried Over</i></u>	<u>3</u>	<u>3.5%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>85</b>	<b>100.0%</b>	<b>5.7%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>85</b>	<b>100.0%</b>	<b>5.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	4	4.9%	0.3%
<i>Ought to Pass as Amended</i>	28	34.1%	2.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>36</u>	<u>43.9%</u>	<u>2.6%</u>
<b>Total unanimous reports</b>	<b>68</b>	<b>82.9%</b>	<b>4.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	13	15.9%	0.9%
<i>Three-way reports</i>	1	1.2%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>14</b>	<b>17.1%</b>	<b>1.0%</b>
<b>Total committee reports</b>	<b>82</b>	<b>96.5%</b>	<b>5.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	31	36.5%	2.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	5.9%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>36</b>	<b>42.4%</b>	<b>2.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	1	100.0%	5.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>1</b>	<b>100.0%</b>	<b>5.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>2</b>	<b>100.0%</b>	<b>14.3%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

<sup>1</sup> Total does not include LD 1177, which was referred to the CJPS Committee, but was removed from the committee without a vote pursuant to JT. Rule 309.

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  
EDUCATION AND CULTURAL AFFAIRS**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	123	96.1%	8.2%
<u><i>Bills Carried Over</i></u>	<u>5</u>	<u>3.9%</u>	<u>0.3%</u>
<b>Total Bills referred</b>	<b>128</b>	<b>100.0%</b>	<b>8.6%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>128</b>	<b>100.0%</b>	<b>8.6%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	3	100.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>3</b>	<b>100.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	7	5.6%	0.5%
<i>Ought to Pass as Amended</i>	32	25.4%	2.3%
<i>Leave to Withdraw</i>	1	0.8%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>57</u>	<u>45.2%</u>	<u>4.1%</u>
<b>Total unanimous reports</b>	<b>97</b>	<b>77.0%</b>	<b>6.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	28	22.2%	2.0%
<i>Three-way reports</i>	1	0.8%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>29</b>	<b>23.0%</b>	<b>2.1%</b>
<b>Total committee reports</b>	<b>126</b>	<b>96.2%</b>	<b>9.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>8</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	26	20.3%	1.7%
<i>Private and Special Laws</i>	3	2.3%	0.2%
<i>Resolves</i>	21	16.4%	1.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>50</b>	<b>39.1%</b>	<b>3.3%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	2	40.0%	10.0%
Rules authorized with legislative changes	2	40.0%	10.0%
<u>Rules not authorized by the Legislature</u>	<u>1</u>	<u>20.0%</u>	<u>5.0%</u>
<b>Total number of rules reviewed</b>	<b>5</b>	<b>100.0%</b>	<b>25.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
124th Legislature, First Regular Session

**JOINT SELECT COMMITTEE ON  
MAINE'S ENERGY FUTURE**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	10	76.9%	0.7%
<u><i>Bills Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>10</b>	<b>76.9%</b>	<b>0.7%</b>
<b>B. Bills reported out by law or joint order</b>	<b>3</b>	<b>23.1%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>13</b>	<b>100.0%</b>	<b>0.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	15.4%	0.1%
<i>Ought to Pass as Amended</i>	1	7.7%	0.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>9</u>	<u>69.2%</u>	<u>0.6%</u>
<b>Total unanimous reports</b>	<b>12</b>	<b>92.3%</b>	<b>0.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	1	7.7%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>1</b>	<b>7.7%</b>	<b>0.1%</b>
<b>Total committee reports</b>	<b>13</b>	<b>100.0%</b>	<b>0.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	7.7%	0.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	23.1%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>4</b>	<b>30.8%</b>	<b>0.3%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>1</b>	<b>100.0%</b>	<b>7.1%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
HEALTH AND HUMAN SERVICES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	134	90.5%	9.0%
<u><i>Bills Carried Over</i></u>	13	<u>8.8%</u>	<u>0.9%</u>
<b>Total Bills referred</b>	<b>147</b>	<b>99.3%</b>	<b>9.8%</b>
<b>B. Bills reported out by law or joint order</b>	<b>1</b>	<b>0.7%</b>	<b>0.1%</b>
<b>Total Bills considered by Committee</b>	<b>148</b>	<b>100.0%</b>	<b>9.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	15	11.1%	1.1%
<i>Ought to Pass as Amended</i>	37	27.4%	2.6%
<i>Leave to Withdraw</i>	1	0.7%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>63</u>	<u>46.7%</u>	<u>4.5%</u>
<b>Total unanimous reports</b>	<b>116</b>	<b>85.9%</b>	<b>8.3%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	18	13.3%	1.3%
<i>Three-way reports</i>	1	0.7%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>19</b>	<b>14.1%</b>	<b>1.4%</b>
<b>Total committee reports</b>	<b>135</b>	<b>91.2%</b>	<b>9.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	40	27.0%	2.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	19	12.8%	1.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>59</b>	<b>39.9%</b>	<b>3.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	4	66.7%	20.0%
Rules authorized with legislative changes	2	33.3%	10.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>6</b>	<b>100.0%</b>	<b>30.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
INSURANCE AND FINANCIAL SERVICES**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	67	91.8%	4.5%
<u><i>Bills Carried Over</i></u>	<u>6</u>	<u>8.2%</u>	<u>0.4%</u>
<b>Total Bills referred</b>	<b>73</b>	<b>100.0%</b>	<b>4.9%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>73</b>	<b>100.0%</b>	<b>4.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. <b>COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	4	6.0%	0.3%
<i>Ought to Pass as Amended</i>	23	34.3%	1.6%
<i>Leave to Withdraw</i>	1	1.5%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>25</u>	<u>37.3%</u>	<u>1.8%</u>
<b>Total unanimous reports</b>	<b>53</b>	<b>79.1%</b>	<b>3.8%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	13	19.4%	0.9%
<i>Three-way reports</i>	1	1.5%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>14</b>	<b>20.9%</b>	<b>1.0%</b>
<b>Total committee reports</b>	<b>67</b>	<b>91.8%</b>	<b>4.8%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	32	43.8%	2.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	4	5.5%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>36</b>	<b>49.3%</b>	<b>2.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>2</b>	<b>100.0%</b>	<b>14.3%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
INLAND FISHERIES AND WILDLIFE**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	70	98.6%	4.7%
<i><u>Bills Carried Over</u></i>	<u>1</u>	<u>1.4%</u>	<u>0.1%</u>
<b>Total Bills referred</b>	<b>71</b>	<b>100.0%</b>	<b>4.7%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>71</b>	<b>100.0%</b>	<b>4.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. <b>COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	2.9%	0.1%
<i>Ought to Pass as Amended</i>	22	31.4%	1.6%
<i>Leave to Withdraw</i>	1	1.4%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>26</u>	<u>37.1%</u>	<u>1.9%</u>
<b>Total unanimous reports</b>	<b>51</b>	<b>72.9%</b>	<b>3.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	18	25.7%	1.3%
<i>Three-way reports</i>	1	1.4%	0.1%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>19</b>	<b>27.1%</b>	<b>1.4%</b>
<b>Total committee reports</b>	<b>70</b>	<b>98.6%</b>	<b>5.0%</b>
III. <b>CONFIRMATION HEARINGS</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	22	31.0%	1.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	8	11.3%	0.5%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>30</b>	<b>42.3%</b>	<b>2.0%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	103	95.4%	6.9%
<u><i>Bills Carried Over</i></u>	<u>5</u>	<u>4.6%</u>	<u>0.3%</u>
<b>Total Bills referred</b>	<b>108</b>	<b>100.0%</b>	<b>7.2%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>108</b>	<b>100.0%</b>	<b>7.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	10	9.7%	0.7%
<i>Ought to Pass as Amended</i>	44	42.7%	3.1%
<i>Leave to Withdraw</i>	2	1.9%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>38</u>	<u>36.9%</u>	<u>2.7%</u>
<b>Total unanimous reports</b>	<b>94</b>	<b>91.3%</b>	<b>6.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	7	6.8%	0.5%
<i>Three-way reports</i>	2	1.9%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>9</b>	<b>8.7%</b>	<b>0.6%</b>
<b>Total committee reports</b>	<b>103</b>	<b>95.4%</b>	<b>7.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>11</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	53	49.1%	3.5%
<i>Private and Special Laws</i>	1	0.9%	0.1%
<i>Resolves</i>	3	2.8%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>57</b>	<b>52.8%</b>	<b>3.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>2</b>	<b>100.0%</b>	<b>14.3%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
124th Legislature, First Regular Session

**JOINT STANDING COMMITTEE ON  
LABOR**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	54	93.1%	3.6%
<u><i>Bills Carried Over</i></u>	<u>4</u>	<u>6.9%</u>	<u>0.3%</u>
<b>Total Bills referred</b>	<b>58</b>	<b>100.0%</b>	<b>3.9%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>58</b>	<b>100.0%</b>	<b>3.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. <b>COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	6	11.1%	0.4%
<i>Ought to Pass as Amended</i>	23	42.6%	1.6%
<i>Leave to Withdraw</i>	3	5.6%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>16</u>	<u>29.6%</u>	<u>1.1%</u>
<b>Total unanimous reports</b>	<b>48</b>	<b>88.9%</b>	<b>3.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	6	11.1%	0.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>6</b>	<b>11.1%</b>	<b>0.4%</b>
<b>Total committee reports</b>	<b>54</b>	<b>93.1%</b>	<b>3.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>8</b>	<b>N/A</b>	<b>N/A</b>
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	24	41.4%	1.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	4	6.9%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>28</b>	<b>48.3%</b>	<b>1.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
LEGAL AND VETERANS AFFAIRS**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	119	93.7%	8.0%
<u><i>Bills Carried Over</i></u>	<u>7</u>	<u>5.5%</u>	<u>0.5%</u>
<b>Total Bills referred</b>	<b>126</b>	<b>99.2%</b>	<b>8.4%</b>
<b>B. Bills reported out by law or joint order</b>	<b>1</b>	<b>0.8%</b>	<b>0.1%</b>
<b>Total Bills considered by Committee</b>	<b>127</b>	<b>100.0%</b>	<b>8.5%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>1</u>	<u>100.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>1</b>	<b>100.0%</b>	<b>0.0%</b>
		<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	1.7%	0.1%
<i>Ought to Pass as Amended</i>	34	28.3%	2.4%
<i>Leave to Withdraw</i>	4	3.3%	0.3%
<u><i>Ought Not to Pass</i></u>	<u>49</u>	<u>40.8%</u>	<u>3.5%</u>
<b>Total unanimous reports</b>	<b>89</b>	<b>74.2%</b>	<b>6.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	31	25.8%	2.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>31</b>	<b>25.8%</b>	<b>2.2%</b>
<b>Total committee reports</b>	<b>120</b>	<b>93.8%</b>	<b>8.6%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	37	29.1%	2.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	11	8.7%	0.7%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>48</b>	<b>37.8%</b>	<b>3.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	50.0%	5.0%
<u>Rules not authorized by the Legislature</u>	<u>1</u>	<u>50.0%</u>	<u>5.0%</u>
<b>Total number of rules reviewed</b>	<b>2</b>	<b>100.0%</b>	<b>10.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>2</b>	<b>100.0%</b>	<b>14.3%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
MARINE RESOURCES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	21	87.5%	1.4%
<u><i>Bills Carried Over</i></u>	<u>3</u>	<u>12.5%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>24</b>	<b>100.0%</b>	<b>1.6%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>24</b>	<b>100.0%</b>	<b>1.6%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	4.8%	0.1%
<i>Ought to Pass as Amended</i>	10	47.6%	0.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>6</u>	<u>28.6%</u>	<u>0.4%</u>
<b>Total unanimous reports</b>	<b>17</b>	<b>81.0%</b>	<b>1.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	19.0%	0.3%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>4</b>	<b>19.0%</b>	<b>0.3%</b>
<b>Total committee reports</b>	<b>21</b>	<b>87.5%</b>	<b>1.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>5</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	50.0%	0.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	4.2%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>13</b>	<b>54.2%</b>	<b>0.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
NATURAL RESOURCES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	66	95.7%	4.4%
<u><i>Bills Carried Over</i></u>	<u>3</u>	<u>4.3%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>69</b>	<b>100.0%</b>	<b>4.6%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>69</b>	<b>100.0%</b>	<b>4.6%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	3.0%	0.1%
<i>Ought to Pass as Amended</i>	21	31.8%	1.5%
<i>Leave to Withdraw</i>	1	1.5%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>25</u>	<u>37.9%</u>	<u>1.8%</u>
<b>Total unanimous reports</b>	<b>49</b>	<b>74.2%</b>	<b>3.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	16	24.2%	1.1%
<i>Three-way reports</i>	1	1.5%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>17</b>	<b>25.8%</b>	<b>1.2%</b>
<b>Total committee reports</b>	<b>66</b>	<b>95.7%</b>	<b>4.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	24	34.8%	1.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	7.2%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>29</b>	<b>42.0%</b>	<b>1.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
STATE AND LOCAL GOVERNMENT**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	79	97.5%	5.3%
<i>Bills Carried Over</i>	1	1.2%	0.1%
<b>Total Bills referred</b>	<b>80</b>	<b>98.8%</b>	<b>5.3%</b>
<b>B. Bills reported out by law or joint order</b>			
	1	1.2%	0.1%
<b>Total Bills considered by Committee</b>	<b>81</b>	<b>100.0%</b>	<b>5.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	5	6.3%	0.4%
<i>Ought to Pass as Amended</i>	19	24.1%	1.4%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	26	32.9%	1.9%
<b>Total unanimous reports</b>	<b>50</b>	<b>63.3%</b>	<b>3.6%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	28	35.4%	2.0%
<i>Three-way reports</i>	1	1.3%	0.1%
<i>Four-way reports</i>	0	0.0%	0.0%
<b>Total divided reports</b>	<b>29</b>	<b>36.7%</b>	<b>2.1%</b>
<b>Total committee reports</b>	<b>79<sup>1</sup></b>	<b>97.5%</b>	<b>5.7%</b>
III. CONFIRMATION HEARINGS	2	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	17	21.0%	1.1%
<i>Private and Special Laws</i>	4	4.9%	0.3%
<i>Resolves</i>	5	6.2%	0.3%
<i>Constitutional Resolutions</i>	1	1.2%	0.1%
<b>Total Enacted or Finally Passed</b>	<b>27</b>	<b>33.3%</b>	<b>1.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<i>Rules not authorized by the Legislature</i>	0	0.0%	0.0%
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>			
	0	0.0%	0.0%
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	0	0.0%	0.0%
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

<sup>1</sup> Total does not include LD 1480, which was reported out of the SLG committee pursuant to law without a recorded 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  
TAXATION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	108	87.1%	7.2%
<u><i>Bills Carried Over</i></u>	<u>16</u>	<u>12.9%</u>	<u>1.1%</u>
<b>Total Bills referred</b>	<b>124</b>	<b>100.0%</b>	<b>8.3%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>124</b>	<b>100.0%</b>	<b>8.3%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	1.9%	0.1%
<i>Ought to Pass as Amended</i>	23	21.3%	1.6%
<i>Leave to Withdraw</i>	1	0.9%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>63</u>	<u>58.3%</u>	<u>4.5%</u>
<b>Total unanimous reports</b>	<b>89</b>	<b>82.4%</b>	<b>6.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	19	17.6%	1.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>19</b>	<b>17.6%</b>	<b>1.4%</b>
<b>Total committee reports</b>	<b>108</b>	<b>87.1%</b>	<b>7.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	9.7%	0.8%
<i>Private and Special Laws</i>	2	1.6%	0.1%
<i>Resolves</i>	7	5.6%	0.5%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>21</b>	<b>16.9%</b>	<b>1.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
TRANSPORTATION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	102	99.0%	6.8%
<u><i>Bills Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>102</b>	<b>99.0%</b>	<b>6.8%</b>
<b>B. Bills reported out by law or joint order</b>	<b>1</b>	<b>1.0%</b>	<b>0.1%</b>
<b>Total Bills considered by Committee</b>	<b>103</b>	<b>100.0%</b>	<b>6.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	13	12.6%	0.9%
<i>Ought to Pass as Amended</i>	25	24.3%	1.8%
<i>Leave to Withdraw</i>	2	1.9%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>40</u>	<u>38.8%</u>	<u>2.9%</u>
<b>Total unanimous reports</b>	<b>80</b>	<b>77.7%</b>	<b>5.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	23	22.3%	1.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>23</b>	<b>22.3%</b>	<b>1.6%</b>
<b>Total committee reports</b>	<b>103</b>	<b>100.0%</b>	<b>7.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	34	33.0%	2.3%
<i>Private and Special Laws</i>	2	1.9%	0.1%
<i>Resolves</i>	10	9.7%	0.7%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>46</b>	<b>44.7%</b>	<b>3.1%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>1</b>	<b>100.0%</b>	<b>7.1%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	1.0%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>1</b>	<b>1.0%</b>	<b>0.1%</b>

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  
UTILITIES AND ENERGY**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	67	94.4%	4.5%
<u><i>Bills Carried Over</i></u>	<u>4</u>	<u>5.6%</u>	<u>0.3%</u>
<b>Total Bills referred</b>	<b>71</b>	<b>100.0%</b>	<b>4.7%</b>
<b>B. Bills reported out by law or joint order</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>71</b>	<b>100.0%</b>	<b>4.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	7	10.4%	0.5%
<i>Ought to Pass as Amended</i>	38	56.7%	2.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>18</u>	<u>26.9%</u>	<u>1.3%</u>
<b>Total unanimous reports</b>	<b>63</b>	<b>94.0%</b>	<b>4.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	6.0%	0.3%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>4</b>	<b>6.0%</b>	<b>0.3%</b>
<b>Total committee reports</b>	<b>67</b>	<b>94.4%</b>	<b>4.8%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	26	36.6%	1.7%
<i>Private and Special Laws</i>	10	14.1%	0.7%
<i>Resolves</i>	12	16.9%	0.8%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>48</b>	<b>67.6%</b>	<b>3.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	2	100.0%	10.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>2</b>	<b>100.0%</b>	<b>10.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>1</b>	<b>100.0%</b>	<b>7.1%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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.

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**APPENDIX B**  
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**CUMULATIVE INDEX BY LD NUMBER**

LD and Volume	Page #	LD and Volume	Page #	LD and Volume	Page #
LD 1 (Vol. 1)	69	LD 52 (Vol. 1)	72	LD 103 (Vol. 1)	376
LD 2 (Vol. 1)	195	LD 53 (Vol. 1)	130	LD 104 (Vol. 2)	532
LD 3 (Vol. 2)	570	LD 54 (Vol. 1)	427	LD 105 (Vol. 2)	572
LD 4 (Vol. 1)	375	LD 55 (Vol. 2)	870	LD 106 (Vol. 2)	713
LD 5 (Vol. 2)	570	LD 56 (Vol. 2)	571	LD 107 (Vol. 2)	660
LD 6 (Vol. 2)	809	LD 57 (Vol. 2)	754	LD 108 (Vol. 2)	713
LD 7 (Vol. 2)	809	LD 58 (Vol. 1)	72	LD 109 (Vol. 2)	756
LD 8 (Vol. 2)	810	LD 59 (Vol. 1)	131	LD 110 (Vol. 2)	815
LD 9 (Vol. 1)	1	LD 60 (Vol. 2)	814	LD 111 (Vol. 2)	815
LD 10 (Vol. 1)	43	LD 61 (Vol. 2)	814	LD 112 (Vol. 2)	816
LD 11 (Vol. 1)	69	LD 62 (Vol. 1)	376	LD 113 (Vol. 2)	714
LD 12 (Vol. 1)	70	LD 63 (Vol. 2)	660	LD 114 (Vol. 1)	290
LD 13 (Vol. 1)	71	LD 64 (Vol. 2)	530	LD 115 (Vol. 1)	199
LD 14 (Vol. 1)	130	LD 65 (Vol. 2)	531	LD 116 (Vol. 2)	572
LD 15 (Vol. 2)	810	LD 66 (Vol. 1)	427	LD 117 (Vol. 2)	714
LD 16 (Vol. 1)	286	LD 67 (Vol. 1)	287	LD 118 (Vol. 1)	200
LD 17 (Vol. 1)	286	LD 68 (Vol. 1)	1	LD 119 (Vol. 1)	290
LD 18 (Vol. 1)	286	LD 69 (Vol. 1)	132	LD 120 (Vol. 2)	871
LD 19 (Vol. 1)	287	LD 70 (Vol. 1)	428	LD 121 (Vol. 2)	715
LD 20 (Vol. 1)	375	LD 71 (Vol. 2)	754	LD 122 (Vol. 1)	132
LD 21 (Vol. 1)	375	LD 72 (Vol. 2)	754	LD 123 (Vol. 1)	376
LD 22 (Vol. 2)	466	LD 73 (Vol. 2)	870	LD 124 (Vol. 1)	430
LD 23 (Vol. 2)	466	LD 74 (Vol. 1)	2	LD 125 (Vol. 2)	532
LD 24 (Vol. 2)	466	LD 75 (Vol. 1)	2	LD 126 (Vol. 2)	816
LD 25 (Vol. 2)	467	LD 76 (Vol. 1)	195	LD 127 (Vol. 2)	872
LD 26 (Vol. 2)	530	LD 77 (Vol. 1)	195	LD 128 (Vol. 1)	200
LD 27 (Vol. 2)	530	LD 78 (Vol. 1)	196	LD 129 (Vol. 2)	572
LD 28 (Vol. 2)	570	LD 79 (Vol. 1)	196	LD 130 (Vol. 2)	715
LD 29 (Vol. 2)	570	LD 80 (Vol. 1)	287	LD 131 (Vol. 2)	872
LD 30 (Vol. 2)	571	LD 81 (Vol. 1)	288	LD 132 (Vol. 1)	430
LD 31 (Vol. 2)	712	LD 82 (Vol. 2)	640	LD 133 (Vol. 2)	817
LD 32 (Vol. 2)	640	LD 83 (Vol. 2)	531	LD 134 (Vol. 1)	3
LD 33 (Vol. 2)	712	LD 84 (Vol. 2)	531	LD 135 (Vol. 2)	467
LD 34 (Vol. 2)	713	LD 85 (Vol. 1)	428	LD 136 (Vol. 1)	201
LD 35 (Vol. 2)	753	LD 86 (Vol. 2)	755	LD 137 (Vol. 1)	431
LD 36 (Vol. 2)	810	LD 87 (Vol. 2)	755	LD 138 (Vol. 1)	431
LD 37 (Vol. 2)	811	LD 88 (Vol. 1)	430	LD 139 (Vol. 1)	432
LD 38 (Vol. 2)	811	LD 89 (Vol. 1)	72	LD 140 (Vol. 2)	573
LD 39 (Vol. 2)	811	LD 90 (Vol. 2)	755	LD 141 (Vol. 2)	641
LD 40 (Vol. 2)	812	LD 91 (Vol. 1)	73	LD 142 (Vol. 2)	716
LD 41 (Vol. 2)	812	LD 92 (Vol. 1)	197	LD 143 (Vol. 2)	716
LD 42 (Vol. 2)	813	LD 93 (Vol. 1)	73	LD 144 (Vol. 2)	716
LD 43 (Vol. 2)	869	LD 94 (Vol. 1)	73	LD 145 (Vol. 2)	817
LD 44 (Vol. 2)	869	LD 95 (Vol. 1)	197	LD 146 (Vol. 2)	873
LD 45 (Vol. 1)	43	LD 96 (Vol. 1)	197	LD 147 (Vol. 2)	873
LD 46 (Vol. 1)	1	LD 97 (Vol. 1)	198	LD 148 (Vol. 1)	377
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