

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

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



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally  
Passed During the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup>  
Maine Legislature

First Special Session convened Monday, October 23, 2017  
First Special Session adjourned Monday, November 6, 2017  
Second Regular Session convened Tuesday, January 3, 2018  
Second Regular Session adjourned Wednesday, May 2, 2018  
Second Special Session convened Tuesday, June 19, 2018  
Second Special Session adjourned September 13, 2018

	First Special	Second Regular	Second Special
Senate Legislative Days	2	38	8
House Legislative Days	2	38	8
Bills Final Disposal of in Session*	7	345	248

\* does not include bills carried forward to a following session

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**THE MAINE LEGISLATIVE COUNCIL**

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OCTOBER 2018



**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
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SESSIONS

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



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

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

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

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

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

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.



## TABLE OF CONTENTS

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### Committee Name

Joint Standing Committee on Agriculture, Conservation and Forestry

Joint Standing Committee on Appropriations and Financial Affairs

Joint Standing Committee on Criminal Justice and Public Safety

Joint Standing Committee on Education and Cultural Affairs

Joint Standing Committee on Environment and Natural Resources

Joint Standing Committee on Energy, Utilities and Technology

Joint Standing Committee on Health and Human Services

Joint Standing Committee on Insurance and Financial Services

Joint Standing Committee on Inland Fisheries and Wildlife

Joint Standing Committee on Judiciary

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

Joint Select Committee on Marijuana Legalization Implementation

Joint Standing Committee on Marine Resources

Joint Standing Committee on State and Local Government

Joint Standing Committee on Taxation

Joint Standing Committee on Transportation

Joint Standing Committee on Veterans and Legal Affairs

Appendix A: Session statistics

Appendix B: Lists of bills showing sessions in which considered









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



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

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

October 2018

**MEMBERS:**

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*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 8 An Act To Provide Training for Forest Rangers To Carry Firearms**

**PUBLIC 456**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MAKER J	OTP-AM ONTP	H-451 S-519 HAMPER J

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill prohibits the Department of Agriculture, Conservation and Forestry from prohibiting a forest ranger from carrying a personal concealed firearm for the forest ranger's protection while on duty.

**Committee Amendment "A" (H-451)**

This amendment strikes and replaces the bill.

The amendment amends the powers and duties of the Board of Trustees of the Maine Criminal Justice Academy to include that the board establish certification standards and a training program for forest rangers and the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry. The training program must include preservice law enforcement training under the Maine Revised Statutes, Title 25, section 2804-B; an additional basic forest ranger training program developed by the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and approved by the board that is specific to the duties of a forest ranger; in-service law enforcement training that is specifically approved by the board as prescribed in Title 25, section 2804-E; and a firearms training program equivalent to a firearms training program of a full-time law enforcement officer trained at the Maine Criminal Justice Academy that is developed and approved by the board.

The training program exempts forest rangers from basic law enforcement training and other requirements under Title 25, section 2804-C, but completion of the basic training under section 2804-C exempts a person from the preservice training requirement.

The training program satisfies requirements necessary for forest rangers to carry firearms in the course of their duties. The amendment also specifies that beginning July 1, 2018, all forest rangers and the state supervisor must successfully complete the training requirements established under Title 25, section 2803-A, subsection 8-D, which provides the department and the board time to develop and implement the training.

The amendment also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-519)**

This amendment changes the beginning date for completion of the training requirements to July 1, 2019 from July 1, 2018. This amendment also removes the amounts appropriated in fiscal year 2017-18 and appropriates those amounts in fiscal year 2018-19.

**Enacted Law Summary**

Public Law 2017, chapter 456 amends the powers and duties of the Board of Trustees of the Maine Criminal Justice Academy to include that the board establish certification standards and a training program for forest rangers and the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry. The training program must include preservice law enforcement training under the

*Joint Standing Committee on Agriculture, Conservation and Forestry*

Maine Revised Statutes, Title 25, section 2804-B; an additional basic forest ranger training program developed by the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and approved by the board that is specific to the duties of a forest ranger; in-service law enforcement training that is specifically approved by the board as prescribed in Title 25, section 2804-E; and a firearms training program equivalent to a firearms training program of a full-time law enforcement officer trained at the Maine Criminal Justice Academy that is developed and approved by the board.

The training program exempts forest rangers from basic law enforcement training and other requirements under Title 25, section 2804-C, but completion of the basic training under section 2804-C exempts a person from the preservice training requirement.

The training program satisfies requirements necessary for forest rangers to carry firearms in the course of their duties. Public Law 2017, chapter 456 also specifies that beginning July 1, 2019, all forest rangers and the state supervisor must successfully complete the training requirements established under Title 25, section 2803-A, subsection 8-D.

**LD 173      An Act To Reduce Food Insecurity**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E DAVIS P	OTP-AM	H-121

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides an appropriation of \$5,000,000 to allow the Department of Agriculture, Conservation and Forestry to contract with the Good Shepherd Food Bank or a successor organization for statewide hunger relief services.

**Committee Amendment "A" (H-121)**

This amendment reduces the appropriation in the bill to \$2,500,000.

**LD 174      An Act To Require Schools To Submit Pest Management Activity Logs  
and Inspection Results to the Board of Pesticides Control for the  
Purposes of Providing Information to the Public**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM	H-374

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill restricts the use of pesticides on school grounds. It allows their use only in situations that pose a health threat to a student or staff member, in response to the presence of animals or insects identified as a public health nuisance, or on agricultural fields in accordance with the manufacturer's instructions. It permits their use on athletic

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

fields when determined necessary by the school for the health and safety of the field and students. It requires the Commissioner of Education to adopt rules to implement landscaping design that minimizes or avoids the necessity of the use of pesticides on school grounds for new construction of school facilities.

**Committee Amendment "A" (H-374)**

This amendment strikes and replaces the bill.

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

The fiscal note on the amendment identifies certain requirements in this amendment as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds the provisions identified as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The requirement in the amendment that a school submit a copy of its pest management activity log, which is already required by rule to be maintained, does not require an expansion or modification of activities so as to necessitate additional expenditures from local revenue. The committee does not feel that the act of submitting once per year a pest management activity log that is already required to be maintained constitutes additional expenditures from local revenue.

**LD 637 An Act To Protect Maine's Lands**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

This bill proposes to enact measures to protect Maine's lands.

**LD 742 An Act To Allow Hemp Growers To Grow Hemp from Clones and To Grow Hemp Indoors**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L DILL J	ONTP OTP-AM	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill provides that a person licensed to grow industrial hemp may, in addition to existing permitted activities, grow industrial hemp from a clone or tissue cultures removed from live crops grown from certified seeds. It also requires the Commissioner of Agriculture, Conservation and Forestry to adopt rules to allow for licensing of indoor industrial hemp production.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**Committee Amendment "A" (H-594)**

This amendment is the minority report of the committee.

This amendment clarifies that a person licensed to grow industrial hemp may grow hemp from a clone that is produced from seeds acquired from a certified seed source or hemp propagated from tissue cultures that are removed from live plants grown from seeds from a certified seed source. It also directs the Commissioner of Agriculture, Conservation and Forestry to adopt rules to provide for industrial hemp grown indoors for the purpose of certified seed production by a licensed person who is growing hemp for an academic research program conducted through a postsecondary education institution.

**LD 858      An Act To Strengthen the Law Regarding Dangerous Dogs and  
Nuisance Dogs**

**PUBLIC 404**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C CYRWAY S	OTP-AM	H-706

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill allows a sheriff, local law enforcement officer or animal control officer to determine whether a dog is a dangerous dog and requires the court to take that determination into account when making a decision regarding a dangerous dog. It requires the sheriff, local law enforcement officer or animal control officer who determines a dog to be dangerous to apply for an ex parte order to take possession of the dog. It removes the option of the court's allowing the owner or keeper of a dangerous dog to keep the dog and requires the court either to order the dog confined at a governmental facility or at a local humane society or similar nongovernmental organization or to order the dog euthanized. It also adds to the law regarding ordering a dog's euthanasia that the dog must be euthanized if it killed, maimed or inflicted serious bodily injury upon a domesticated animal.

**Committee Amendment "A" (H-706)**

This amendment strikes and replaces the bill.

This amendment does the following:

1. Amends the definition of "dangerous dog" to mean a dog or wolf hybrid that causes the death of or inflicts serious bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury or death; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog owner's or keeper's premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog;
2. Adds a new designation and definition of "nuisance dog" to mean a dog or wolf hybrid that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog or wolf hybrid that causes damage to property or crops not owned by the dog or wolf hybrid owner or keeper while the dog or wolf hybrid is not on the owner's or keeper's premises;



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

3. Provides that the fee for a dangerous dog license is \$100 and the late fee is \$150, the fee for a nuisance dog license is \$30 and the late fee is \$70, and all licenses that are issued must state whether the dog has been determined by the court to be a dangerous dog or a nuisance dog;
4. Directs the Department of Agriculture, Conservation and Forestry to develop and implement a dog licensing database within one year of the effective date of this legislation;
5. Prohibits a person from training or encouraging a dog that is not directly involved with a protection dog training program recognized by the Department of Public Safety, Bureau of State Police to be aggressive toward or attack another person or domesticated animal; transferring ownership of a dog determined by a court to be a dangerous dog without the permission of the court, unless the transfer is to an animal control officer or an animal shelter that has a contract with a municipality to euthanize the dog for the municipality; and tethering a dog determined by a court of competent jurisdiction to be a dangerous dog or a nuisance dog. A violation is a civil violation for which a fine not to exceed \$100 may be adjudged in addition to court costs;
6. Requires municipalities to report to the animal welfare division of the Department of Agriculture, Conservation and Forestry all complaints related to animal control incidents for the prior calendar year on forms provided by the department;
7. Raises the maximum fine that the court may order for a dog determined to be a dangerous dog or nuisance dog to \$5,000 and amends and expands the list of penalties that the court may order if the court determines the dog to be a dangerous dog or a nuisance dog including the following:
  - A. Order a dog determined to be a dangerous to be euthanized if the court finds that the dog has killed, maimed, or inflicted serious bodily injury upon a person or has a history of a prior assault or a prior finding by the court of being a dangerous dog and the dog presents a clear threat to public safety;
  - B. Order that the owner or keeper of the dangerous dog, if that person has previously been adjudicated of having a dangerous dog, may not own, possess or have on that person's premises any dogs;
  - C. Order the owner or keeper of the dangerous dog to post dangerous dog signage;
  - D. Order the dangerous dog confined in a secure enclosure;
  - E. Order that the owner or keeper of the dangerous dog that is confined in a secure enclosure may not allow the dog outside of the secure enclosure except for specified reasons;
  - F. Order the dangerous or nuisance dog to be securely muzzled with a basket-style muzzle;
  - G. Order the dangerous or nuisance dog to be spayed or neutered;
  - H. Order the dangerous or nuisance dog to be microchipped;
  - I. Order the owner or keeper of the dangerous or nuisance dog to obtain a minimum of \$100,000 in liability insurance for the life of the dog;
  - J. Order the owner or keeper of the dangerous or nuisance dog to have the dog evaluated by a certified canine behaviorist or to attend dog training classes; and
  - K. Order the owner or keeper of the dangerous or nuisance dog to immediately notify the sheriff, local law enforcement, or animal control officer if the dog escapes;

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

8. Adds that an owner or keeper of a dog who violates a court order entered pursuant to a dangerous dog or a nuisance dog finding is in civil contempt of court and adds that a violation of a court order of the expanded list of penalties by a dog owner is a Class D crime; and
9. Adds that the owner or keeper of a dog determined by a court to be a dangerous dog or a nuisance dog is required to notify the municipality in which the dog resides in writing and within 30 days if ownership of the dog is transferred, the residence of the dog is changed or the dog is deceased.

### **Enacted Law Summary**

Public Law 2017, chapter 404 does the following:

1. Amends the definition of "dangerous dog" to mean a dog or wolf hybrid that causes the death of or inflicts serious bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury or death; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog owner's or keeper's premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog;
2. Adds a new designation and definition of "nuisance dog" to mean a dog or wolf hybrid that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog or wolf hybrid that causes damage to property or crops not owned by the dog or wolf hybrid owner or keeper while the dog or wolf hybrid is not on the owner's or keeper's premises;
3. Provides that the fee for a dangerous dog license is \$100 and the late fee is \$150, the fee for a nuisance dog license is \$30 and the late fee is \$70, and all licenses that are issued must state whether the dog has been determined by the court to be a dangerous dog or a nuisance dog;
4. Directs the Department of Agriculture, Conservation and Forestry to develop and implement a dog licensing database within one year of the effective date of this legislation;
5. Prohibits a person from training or encouraging a dog that is not directly involved with a protection dog training program recognized by the Department of Public Safety, Bureau of State Police to be aggressive toward or attack another person or domesticated animal; transferring ownership of a dog determined by a court to be a dangerous dog without the permission of the court, unless the transfer is to an animal control officer or an animal shelter that has a contract with a municipality to euthanize the dog for the municipality; and tethering a dog determined by a court of competent jurisdiction to be a dangerous dog or a nuisance dog. A violation is a civil violation for which a fine not to exceed \$100 may be adjudged in addition to court costs;
6. Requires municipalities to report to the animal welfare division of the Department of Agriculture, Conservation and Forestry all complaints related to animal control incidents for the prior calendar year on forms provided by the department;
7. Raises the maximum fine that the court may order for a dog determined to be a dangerous dog or nuisance dog to \$5,000 and amends and expands the list of penalties that the court may order if the court determines the dog to be a dangerous dog or a nuisance dog including the following:

*Joint Standing Committee on Agriculture, Conservation and Forestry*

- A. Order a dog determined to be a dangerous to be euthanized if the court finds that the dog has killed, maimed, or inflicted serious bodily injury upon a person or has a history of a prior assault or a prior finding by the court of being a dangerous dog and the dog presents a clear threat to public safety;
  - B. Order that the owner or keeper of the dangerous dog, if that person has previously been adjudicated of having a dangerous dog, may not own, possess or have on that person's premises any dogs;
  - C. Order the owner or keeper of the dangerous dog to post dangerous dog signage;
  - D. Order the dangerous dog confined in a secure enclosure;
  - E. Order that the owner or keeper of the dangerous dog that is confined in a secure enclosure may not allow the dog outside of the secure enclosure except for specified reasons;
  - F. Order the dangerous or nuisance dog to be securely muzzled with a basket-style muzzle;
  - G. Order the dangerous or nuisance dog to be spayed or neutered;
  - H. Order the dangerous or nuisance dog to be microchipped;
  - I. Order the owner or keeper of the dangerous or nuisance dog to obtain a minimum of \$100,000 in liability insurance for the life of the dog;
  - J. Order the owner or keeper of the dangerous or nuisance dog to have the dog evaluated by a certified canine behaviorist or to attend dog training classes; and
  - K. Order the owner or keeper of the dangerous or nuisance dog to immediately notify the sheriff, local law enforcement, or animal control officer if the dog escapes;
8. Adds that an owner or keeper of a dog who violates a court order entered pursuant to a dangerous dog or a nuisance dog finding is in civil contempt of court and adds that a violation of a court order of the expanded list of penalties by a dog owner is a Class D crime; and
9. Adds that the owner or keeper of a dog determined by a court to be a dangerous dog or a nuisance dog is required to notify the municipality in which the dog resides in writing and within 30 days if ownership of the dog is transferred, the residence of the dog is changed or the dog is deceased.

**LD 939      An Act To Protect Maine's Agriculture**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

This bill proposes to protect Maine's agriculture.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 1127     An Act To Provide Occupants of Motor Vehicles with Gold Star Family  
Registration Plates Free Entry to State Parks     Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B CARSON B	OTP-AM	H-376

This bill was reported out of committee in the First Regular Session to the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

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

**Committee Amendment "A" (H-376)**

This amendment incorporates a fiscal note.

**LD 1574     Resolve, To Require Greater Clearing of Vegetation along Portions of     ONTP  
Route 161 in the Town of Allagash**

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

This resolve was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This resolve directs the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to contract with third parties to cut back vegetation 20 feet from the edges of portions of Route 161 in the Town of Allagash.

**LD 1584     An Act To Expand the Local Foods Economy by Promoting Local Foods     PUBLIC 437  
Procurement**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E HICKMAN C	OTP-AM	S-391

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out of committee in the Second Regular Session and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill requires the Commissioner of Agriculture, Conservation and Forestry to establish a good local foods procurement program to encourage the purchase and sale of foods that are produced and harvested in this State and that are healthy, safe, wholesome, nutritious, affordable, accessible and sustainably produced.

The program, administered by the commissioner, must help farmers and fishermen in this State by increasing demand for and direct purchasing of their products by individuals and institutions with a goal of increasing the sale

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

and purchase of good local foods by 20% no later than 2025 and supporting local economies, farms, fisheries, jobs, nutrition, environmental sustainability and animal welfare. The program also must improve access to good local foods.

The program must increase the purchase of good local foods by public and private institutions in this State, including, but not limited to, primary and secondary schools, colleges and universities, hospitals, jails, community centers serving senior citizens, child care centers, restaurants and grocery stores.

The program must provide education and outreach for the purpose of supporting farms, farmers' markets and community supported agriculture to further the goal of increasing the sale and purchase of good local foods.

The program must improve access to good local foods for recipients of food supplement program benefits. The commissioner must expand opportunities for farmers to sell good local foods to recipients of food supplement program benefits by promoting the use of electronic benefits transfer cards at farmers' markets and, in partnership with a statewide federation of farmers' markets, encouraging participation in community supported agriculture by recipients of food supplement program benefits. The commissioner must assist farmers' markets in accepting payments through the electronic benefits transfer system by helping them secure scanners and equipment, including equipment that does not require the use of electricity for locations that do not have access to electricity, for processing payments through the electronic benefits transfer system. The commissioner, in partnership with the Commissioner of Health and Human Services, must educate recipients of food supplement program benefits of the opportunity to use the benefits at farmers' markets and the advantages of such use.

### **Committee Amendment "A" (S-391)**

This amendment strikes and replaces the bill.

This amendment directs the Commissioner of Agriculture, Conservation and Forestry to establish and promote a local foods procurement program with the goal of increasing the percentage of local foods procured by state institutions to 20% of all food and food products procured by 2025. The program does not apply to local schools.

The amendment also directs the commissioner to establish guidelines to assist state institutions in assessing their ability to procure local foods while minimizing costs, provide education and outreach for the purpose of supporting farms, farmers' markets, community supported agriculture and seafood providers to increase the sale and purchase of local foods and improve access to local foods for recipients of benefits of any food supplement program administered by the Department of Health and Human Services.

The amendment directs the commissioner to adopt major substantive rules to implement the local foods procurement program and to report on the progress towards reaching the local food procurement goal in the Department of Agriculture, Conservation and Forestry's biennial report.

The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2017, chapter 437 directs the Commissioner of Agriculture, Conservation and Forestry to do the following:

1. Establish and promote a local foods procurement program with the goal of increasing the percentage of local foods procured by state institutions to 20% of all food and food products procured by 2025. The program does not apply to local schools;
2. Establish guidelines to assist state institutions in assessing their ability to procure local foods while minimizing costs, provide education and outreach for the purpose of supporting farms, farmers' markets, community supported agriculture and seafood providers to increase the sale and purchase of local foods and improve access to local foods

*Joint Standing Committee on Agriculture, Conservation and Forestry*

for recipients of benefits of any food supplement program administered by the Department of Health and Human Services;

- 3. Adopt major substantive rules to implement the local foods procurement program; and
- 4. Report on the progress towards reaching the local food procurement goal in the Department of Agriculture, Conservation and Forestry's biennial report.

**LD 1611 An Act To Protect Persons Who Cultivate, Process, Buy and Sell Hemp**

**Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill establishes an industrial hemp pilot program under which educational institutions of higher learning and others are allowed to plant, grow, harvest, process, possess, transport, purchase, sell and distribute industrial hemp for research purposes under a license issued by the Department of Agriculture, Conservation and Forestry. The department is required to adopt rules to certify and register sites and license activities related to industrial hemp and to license industrial hemp producer collectives. The rules must address testing procedures and standards, an industrial hemp certified seed program, pollen drift and feral hemp and allow for hemp production indoors, outdoors and in greenhouses.

This bill allows licensees to use industrial hemp clones. It requires the department to encourage collaboration with other states' educational institutions of higher learning and state departments of agriculture. It also prevents industrial hemp from being listed as a primary or secondary noxious-weed seed. It creates a civil violation for a person or entity that violates the new provision.

**Committee Amendment "A" (S-357)**

This amendment is the minority report of the committee.

The amendment adds an appropriations and allocations section and changes the beginning date of the Department of Agriculture, Conservation and Forestry's annual report to the joint standing committee of the Legislature having jurisdiction over agricultural matters to January 15, 2019.

**LD 1647 Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry**

**RESOLVE 29  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-343

This resolve was reported out of committee in the First Special Session of the 128th Legislature.

This resolve authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to exchange land along Main Street, Route 164, in the Town of Washburn for a nearby piece of land in order to improve the safety of recreational travel on certain state-owned trails used for motorized recreation and allow the

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

town to sell a parcel of land it owns to a national business for development.

**Committee Amendment "A" (S-343)**

This amendment specifies that the segment of the Aroostook Valley Trail being transferred from the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to the Town of Washburn is approximately 30 feet wide and approximately 440 feet long.

**Enacted Law Summary**

Resolve 2017, chapter 29 authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to exchange land along Main Street, Route 164, in the Town of Washburn for a nearby piece of land in order to improve the safety of recreational travel on certain state-owned trails used for motorized recreation and allow the town to sell a parcel of land it owns to a national business for development. The law specifies that the segment of the Aroostook Valley Trail being transferred from the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to the Town of Washburn is approximately 30 feet wide and approximately 440 feet long.

Resolve 2017, chapter 29 was finally passed as an emergency measure effective October 31, 2017.

**LD 1648    An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations**

**PUBLIC 314  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-342

This bill was reported out of committee in the First Special Session of the 128th Legislature.

This bill establishes that certain foods that are produced in municipalities with local food ordinances that are regulated under federal authority and jurisdiction must still comply with state and federal laws, rules and regulations and are subject to state licensing and inspection in order to comply with federal laws and regulations.

**Committee Amendment "A" (S-342)**

This amendment does the following:

1. It clarifies the scope of the bill to ensure that local food ordinances must relate to direct producer-to-consumer transactions involving food or food products intended for human consumption. It also provides definitions of "direct producer-to-consumer transaction" and "food or food products";
2. It clarifies that the state laws in the Maine Revised Statutes, Title 7 and Title 22 that regulate direct producer-to-consumer transactions involving food or food products are the state laws whose application such local ordinances may affect; and
3. It makes other clarifying amendments to the bill and adds a provision authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill to the Second Regular Session of the 128th Legislature relating to the food sovereignty law.

**Enacted Law Summary**

Public Law 2017, chapter 314 specifies that even in a municipality with an ordinance regarding direct producer-to-consumer transactions, the Department of Agriculture, Conservation and Forestry is required to implement, administer and enforce all rules and laws related to the State's meat and poultry products inspection and

*Joint Standing Committee on Agriculture, Conservation and Forestry*

licensing program in order to meet the necessary federal requirement that a state program be at least equal to applicable federal requirements. It specifies that local food ordinances must relate to direct producer-to-consumer transactions involving food or food products intended for human consumption. It also provides definitions of "direct producer-to-consumer transaction" and "food or food products." It clarifies that the state laws in the Maine Revised Statutes, Title 7 and Title 22 that regulate direct producer-to-consumer transactions involving food or food products are the state laws whose application such local ordinances may affect. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a bill to the Second Regular Session of the 128th Legislature relating to the food sovereignty law.

Public Law 2017, chapter 314 was enacted as an emergency measure effective October 31, 2017.

**LD 1662      Resolve, Regarding Legislative Review of Portions of Chapter 307: Fees for Testing Weighing and Measuring Devices, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry** **Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This resolve provides for legislative review of portions of Chapter 307: Fees for Testing Weighing and Measuring Devices, a major substantive rule of the Department of Agriculture, Conservation and Forestry.

After referral to the committee, the Commissioner of Agriculture, Conservation and Forestry, in consultation with the Office of the Maine Attorney General and the Office of Policy and Legal Analysis, requested that the sponsor withdraw the resolve because the rulemaking that is the subject of the resolve is routine technical rather than major substantive.

**LD 1681      An Act To Correct a Technical Error Pertaining to the Dairy Improvement Fund** **PUBLIC 331 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P DUNPHY M	OTP-AM	S-356

This bill establishes a base allocation of funds to the Finance Authority of Maine for the operation of the Dairy Improvement Fund in fiscal year 2018-19.

**Committee Amendment "A" (S-356)**

This amendment adds a base allocation of funds to the Finance Authority of Maine for the operation of the Dairy Improvement Fund in fiscal year 2017-18 to allow for the immediate usage of funds.

**Enacted Law Summary**

Public Law 2017, chapter 331 provides a base allocation of funds to the Finance Authority of Maine for the operation of the Dairy Improvement Fund for fiscal years 2017-18 and 2018-19.

Public Law 2017, chapter 331 was enacted as an emergency measure effective March 7, 2018.



*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 1739      Resolve, Authorizing the Lease of the Colonial Pemaquid State Historic Site**

**Accepted Majority (ONTP) Report**

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

This resolve authorizes the lease of certain property associated with the Colonial Pemaquid State Historic Site from the State to the Friends of Colonial Pemaquid to be used for historic preservation and to be open to the public for recreation and education purposes. The lease agreement must require that the property and historical collections be used exclusively for historic preservation and public education purposes.

**Committee Amendment "A" (S-358)**

This amendment is the minority report of the committee.

This amendment incorporates a fiscal note.

**LD 1747      Resolve, To Establish a Task Force To Examine Agricultural Issues**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM OTP-AM ONTP	S-388 H-690    DUNPHY M

This resolve establishes the Task Force To Examine Agricultural Issues to examine the barriers to economic prosperity in rural parts of the State, how innovation, infrastructure and technology may play a role in long-term, sustainable rural success, the potential impact of requiring State facilities to use a certain percentage of biofuel, and the potential impact that the consolidation of the former Department of Agriculture, Food and Rural Resources and the former Department of Conservation has had on agricultural issues in this State.

The task force's membership consists of eight legislators, the Commissioner of Agriculture, Conservation and Forestry or his designee, the Director of the Bureau of General Services or his designee, two public members representing blueberry harvesters, and one public member representing forest products landowners.

The task force is required to submit a report including findings and recommendations to the First Regular Session of the 129th Legislature.

**Committee Amendment "A" (S-388)**

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

The amendment directs the Commissioner of Agriculture, Conservation and Forestry to convene a departmental task force to study agricultural issues in the State and invite representatives and farmers from agricultural organizations and industries to participate in the task force, including an economist from the University of Maine Cooperative Extension Service to serve as the chair of the task force.

The amendment removes from the task force's original duties the requirement to examine the effect of the consolidation of the former Department of Agriculture, Food and Rural Resources and the Department of

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

Conservation, and adds to the task force's duties the duty to examine the effect of international trade policy on state agricultural commodities and the recommendations presented in the 2003 Blaine House Conference on Maine's Natural Resource-based Industry: Charting a New Course report.

The amendment requires the Department of Agriculture, Conservation and Forestry to provide staff support to the task force, and requires the Commissioner of Economic and Community Development and the Chief Executive Officer of the Finance Authority of Maine to designate a representative to serve as a resource to the task force.

The task force is required to submit a report including findings and recommendations to the First Regular Session of the 129th Legislature.

**Committee Amendment "B" (S-389)**

This amendment is the minority report of the committee.

This amendment narrows the task force's duties to the effect that the consolidation of the former Department of Agriculture, Food and Rural Resources and the former Department of Conservation has had on agricultural issues in this State and requires that one of the public members represent potato farmers.

**House Amendment "A" To Committee Amendment "A" (H-690)**

This amendment amends Committee Amendment "A" by removing the requirement that the Commissioner of Agriculture, Conservation and Forestry convene a departmental task force and invite representatives to participate in the task force. Instead, the amendment establishes the Task Force To Examine Agricultural Issues, as a legislative study, and gives appointing authority to the President of the Senate and the Speaker of the House of Representatives. The amendment does not change the membership of the task force and it provides that members of the task force are not entitled to reimbursement for their expenses.

**LD 1766 An Act To Improve Marketing Efficiency in the Harness Racing Industry by Requiring Its Promotion by the State Harness Racing Commission and by Repealing the Harness Racing Promotional Board**

**PUBLIC 371**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITE D	OTP-AM	H-652

This bill adds promotion of harness racing to the existing responsibilities of the State Harness Racing Commission.

The bill also repeals the Harness Racing Promotional Board and transfers the funds held by the board to the Harness Racing Promotional Fund, which will be administered by the State Harness Racing Commission and used to promote harness racing.

**Committee Amendment "A" (H-652)**

This amendment requires that the funds in the Harness Racing Promotional Fund be used solely for the marketing and promotion of harness racing and requires the State Harness Racing Commission to invite input on the marketing and promotion of harness racing in this State from a statewide association of harness horsemen, a statewide association of Standardbred breeders, a statewide association of agricultural fairs and persons who are members of organizations representing the interests of commercial harness racing tracks and off-track betting facilities.

The amendment also requires the State Harness Racing Commission, in its annual report, to include an account of the commission's operations and actions regarding the promotion of harness racing, a summary of income and expenses of the Harness Racing Promotional Fund, including any receipts and disbursements, and an assessment of the economic condition of the harness racing industry in this State. The amendment also changes the beginning date

*Joint Standing Committee on Agriculture, Conservation and Forestry*

of the annual report from April 1, 2018 to February 15, 2019.

The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2017, chapter 371 repeals the Harness Racing Promotional Board and requires the State Harness Racing Commission to promote harness racing in the State through the formation of advisory subcommittees, facilitation and marketing plans, the expenditure or granting of funds, and by inviting input on the promotion of harness racing from stakeholders.

Public Law 2017, chapter 371 changes the date of the annual harness racing report to February 15, 2019, and annually thereafter, and requires the report to include an account of the commission's operations and actions regarding the promotion of harness racing, a summary of income and expenses of the Harness Racing Promotion Fund, including any receipts and disbursements, and an assessment of the economic condition of the harness racing industry in this State.

Public Law 2017, chapter 371 establishes the Harness Racing Promotional Fund to be used solely for the marketing and promotion of harness racing in the State and transfers all unexpended balances of the Harness Racing Promotional Board to the Harness Racing Promotional Fund.

**LD 1773      Resolve, Directing the Bureau of Parks and Lands To Transfer Land in      RESOLVE 51**  
**the Town of Pittston**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J CUSHING A	OTP-AM	H-620

This resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to transfer a portion of a parcel of land situated on Arnold Road in the Town of Pittston to the First Congregational Church of Pittston.

**Committee Amendment "A" (H-620)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2017, chapter 51 directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to transfer a .30 acre parcel of land situated on Arnold Road in the Town of Pittston, Kennebec County and recorded on the Town of Pittston property tax map U-13, Lot 9 to the First Congregational Church of Pittston.

**LD 1789      An Act Authorizing Changes to the Ownership and Leases of Certain      PUBLIC 362**  
**Public Lands**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-416

This bill transfers those leases of public reserved lands granted by an act of the Legislature before the establishment of an agency in the executive branch of State Government for managing leases of public reserved lands to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

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

The bill authorizes the Director of the Bureau of Parks and Lands to sell certain parcels of public reserved lands on the southwest side of West Richardson Pond to the individual lessees, sell another lot in that area via public sale and enter into a land exchange to separate common and divided interests in a parcel of land in Aroostook County.

The bill amends Resolve 2015, chapter 29, which authorized the partitioning and consolidation of common and undivided interests in the Scopan Unit and other locations. Chapter 29 involved lands in Township 11, Range 4 WELS, Township 13, Range 13 WELS and Township 12, Range 13 WELS, which are not owned by the same group of owners as those lands involved in the proposed partition of interests in Township 10, Range 4 WELS and Township 13, Range 5 WELS. At present, the partitioning and exchange of interests in Township 10, Range 4 WELS and Township 13, Range 5 WELS are ready to move forward. The bill amends chapter 29 to allow the Township 10, Range 4 WELS and Township 13, Range 5 WELS transaction to take place and further authorizes negotiations by the bureau for the State's acquisition of all of the minority common and undivided interests in Township 11, Range 4 WELS E/2 owned by parties whose interests are managed by Prentiss and Carlisle Management Company.

### **Committee Amendment "A" (S-416)**

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

The amendment does the following:

1. Removes the provision authorizing the transfer of leases of public reserved land granted by an act of the Legislature before the establishment of an agency in the Executive Branch for managing leases and instead authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to allow the lessee of land at Long Falls Dam Road to sublease a portion of the parcel to the Maine Huts and Trails system for a parking area;
2. Amends Resolve 2013, chapter 56, which authorized the sale of lease lots in Richardson Lake public reserved lands to an association of lessees, to instead authorize the director to sell to individual lessees, and authorizing the sale of an additional parcel of public reserved lands on a small island in West Richardson Pond, and provides a description of the parcel and corrects the number of lessees as described in chapter 56;
3. Amends Resolve 2015, chapter 29, which authorizes the director to partition and consolidate common and undivided interests in lands in Township 10, Range 4 WELS and Township 13, Range 5 WELS, to remove language in the bill allowing the director to reconfigure tracts and or reconfigure the parcels to be conveyed and allowing the director to acquire interests managed by Prentiss and Carlisle Management Company in Township 11, Range 4 WELS E/2; and
4. Requires the Bureau to report to the joint standing committee of the Legislature having jurisdiction over nonreserved public lands and public reserved lands matters on the amount of funds in the public nonreserved lands acquisition fund and the Public Reserved Lands Acquisition Fund by county, including the funds received pursuant to transactions authorized by this legislation.

### **Enacted Law Summary**

Public Law 2017, chapter 362 does the following:

1. Authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to allow the lessee of land at Long Falls Dam Road to sublease a portion of the parcel to the Maine Huts and Trails system for a parking area;
2. Amends Resolve 2013, chapter 56, which authorized the sale of lease lots in Richardson Lake public reserved lands to an association of lessees, to instead authorize the director to sell to individual lessees, and authorizing the

*Joint Standing Committee on Agriculture, Conservation and Forestry*

sale of an additional parcel of public reserved lands on a small island in West Richardson Pond, and provides a description of the parcel and corrects the number of lessees as described in chapter 56;

3. Amends Resolve 2015, chapter 29, which authorizes the director to partition and consolidate common and undivided interests in lands in Township 10, Range 4 WELS and Township 13, Range 5 WELS, to remove language in the bill allowing the director to reconfigure tracts and or reconfigure the parcels to be conveyed and allowing the director to acquire interests managed by Prentiss and Carlisle Management Company in Township 11, Range 4 WELS E/2; and

4. Requires the bureau to report to the joint standing committee of the Legislature having jurisdiction over nonreserved public lands and public reserved lands matters on the amount of funds in the public nonreserved lands acquisition fund and the Public Reserved Lands Acquisition Fund by county, including the funds received pursuant to transactions authorized by this public law.

**LD 1809      An Act To Amend the Laws Governing the Issuance of Burn Permits**

**PUBLIC 449  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T HANLEY J	OTP-AM	S-417 S-517    HAMPER J

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use burn permit software purchased from a private party to issue a permit to burn, if issuance of the permit using the burn permit software meets certain statutory requirements. The bill provides that a person may not be charged a fee for a permit to burn issued using the burn permit software and that a person may apply for a permit to burn using the burn permit software or as otherwise provided in law. The bill requires the director to approve burn permit software within 10 days after a town forest fire warden or deputy submits a request for review to the director if the burn permit software meets the requirements for approval. The bill authorizes the director to adopt major substantive rules relating to burn permit software requirements.

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

This amendment does the following:

1. Allows a person who is issued a burn permit electronically to produce the permit on an electronic device;
2. Removes the \$7 fee for applying for a burn permit electronically using the system developed by the State to issue burn permits;
3. Requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use burn permit software acquired from a private party to issue a permit to burn if issuance of the permit using the private party burn permit software meets certain statutory requirements;
4. Limits the number of private party burn permit software programs that may be approved and in operation in the State to two private systems. To be approved, the vendor or owner of the private party burn permit software must submit a request for review to the director. The director must approve or deny approval of the software within 10 business days. If the director denies approval of the software, the director must notify the vendor or owner of the reasons why in writing;
5. Establishes that a person who uses private party burn permit software to apply for a permit to burn may not be

*Joint Standing Committee on Agriculture, Conservation and Forestry*

charged a fee, and that a vendor or owner of a private party burn permit software may not charge a municipality for use of that software; and

6. Establishes that a person may not be required to apply for a permit to burn using private party burn permit software, but may apply as otherwise provided by law.

The amendment also adds an emergency preamble and an appropriations and allocations section to the bill.

**Senate Amendment "A" To Committee Amendment "A" (S-517)**

This amendment restores the provision that requires a person to pay a \$7 fee when that person applies for and is issued a permit electronically using the system developed by the State to issue burn permits.

**Enacted Law Summary**

Public Law 2017, chapter 449 does the following:

1. Allows a person who is issued a burn permit electronically to produce the permit on an electronic device;
2. Requires the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry to allow municipalities to use burn permit software acquired from a private party to issue a permit to burn if issuance of the permit using the private party burn permit software meets certain statutory requirements;
3. Limits the number of private party burn permit software programs that may be approved and in operation in the State to two private systems. To be approved, the vendor or owner of the private party burn permit software must submit a request for review to the director. The director must approve or deny approval of the software within 10 business days. If the director denies approval of the software, the director must notify the vendor or owner of the reasons why in writing;
4. Establishes that a person who uses private party burn permit software to apply for a permit to burn may not be charged a fee, and that a vendor or owner of a private party burn permit software may not charge a municipality for use of that software; and
5. Establishes that a person may not be required to apply for a permit to burn using private party burn permit software, but may apply as otherwise provided by law.

Public Law 2017, chapter 449 was enacted as an emergency measure effective July 9, 2018.

<b>LD 1839</b>	<b>An Act To Amend the Law Regarding the Interest Rate for State Loans under the Potato Marketing Improvement Fund</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	ONTP	

This bill changes the interest rate on loans made through the Potato Marketing Improvement Fund from a fixed rate of 5% to the federal prime rate at the time of loan closing or up to a maximum of 5%.

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

**LD 1844     An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid**

**Died On  
Adjournment**

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

This bill was reported out of committee during the Second Regular Session of the 128th Legislature and carried over to the next special session by joint order S.P. 748.

This bill requires the owner of a parcel of land that is at least 2,500 acres and that is enrolled in the Maine Tree Growth Tax Law program or is subject to the farm and open space tax law who receives an offer from a person who is not a resident of the United States to buy that parcel of land, prior to accepting the offer, to provide the State with notice of the offer. The State has 30 days to purchase the parcel of land at the price offered to the owner. If the State does not exercise its right to purchase the parcel of land, the owner may sell the parcel of land but at no less than the price offered to the State. If the State exercises its right to purchase the property, notwithstanding any provision of law to the contrary, the State is required to pay the taxes assessed on that property to the assessing authority.

**Committee Amendment "A" (S-447)**

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

This amendment establishes the State's right of first refusal regarding property that is more than 5,000 acres, subject to the Maine Tree Growth Tax Law program and not owned by or held in trust for a federally recognized Indian tribe in this State. The right of first refusal does not apply if the purchaser is an immediate family member. An owner who receives an offer must notify the Department of Agriculture, Conservation and Forestry of the proposed sale and the terms and conditions of the sale. The department may notify the Governor and the Legislative Council. The department has 10 business days to obtain funds to make the purchase. If the State exercises its right of first refusal, the property is nonreserved public land subject to the requirements of the Maine Revised Statutes, Title 12, chapter 220, subchapter 3 and does not change its classification under the Maine Tree Growth Tax Law. The Bureau of Parks and Lands within the department must manage the property in accordance with the Maine Tree Growth Tax Law and, using funds appropriated for that purpose by the Legislature, must make payments in lieu of taxes in an amount equal to the amount that would be paid by a private landowner to the assessing authority. If the State does not exercise its right of first refusal, the owner may sell the property to any purchaser. The department is required to adopt major substantive rules to implement these provisions.

**Committee Amendment "B" (S-448)**

This amendment is the minority report of the committee and is the same as the majority amendment, except that it provides that if the State does not exercise its right of first refusal, the owner may sell the property to any purchaser but at no less than the price provided to the department pursuant to Title 36, section 581-H, subsection 3 and if the owner decreases the price, the owner must resubmit the information in accordance with subsection 3.

**LD 1915     An Act To Clarify Which Municipalities May Receive a Portion of Day Use and Camping Fees from State Parks and Historic Sites**

**Veto Sustained**

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

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

This bill was not referred to committee.

This bill clarifies that 7% of the day use and camping fees derived from any lands classified by the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry as parks or historic sites under jurisdiction of the bureau must be apportioned and paid to all municipalities that have any lands classified by the director as parks or historic sites under jurisdiction of the bureau within their boundaries.





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

## **SUBJECT INDEX**

### **Agricultural Development**

#### **Enacted**

LD 1681	An Act To Correct a Technical Error Pertaining to the Dairy Improvement Fund	PUBLIC 331 EMERGENCY
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#### **Not Enacted**

LD 939	An Act To Protect Maine's Agriculture	ONTP
LD 1747	Resolve, To Establish a Task Force To Examine Agricultural Issues	Veto Sustained
LD 1839	An Act To Amend the Law Regarding the Interest Rate for State Loans under the Potato Marketing Improvement Fund	ONTP

### **Animal Welfare**

#### **Enacted**

LD 858	An Act To Strengthen the Law Regarding Dangerous Dogs and Nuisance Dogs	PUBLIC 404
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### **Department of Agriculture, Conservation and Forestry**

#### **Enacted**

LD 1647	Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry	RESOLVE 29 EMERGENCY
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#### **Not Enacted**

LD 1662	Resolve, Regarding Legislative Review of Portions of Chapter 307: Fees for Testing Weighing and Measuring Devices, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	Leave to Withdraw Pursuant to Joint Rule 310
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### **Food Policy**

#### **Enacted**

LD 1584	An Act To Expand the Local Foods Economy by Promoting Local Foods Procurement	PUBLIC 437
LD 1648	An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations	PUBLIC 314 EMERGENCY

#### **Not Enacted**

LD 173	An Act To Reduce Food Insecurity	Died On Adjournment
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## *Harness Racing*

### Enacted

LD 1766	An Act To Improve Marketing Efficiency in the Harness Racing Industry by Requiring Its Promotion by the State Harness Racing Commission and by Repealing the Harness Racing Promotional Board	PUBLIC 371
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## *Maine Forest Service*

### Enacted

LD 8	An Act To Provide Training for Forest Rangers To Carry Firearms	PUBLIC 456
LD 1809	An Act To Amend the Laws Governing the Issuance of Burn Permits	PUBLIC 449 EMERGENCY

## *Miscellaneous*

### Not Enacted

LD 637	An Act To Protect Maine's Lands	ONTP
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## *Parks and Public Lands*

### Enacted

LD 1773	Resolve, Directing the Bureau of Parks and Lands To Transfer Land in the Town of Pittston	RESOLVE 51
LD 1789	An Act Authorizing Changes to the Ownership and Leases of Certain Public Lands	PUBLIC 362

### Not Enacted

LD 1127	An Act To Provide Occupants of Motor Vehicles with Gold Star Family Registration Plates Free Entry to State Parks	Died On Adjournment
LD 1574	Resolve, To Require Greater Clearing of Vegetation along Portions of Route 161 in the Town of Allagash	ONTP
LD 1739	Resolve, Authorizing the Lease of the Colonial Pemaquid State Historic Site	Majority (ONTP) Report
LD 1915	An Act To Clarify Which Municipalities May Receive a Portion of Day Use and Camping Fees from State Parks and Historic Sites	Veto Sustained

## *Pesticides*

### Not Enacted

LD 174	An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purposes of Providing Information to the Public	Died On Adjournment
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## *Regulated Products*

### Not Enacted

LD 742	An Act To Allow Hemp Growers To Grow Hemp from Clones and To Grow Hemp Indoors	Majority (ONTP) Report
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LD 1611	An Act To Protect Persons Who Cultivate, Process, Buy and Sell Hemp	Majority (ONTP) Report
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**Timber Harvesting**

**Not Enacted**

LD 1844	An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid	Died On Adjournment
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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 47      An Act To Authorize a General Fund Bond Issue To Fund Equipment  
for Career and Technical Education Centers      Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

**LD 139      An Act To Authorize a General Fund Bond Issue for Maine's  
Community Colleges      Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to strengthen and expand business and industry training, upgrade and renovate instructional technology facilities and laboratories at Maine's seven community colleges in order to strengthen educational programming and workforce development and install energy efficiency upgrades across the system. Similar provisions are contained in LD 836 as enacted.

**LD 143      An Act To Provide Funding for Upgrades of Learning Spaces and Other  
Projects Funded by the School Revolving Renovation Fund      Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH R MAKER J		

This bill was reported out of the Education and Cultural Affairs Committee during the First Regular Session of the 128th Legislature. The bill was committed to the Appropriations and Financial Affairs Committee and then carried over from the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

This bill provides funds to be used to upgrade learning spaces in school buildings and for other necessary repairs

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

approved by the Commissioner of Education.

**Committee Amendment "A" (H-452)**

This amendment was reported out by the Joint Standing Committee on Education and Cultural Affairs in the First Regular Session of the 128th Legislature. This amendment replaces the bill with a bond issue. The funds provided by this bond issue, in the amount of \$25,000,000 in each of the two fiscal years, will be used to provide funds to the School Revolving Renovation Fund for the purpose of providing funds to public schools to upgrade learning spaces in school buildings and make other necessary repairs.

**LD 176      An Act To Authorize the Maine Public Employees Retirement System To      PUBLIC 378  
Procure and Offer Long-term Disability Insurance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R KATZ R	OTP-AM	H-681

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

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

This bill proposes to implement changes to the disability retirement program administered by the Maine Public Employees Retirement System. The changes would be based on the recommendations of a task force, which was convened by the system to review the current disability retirement program and propose changes to improve member experience while maintaining fiscal responsibility. The task force, consisting of representatives of employers and employees and staff from the system, is expected to provide its recommendations before the end of the First Regular Session of the 128th Legislature.

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

This amendment replaces the bill, which is a concept draft. The amendment authorizes the Board of Trustees of the Maine Public Employees Retirement System to procure and offer long-term disability insurance to the retirement system's members and employees who choose not to become members but participate in the defined contribution plan pursuant to the Maine Revised Statutes, section 18801, subsection 1. The decision about whether to offer coverage is made by the employer. Premiums would not be paid for by the retirement system, but would be paid by employers, by employees electing the coverage or by a combination of both. The amendment also directs the retirement system to report twice to the joint standing committee of the Legislature having jurisdiction over retirement matters on the use of the authority granted by this bill, once in 2019 and once in 2020.

**Enacted Law Summary**

Public Law 2017, chapter 378 authorizes the Board of Trustees of the Maine Public Employees Retirement System to procure and offer long-term disability insurance to the retirement system's members and employees who choose not to become members but participate in the defined contribution plan pursuant to the Maine Revised Statutes, section 18801, subsection 1. The decision about whether to offer coverage is made by the employer. Premiums would not be paid for by the retirement system, but would be paid by employers, by employees electing the coverage or by a combination of both. It also directs the retirement system to report twice to the joint standing committee of the Legislature having jurisdiction over retirement matters on the use of the authority granted by this law, once in 2019 and once in 2020.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 177      An Act To Remove the Age Penalty for State Retirees Working at State  
Correctional Institutions That Are Closing**

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was reported out of committee in the Second Regular Session of the 128th Legislature and was carried over to the next special session of the 128th Legislature by joint order S.P. 748.

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

**Committee Amendment "A" (H-764)**

This amendment, which is the majority report of the committee, differs from the bill in the following ways.

1. It defines "closure" as the removal of all clients from a correctional facility pursuant to legislative action.
2. It removes the provision that the Commissioner of Administrative and Financial Services provide notification to the Maine Public Employees Retirement System of closure and replaces it with a provision that requires the Department of Corrections to notify the retirement system of the date of closure and the date of enactment and the chapter of the law that provides for the closure.
3. It provides funding for the unfunded actuarial liability of the additional retirement benefits for qualified individuals through a one-time increase in the Department of Corrections' employer contribution rate for payment of the unfunded actuarial liability.

Provisions of this bill, as amended, are included in LD 925 as enacted.

**LD 178      An Act To Authorize a General Fund Bond Issue To Provide Jobs,  
Improve Road Infrastructure and Protect Water Resources**

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

The funds provided by this bond issue, in the amount of \$5,000,000, will be used to provide funding for cost sharing of at least 50% on projects that correct downstream pollution issues and provide contractor jobs and public safety improvements through improved storm water management and improved water quality.

**LD 247      An Act To Amend the Retirement Laws Pertaining to Participating  
Local Districts**

**PUBLIC 392  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN J	OTP-AM	H-716

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

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

This bill proposes to implement changes to the Participating Local District Consolidated Retirement Plan administered by the Maine Public Employees Retirement System; the changes would be based on recommendations of the Participating Local District Advisory Committee. The committee, which represents both employee and employer interests, is authorized by statute to provide proposals for changes to the plan. Pursuant to that authority, the committee is reviewing possible plan adjustments to improve future funding levels and is expected to issue its recommendations prior to the end of the First Regular Session of the 128th Legislature.

**Committee Amendment "A" (H-716)**

This amendment replaces the bill, which is a concept draft. This amendment also does the following.

1. It clarifies the rule-making authority for the Board of Trustees of the Maine Public Employees Retirement System to implement changes to the Participating Local District Consolidated Retirement Plan which are based on recommendations made by the Participating Local District Advisory Committee
2. It makes clear that plan provisions that pertain to contribution rates, earnable compensation, service credit for unused sick or vacation leave, cost-of-living adjustments, early retirement reduction, return to work after retirement and withdrawal liability payments that apply to employers and members of the Participating Local District Consolidated Retirement Plan are those adopted by rule pursuant to the Maine Revised Statutes, Title 5, section 18801.
2. It clarifies the meaning of "level of service retirement benefits" as it pertains to permissible changes to service retirement benefits.
3. It provides guidance for the adoption of rules on return to work after retirement and withdrawal liability.
4. It makes clear that any rules adopted by the board relating to the Participating Local District Consolidated Retirement Plan are routine technical rules.
5. It adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2017, chapter 392 does the following.

1. It clarifies the rule-making authority for the Board of Trustees of the Maine Public Employees Retirement System to implement changes to the Participating Local District Consolidated Retirement Plan which are based on recommendations made by the Participating Local District Advisory Committee

*Joint Standing Committee on Appropriations and Financial Affairs*

2. It makes clear that plan provisions that pertain to contribution rates, earnable compensation, service credit for unused sick or vacation leave, cost-of-living adjustments, early retirement reduction, return to work after retirement and withdrawal liability payments that apply to employers and members of the Participating Local District Consolidated Retirement Plan are those adopted by rule pursuant to the Maine Revised Statutes, Title 5, section 18801.

2. It clarifies the meaning of "level of service retirement benefits" as it pertains to permissible changes to service retirement benefits.

3. It provides guidance for the adoption of rules on return to work after retirement and withdrawal liability.

4. It makes clear that any rules adopted by the board relating to the Participating Local District Consolidated Retirement Plan are routine technical rules.

Public Law 2017, chapter 392 was enacted as an emergency measure effective April 18, 2018.

**LD 292      An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

**LD 316      An Act To Authorize a General Fund Bond Issue for Railways      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used for the enhancement of existing railway service and for the expansion of railway service. Similar provisions are contained in LD 1818 as enacted.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 317      An Act To Authorize a General Fund Bond Issue To Improve Highways,  
Bridges and Multimodal Facilities      Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$100,000,000, will be used to improve highways, bridges and multimodal facilities in the State. Similar provisions are contained in LD 1818 as enacted.

**LD 318      An Act To Authorize a General Fund Bond Issue to Support Economic  
Development with High-Resolution Geospatial Data      Died On  
Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$6,000,000, will be used to provide partnership funds and matching grants for geospatial data acquisition to communities that are creating or improving digital parcel maps to accurately identify existing boundaries and land use, identify potential community development areas and protect environmental resources.

**LD 319      An Act To Authorize a General Fund Bond Issue for Riverfront  
Community Development      Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S FECTEAU R		

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to fund a grant program to invest in projects along the State's rivers that contribute to economic, environmental and community development and revitalization, promote economic activity, protect the environment and enhance quality of life for Maine people.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 345      An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

**LD 376      An Act To Authorize a General Fund Bond Issue for a New Engineering Design and Education Center at the University of Maine      ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138.

The funds provided by this bond issue, in the amount of \$80,000,000, will be used for the construction of an engineering design and education center at the University of Maine in Orono.

**LD 416      An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Groundfish Permit Bank      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$5,000,000, will be used to purchase federal northeast multispecies groundfish permits to enable Maine fishing vessels to land their catch in Maine. The Department of Marine Resources is directed to retain revenue from leasing the quota of permits to cover the cost of the permit program and to return revenue in excess of program expenses to the General Fund.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 467      An Act To Authorize a General Fund Bond Issue To Address Changes in Sea Level      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

**LD 520      An Act To Authorize a General Fund Bond Issue To Increase Rural Maine's Access to Broadband Internet Service      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S MAKER J		

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

**LD 521      An Act To Align the Criteria Used by the Maine Public Employees Retirement System in Determining Veterans' Disability Claims with the Criteria Used by the United States Department of Veterans Affairs      PUBLIC 384**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S CARSON B	OTP-AM ONTP	H-688

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

This bill provides that a veteran who is a member of the Maine Public Employees Retirement System and who has been awarded a disability pension under 38 Code of Federal Regulations, Section 3.3 (2003) for a service-connected disability is qualified for disability retirement benefits under the Maine Revised Statutes, Title 5, chapter 423, article 3. The provisions of the bill apply to all applications for disability retirement benefits filed on or after January 1, 2018.



*Joint Standing Committee on Appropriations and Financial Affairs*

**Committee Amendment "A" (H-688)**

This amendment is the majority report of the committee and replaces the bill. The amendment provides that a veteran who is a member of the Maine Public Employees Retirement System and who has been awarded disability compensation by the United States Department of Veterans Affairs for a service-connected disability based on a determination of individual unemployability is presumed to be disabled under the Maine Revised Statutes, Title 5, section 17921, subsection 1 and section 18521, subsection 1. This presumption may be rebutted only by evidence not considered by the United States Department of Veterans Affairs. The provisions of the amendment apply to any application for a disability retirement benefit filed on or after October 1, 2018.

**Enacted Law Summary**

Public Law 2017, chapter 384 provides that a veteran who is a member of the Maine Public Employees Retirement System and who has been awarded disability compensation by the United States Department of Veterans Affairs for a service-connected disability based on a determination of individual unemployability is presumed to be disabled under the Maine Revised Statutes, Title 5, section 17921, subsection 1 and section 18521, subsection 1. This presumption may be rebutted only by evidence not considered by the United States Department of Veterans Affairs. The provisions of this law apply to any application for a disability retirement benefit filed on or after October 1, 2018.

**LD 546      An Act To Authorize a General Fund Bond Issue To Support Biological Research in Maine      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$5,000,000, will be used to provide funds for the Mount Desert Island Biological Laboratory through the Maine Technology Institute to expand infrastructure and stimulate biotechnology job growth and economic activity.

**LD 590      An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 638      An Act To Authorize a General Fund Bond Issue for Transportation Projects**

**Died On  
Adjournment**

Sponsor(s)  
MCLEAN A

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used for reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, aviation, freight and passenger railroads, transit and bicycle and pedestrian facilities, matching an estimated \$55,000,000 in federal and other funds.

Similar provisions are contained in LD 1818 as enacted.

**LD 650      An Act To Clarify and Protect Certain Public Service Retirement Benefits**

**Died On  
Adjournment**

Sponsor(s)  
WOODSOME D  
MARTIN D

Committee Report  
OTP-AM  
ONTP

Amendments Adopted  
S-370

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was reported out of committee in the Second Regular Session of the 128th Legislature and was carried over on the Special Appropriations Table from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

This bill changes the contractual commitment to maintain state-protected benefits regarding cost-of-living adjustments for retired state employees and teachers by specifying that it constitutes a solemn contractual commitment of the State that is protected under the Constitution of Maine and the United States Constitution.

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

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

**LD 675      An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Targeted Areas of the State**

**Died On  
Adjournment**

Sponsor(s)  
HICKMAN C

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

*Joint Standing Committee on Appropriations and Financial Affairs*

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

**LD 735      An Act To Authorize a General Fund Bond Issue To Support the Independence of Maine's Seniors      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to assist in the provision of energy-efficient affordable multifamily housing to low-income Maine seniors. Forty million dollars of the bond proceeds will be used to construct new multifamily housing for seniors and to adaptively reuse existing structures to provide multifamily housing for seniors. At least one housing facility will be located in each of Maine's 16 counties. Preference will be given to housing locations that have access to health care services and other essential goods and services. Five million dollars will be used to rehabilitate existing affordable senior housing facilities. Five million dollars will provide for home repair and weatherization of the existing homes of low-income seniors. The bond proceeds will leverage an estimated \$75,000,000 in private and other funds.

**LD 743      An Act To Authorize a General Fund Bond Issue To Promote and Improve the Intermodal Transportation System in Maine      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to promote and improve the intermodal transportation system in the State, including but not limited to rail and bus transportation, bicycle lanes and pedestrian sidewalks.

Provisions of this bill are included in LD 1818 as enacted.

**LD 836      An Act To Authorize a General Fund Bond Issue To Build Maine's Workforce Development Capacity by Modernizing and Improving the Facilities and Infrastructure of Maine's Public Universities and Community Colleges      PUBLIC 465**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E DILL J	OTP-AM ONTP	H-802

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$75,000,000, will be used to modernize and improve the facilities and infrastructure of Maine's public universities. The bill also provides \$2,500,000 in debt service beginning in fiscal year 2018-19 to make critical information technology investments in wireless communications and classrooms across the University of Maine System.

### **Committee Amendment "A" (H-802)**

This amendment, which is the majority report of the committee, changes the title, reduces from \$75,000,000 to \$49,000,000 the funds provided to build Maine's workforce development capacity by the construction, reconstruction and remodeling of existing or new facilities and other infrastructure within the University of Maine System and adds a bond issue to provide funds in the amount of \$15,000,000, to be used to improve educational programs by upgrading facilities at all seven community colleges to provide Maine people with access to high-skill, low-cost technical and career education. The amendment also removes the appropriation to the University of Maine System, and it requires the University of Maine System to submit a report to the Legislature and Governor on the system's capital expenditure plan every two years.

### **Enacted Law Summary**

Public Law 2017, chapter 465 does the following.

Part A provides for a bond issue, in the amount of \$49,000,000, to be used for the construction, reconstruction and remodeling of existing or new facilities and other infrastructure within the University of Maine System, as approved by the Board of Trustees. The bonds must be matched by other public and private funds.

Part B provides for a bond issue, in the amount of \$15,000,000, to be used to improve educational programs by upgrading facilities at all seven community colleges.

Part C requires the University of Maine System to submit a report to the Legislature and Governor on the system's capital expenditure plan every two years.

The bond issue is subject to voter approval at a statewide election to be held in November, 2018.

**LD 837      An Act To Provide Supplemental Appropriations and Allocations for the      Veto Sustained**  
**Operations of State Government**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E	OTP-AM ONTP	H-751 S-502    BREEN C

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was reported out of committee in the Second Regular Session and carried over from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

This emergency bill proposes to provide supplemental appropriations and allocations necessary for the operation of State Government for the fiscal year ending June 30, 2017.

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

**Committee Amendment "A" (H-751)**

This amendment, which is the majority report of the committee, replaces the bill, which is a concept draft. This amendment establishes 103 positions in the office for family independence in the Department of Health and Human Services to handle increased workload due to the expansion of eligibility for MaineCare. The amendment also provides one-time funding for technology updates and testing for the department's Maine Integrated Health Management Solution website.

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

This amendment does the following:

1. Establishes the MaineCare Expansion Fund within the Department of Health and Human Services to provide the funds estimated to be necessary for expanded coverage under the MaineCare program required by Initiated Bill 2017, chapter 1, "An Act To Enhance Access to Affordable Health Care";
2. Limits the use of the fund to funding needed for the implementation and continuation of expanded access to health care as required by Initiated Bill 2017, chapter 1;
3. Requires that funds in the fund lapse to the unappropriated surplus of the General Fund if not expended by June 30, 2019;
4. Directs the State Controller to transfer \$31,159,210 from the unappropriated surplus of the General Fund to the fund no later than 10 days following the effective date of this legislation; and
5. Provides that the Governor, on or before June 30, 2019 and upon the written request of the Commissioner of Health and Human Services in consultation with the State Budget Officer, may transfer up to \$23,540,000 from the unallocated balance of the Fund for a Healthy Maine to the fund for the amount of medical costs of the MaineCare program that, as a result of expansion of the MaineCare program, will within the 15 days following the request exceed the sum of the total amount available in the Department of Health and Human Services, Medical Care - Payments to Providers program plus the total amount transferred from the General Fund.

**LD 897      An Act To Authorize a General Fund Bond Issue To Encourage Efficient Biomass Thermal and Power Projects in Maine**

**Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to construct steam piping from existing stand-alone biomass generators to adjacent manufacturing facilities, construct biomass combined heat and power generation boilers for sawmill manufacturing facilities and convert fossil fuel boilers in public buildings and commercial facilities to biomass boilers.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 924      An Act Making Certain Supplemental Appropriations and Allocations  
and Changing Certain Provisions of the Law Necessary to the Proper  
Operations of State Government**

**PUBLIC 459  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	H-790 S-529    HAMPER J

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

This emergency bill proposes to adjust certain appropriations and allocations from the General Fund and other funds for the expenditures of State Government related to position changes and to change certain provisions of the law necessary to the proper operations of State Government for the fiscal year ending June 30, 2017.

**Committee Amendment "A" (H-790)**

This amendment replaces the bill.

Part A requires the Department of Health and Human Services to increase the reimbursement rates for services provided for home-based and community-based care for individuals with intellectual disabilities or autism and provides funding to the department due to the change in the rates. Federal Expenditures Fund allocations are also included for the federal medical assistance percentage match and Other Special Revenue Funds allocations for the service provider tax.

Part B requires the Department of Health and Human Services to amend its rules for reimbursement rates for certain home and community based services for the elderly and adults with physical disabilities and provides a General Fund appropriation and Other Special Revenue and Federal Fund allocation to fund an increase in those rates effective July 1, 2018.

Part C repeals the provision of law requiring the State Controller to make a one-time transfer of \$12,202,104 in fiscal year 2018-19 from the General Fund to the Reserve for County Jail Operations program Other Special Revenue account and replaces the Other Special Revenue allocation with a General Fund appropriation to the County Jails Operation Fund program beginning in fiscal year 2018-19.

**Senate Amendment "A" To Committee Amendment "A" (S-529)**

This amendment:

1. Removes requirements regarding assessment of individual need and resource application from the reimbursement methodology;
2. Requires that the Department of Health and Human Services perform a substantive review of rates for services provided to adults with intellectual disability or autism under MaineCare at least every two years;
3. Removes the requirement that rates be sufficient to ensure that an adequate number of providers are available to provide access to services; and
4. Adds two procedure codes to the list of procedure codes for which the department must amend its rules to

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

increase reimbursement rates.

**Enacted Law Summary**

Public Law 2017, chapter 459 does the following.

Part A requires the Department of Health and Human Services to increase the reimbursement rates for services provided for home-based and community-based care for individuals with intellectual disabilities or autism and provides funding to the department due to the change in the rates. Federal Expenditures Fund allocations are also included for the federal medical assistance percentage match and Other Special Revenue Funds allocations for the service provider tax. Similar provisions are contained in LD 967 as amended by the Joint Standing Committee on Health and Human Services.

Part B requires the Department of Health and Human Services to amend its rules for reimbursement rates for certain home and community based services for the elderly and adults with physical disabilities and provides a General Fund appropriation and Other Special Revenue and Federal Fund allocation to fund an increase in those rates effective July 1, 2018. Similar provisions are contained in LD 643 as amended by the Joint Standing Committee on Health and Human Services.

Part C repeals the provision of law requiring the State Controller to make a one-time transfer of \$12,202,104 in fiscal year 2018-19 from the General Fund to the Reserve for County Jail Operations program Other Special Revenue account and replaces the Other Special Revenue allocation with a General Fund appropriation to the County Jails Operation Fund program beginning in fiscal year 2018-19.

Public Law 2017, chapter 459 was enacted as an emergency measure effective July 9, 2018.

**LD 925      An Act Making Certain Appropriations and Allocations and Changing  
Certain Provisions of the Law Necessary to the Proper Operations of  
State Government**

**PUBLIC 460  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	H-791

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

This emergency bill proposes to make unified appropriations and allocations for the expenditures of State Government, General Fund and other funds and to change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2018 and June 30, 2019.

**Committee Amendment "A" (H-791)**

This amendment replaces the bill.

Part A provides funding to the Department of Health and Human Services to add 50 members a month, beginning October 1, 2018, from the waiting list for community-based services provided under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added.

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

Part B does the following:

1. Requires the Department of Health and Human Services to base a nursing facility's base year, for state fiscal years beginning on or after July 1, 2019, on the most recent cost reports available except that any rebasing may not result in a reimbursement rate that is lower than that in effect on June 30, 2018;
2. Requires the department to amend its rules to increase rates for adult family care services, adult day services, homemaker services, nursing facilities and residential care facilities, specifies the amount of the rate increases, requires future cost-of-living increases and provides funding to the department for the rate increases;
3. Requires the cost-of-living increases to continue for adult family care services, adult day services and homemaker services until the completion of a rate study conducted by a third party; and
4. Establishes the "Commission to Study Long-term Care Workforce Issues."

Part C provides funding to the Department of Health and Human Services and to the General Purpose Aid for Local Schools program within the Department of Education in fiscal year 2018-19 to establish reimbursement rates and increase existing reimbursement rates in the Department of Health and Human for children's habilitative services and specialized children's habilitative services.

Part D provides funding to the Department of Health and Human Services to increase certain reimbursement rates effective July 1, 2018 to reflect a 2% increase over rates in fiscal year 2008-09.

Part E provides funding to the Department of Health and Human Services for a 15% rate increase for the medication management services provided under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services.

Part F addresses the opiate crisis in Maine by:

1. Allowing funds from property forfeited pursuant to a criminal forfeiture action to be assigned by the court, upon the request of the investigating or prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders;
2. Adding in the Maine Criminal Code new variants of aggravated trafficking of scheduled drugs that include trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime;
3. Clarifying that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by a drug furnished by the defendant;
4. Making aggravated trafficking in fentanyl powder a Class A crime; and
5. Requiring the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

Part G does the following:

1. Establishes a "hub-and-spoke" system for the treatment and recovery for those with substance use disorder to be supported by the Department of Health and Human Services;



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

2. Requires that the department must assess opportunities for federal funding and provide grants for training when funding is available;
3. Requires the department to support the development of a plan to create a statewide resource and referral center for substance use disorder treatment and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2019; and
4. Provides appropriations and allocations for the hub-and-spoke system and to support associated provider training.

Part H provides one-time additional funding for the provision of assisted living services at facilities currently operating at a loss. It directs the Department of Health and Human Services to conduct a review of possible ways to stabilize funding for affordable assisted living facilities that contract with the office of aging and disability services within the Department and to report back with its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 11, 2019.

Part I requires the Department of Health and Human Services to increase reimbursement rates for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 20% until June 30, 2019 and to contract for a third-party rate study of the reimbursement rates for those therapies. The department is authorized to implement new rates through rulemaking as long as the rates are no lower than those that exist on April 1, 2018, and the rates are approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services. This part also provides appropriations and allocations for the rate increase and the required study.

Part J provides additional funding for the Judicial Department to establish a new drug court in the State for up to 30 participants or to expand by up to 30 the number of participants served by existing drug courts in the State. It also provides funding for the case management and ancillary services provided to drug court participants by the office of substance abuse and mental health services within the Department of Health and Human Services.

Part K allows employees at state correctional facilities that close who have not reached their normal retirement age to retire and receive their full retirement benefit if certain conditions are met and funding is appropriated for the additional actuarial costs that result from the elimination of a reduction for retirement prior to normal retirement age. It also requires the Commissioner of Department of Corrections to notify the retirement system of the date of closure and provides for the funding for the unfunded actuarial liability of the additional retirement benefits to be provided through a one-time increase Department's employer contribution rate.

Part L establishes the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services to examine the national trends and relevant models of governing and delivering early childhood special education systems and the short-term and long-term costs and benefits to the Department of Education's proposed plan to restructure the Child Development Services System and to make recommendations for an early childhood special education services program plan. An appropriations and allocations section is included to provide \$3,700,000 in the second year of the biennium to address the Child Development Services System budgetary shortfall.

Part M establishes a residential housing lead abatement program administered by the Maine State Housing Authority. The purpose of the program is to provide grants to municipalities and to housing units and housing projects that meet specified eligibility standards. Priority for lead abatement projects funded by the program is given to residences occupied by children who have tested positive for lead poisoning. The program is funded by a one-time allocation of \$4,000,000 from the Fund for a Healthy Maine.

Part N restores funding on a one-time basis to Maine's school-based health centers to the level of funding provided

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

in fiscal year 2016-17 and allows the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to the First Regular Session of the 129th Legislature providing ongoing funding to school-based health centers.

### **Enacted Law Summary**

Public Law 2017, chapter 460 does the following.

Part A provides funding to the Department of Health and Human Services to add 50 members a month, beginning October 1, 2018, from the waiting list for community-based services provided under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autism spectrum disorder until 300 new members in total have been added. Similar provisions are contained in LD 323 as amended by the Joint Standing Committee on Health and Human Services.

Part B does the following:

1. Requires the Department of Health and Human Services to base a nursing facility's base year, for state fiscal years beginning on or after July 1, 2019, on the most recent cost reports available except that any rebasing may not result in a reimbursement rate that is lower than that in effect on June 30, 2018;
2. Requires the department to amend its rules to increase rates for adult family care services, adult day services, homemaker services, nursing facilities and residential care facilities, specifies the amount of the rate increases, requires future cost-of-living increases and provides funding to the department for the rate increases;
3. Requires the cost-of-living increases to continue for adult family care services, adult day services and homemaker services until the completion of a rate study conducted by a third party; and
4. Establishes the "Commission to Study Long-term Care Workforce Issues."

Provisions similar to Part B are contained in LD 1466 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.

Part C provides funding to the Department of Health and Human Services and to the General Purpose Aid for Local Schools program within the Department of Education in fiscal year 2018-19 to establish reimbursement rates and increase existing reimbursement rates in the Department of Health and Human for children's habilitative services and specialized children's habilitative services. Similar provisions are contained in LD 1820 as amended by the Joint Standing Committee on Health and Human Services.

Part D provides funding to the Department of Health and Human Services to increase certain reimbursement rates effective July 1, 2018 to reflect a 2% increase over rates in fiscal year 2008-09. Similar provisions are contained in LD 1517 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.

Part E provides funding to the Department of Health and Human Services for a 15% rate increase for the medication management services provided under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65: Behavioral Health Services. Similar provisions are contained in LD 1737 as amended by the Joint Standing Committee on Health and Human Services.

Part F addresses the opiate crisis in Maine by:

1. Allowing funds from property forfeited pursuant to a criminal forfeiture action to be assigned by the court, upon the request of the investigating or prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders;

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

2. Adding in the Maine Criminal Code new variants of aggravated trafficking of scheduled drugs that include trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime;
3. Clarifying that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by a drug furnished by the defendant;
4. Making aggravated trafficking in fentanyl powder a Class A crime; and
5. Requiring the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

Provisions similar to Part F are contained in LD 1429 as amended by the Joint Standing Committee on Criminal Justice and Public Safety.

Part G does the following:

1. Establishes a "hub-and-spoke" system for the treatment and recovery for those with substance use disorder to be supported by the Department of Health and Human Services;
2. Requires that the department must assess opportunities for federal funding and provide grants for training when funding is available;
3. Requires the department to support the development of a plan to create a statewide resource and referral center for substance use disorder treatment and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2019; and
4. Provides appropriations and allocations for the hub-and-spoke system and to support associated provider training.

Provisions similar to Part G are contained in LD 1430 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.

Part H provides one-time additional funding for the provision of assisted living services at facilities currently operating at a loss. It directs the Department of Health and Human Services to conduct a review of possible ways to stabilize funding for affordable assisted living facilities that contract with the office of aging and disability services within the Department and to report back with its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 11, 2019. Similar provisions are contained in LD 1742 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.

Part I requires the Department of Health and Human Services to increase reimbursement rates for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 20% until June 30, 2019 and to contract for a third-party rate study of the reimbursement rates for those therapies. The department is authorized to implement new rates through rulemaking as long as the rates are no lower than those that exist on April 1, 2018 and the rates are approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services. This part also provides appropriations and allocations for the rate increase and the required study. Similar provisions are contained in LD 1868 as amended by a majority vote of the Joint Standing Committee on Health and Human Services.

*Joint Standing Committee on Appropriations and Financial Affairs*

Part J provides additional funding for the Judicial Department to establish a new drug court in the State for up to 30 participants or to expand by up to 30 the number of participants served by existing drug courts in the State. It also provides funding for the case management and ancillary services provided to drug court participants by the office of substance abuse and mental health services within the Department of Health and Human Services.

Part K allows employees at state correctional facilities that close who have not reached their normal retirement age to retire and receive their full retirement benefit if certain conditions are met and funding is appropriated for the additional actuarial costs that result from the elimination of a reduction for retirement prior to normal retirement age. It also requires the Commissioner of Department of Corrections to notify the retirement system of the date of closure and provides for the funding for the unfunded actuarial liability of the additional retirement benefits to be provided through a one-time increase Department's employer contribution rate. Similar provisions are contained in LD 177 as amended by a majority vote of the Joint Standing Committee on Appropriations and Financial Affairs.

Part L establishes the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services to examine the national trends and relevant models of governing and delivering early childhood special education systems and the short-term and long-term costs and benefits to the Department of Education's proposed plan to restructure the Child Development Services System and to make recommendations for an early childhood special education services program plan. An appropriations and allocations section is included to provide \$3,700,000 in the second year of the biennium to address the Child Development Services System budgetary shortfall. Similar provisions are contained in LD 1870 as amended by a majority vote of the Joint Standing Committee on Education and Cultural Affairs and Senate Amendment "A" thereto.

Part M establishes a residential housing lead abatement program administered by the Maine State Housing Authority. The purpose of the program is to provide grants to municipalities and to housing units and housing projects that meet specified eligibility standards. Priority for lead abatement projects funded by the program is given to residences occupied by children who have tested positive for lead poisoning. The program is funded by a one-time allocation of \$4,000,000 from the Fund for a Healthy Maine. Similar provisions are contained in LD 1542 as amended by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Part N restores funding on a one-time basis to Maine's school-based health centers to the level of funding provided in fiscal year 2016-17 and allows the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to the First Regular Session of the 129th Legislature providing ongoing funding to school-based health centers. Similar provisions are contained in LD 1710 as amended by a majority vote of the Joint Standing Committee on Health and Human Services and House Amendment "A".

Public Law 2017, chapter 460 was enacted as an emergency measure effective July 9, 2018.

**LD 953      An Act To Authorize a General Fund Bond Issue To Support the      ONTP**  
**Biomass Industry**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138.

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to provide support for the biomass industry in this State through the establishment of a revolving loan fund for capital investment in biomass generators or similar facilities. The fund is administered by the Public Utilities Commission.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 955      An Act To Authorize a General Fund Bond Issue To Recapitalize the  
Municipal Investment Trust Fund**

**Died On  
Adjournment**

Sponsor(s)  
DESCHAMBAULT S  
SPEAR J

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$6,000,000, will be used to provide funds to recapitalize the Municipal Investment Trust Fund to provide grants and loans to municipalities for public facilities and infrastructure.

**LD 964      An Act To Authorize a General Fund Bond Issue To Upgrade Municipal  
Culverts at Stream Crossings**

**Died On  
Adjournment**

Sponsor(s)  
FREDETTE K  
DAVIS P

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$10,000,000, will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to enhance and restore rivers, streams and fish and wildlife habitats and to allow communities to better prepare for extreme storms and floods.

Certain provisions of this bill are contained in LD 1815 as enacted.

**LD 1118      An Act To Authorize a General Fund Bond Issue To Support Local  
Infrastructure**

**Died On  
Adjournment**

Sponsor(s)  
HERBIG E

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to provide funding to the Municipal Investment Trust Fund to support local infrastructure projects.

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

**LD 1163     An Act To Authorize a General Fund Bond Issue To Provide Funding for  
a Program of Student Debt Payment and To Provide for the  
Establishment of That Program**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N DAUGHTRY M	OTP-AM ONTP OTP-AM	S-336

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over as unfinished business in the House from the First Regular Session of the 128th Legislature to the Second Regular Session. It was then recommitted to the Committee on Appropriations and Financial Affairs in the Second Regular Session. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$250,000,000, will be used to fund student debt cancellation and refinancing. The bill also establishes the Student Debt Cancellation and Refinancing Program within the Finance Authority of Maine for administration of the funds provided by the bond issue and to provide eligible applicants debt cancellation of half of their nonfederal student debt and debt refinancing of their outstanding nonfederal student debt.

**Committee Amendment "A" (S-336)**

This amendment strikes the bill and instead:

1. Requires a General Fund bond obligation in the amount of \$40,000,000 for a program administered by the Finance Authority of Maine to provide funds for payment of student loan debt for individuals who agree to live and work in Maine for 5 years and to reimburse employers that make student loan debt repayments on behalf of their employees who agree to live and work in Maine for 5 years; and
2. Establishes the Maine Student Loan Debt Relief Program and the Maine Student Loan Debt Relief Fund and requires the Finance Authority of Maine to adopt major substantive rules to implement the program and submit the rules to the Second Regular Session of the 128th Legislature.

**Committee Amendment "B" (S-337)**

This amendment, which is one of two minority reports of the committee, strikes the bill and instead:

1. Requires a General Fund bond obligation in the amount of \$25,000,000 for a program administered by the Finance Authority of Maine to provide funds for payment of student loan debt for individuals who agree to live and work in Maine for five years and to reimburse employers that make student loan debt repayments on behalf of their employees who agree to live and work in Maine for five years; and
2. Establishes the Maine Student Loan Debt Relief Program and the Maine Student Loan Debt Relief Fund and requires the Finance Authority of Maine to adopt major substantive rules to implement the program and submit the rules to the Second Regular Session of the 128th Legislature.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 1330    An Act To Authorize a General Fund Bond Issue To Facilitate Innovative Approaches to Regional School Facilities and To Establish the Maine Innovative Regional School Facilities Finance Program** **Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by the bond issue in Part A, in the amount of \$20,000,000, will be used to provide funds for the development of multidistrict, consolidated and integrated prekindergarten through 16 school facilities. Part B establishes the Maine Innovative Regional School Facilities Finance Program to promote efficient capital financing activities for innovative regional school facilities projects. It also establishes the Innovative Regional School Facilities Revolving Fund to support local efforts related to the program.

**LD 1331    An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund** **Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to recapitalize the School Revolving Renovation Fund for the purpose of providing funds to public schools for renovation and capital repairs.

**LD 1509    An Act To Prohibit Retired State Employees and Teachers from Returning to Work While Collecting Retirement Benefits** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H MASON G	ONTP	

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138.

This bill prohibits retired state employees or retired teachers from returning to employment after retirement, either as a state employee or as a teacher, while collecting retirement benefits from the Maine Public Employees Retirement System. This prohibition does not apply to retired state employees or retired teachers who are hired as independent contractors pursuant to a service contract lasting less than one year or as a substitute teacher.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 1510 An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects**

**PUBLIC 425**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K	OTP-AM ONTP	H-800

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to fund the replacement of malfunctioning septic systems, wastewater treatment facility planning, construction grants and hydrographic modeling in coastal watersheds, prioritizing areas with high-value shellfish resources, and assistance to homeowners whose homes are served by substandard or malfunctioning wastewater treatment systems.

**Committee Amendment "A" (H-800)**

This amendment, which is the majority report of the committee, changes the title, reduces the funds provided to the Wastewater Treatment Facility Planning and Construction Grants program by \$20,000,000 and changes the timing for the referendum.

**Enacted Law Summary**

Public Law 2017, chapter 425 provides for a bond issue of \$30,000,000 to be used to fund the replacement of malfunctioning septic systems, wastewater treatment facility planning, construction grants and hydrographic modeling in coastal watersheds, prioritizing areas with high-value shellfish resources, and assistance to homeowners whose homes are served by substandard or malfunctioning wastewater treatment systems.

The bond issue is subject to voter approval at a statewide election to be held in November, 2018.

**LD 1511 An Act To Authorize a General Fund Bond Issue for the Protection of Public Health and Marine Resources and To Achieve Cost Savings in State Facilities Owned by the Department of Marine Resources**

**Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$2,373,000, will be used to protect public health while preserving access to marine resources for commercial and recreational harvest, ensure effective enforcement of the marine resources laws and achieve cost savings at state facilities of the Department of Marine Resources.



*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 1562      An Act To Authorize a General Fund Bond Issue To Capitalize a Career and Technical Revolving Equipment and Renovation Fund      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

Part A provides funds in the amount of \$10,000,000, to be used to capitalize a career and technical revolving equipment and renovation fund to purchase equipment for and make capital improvements to state career and technical education centers and regions. Part B establishes the Maine Career and Technical Education Finance Program to promote efficient capital financing activities for the equipment for and renovation and repair of career and technical education facilities. It also establishes the Career and Technical Education Revolving Fund to support local efforts related to the program.

**LD 1586      An Act To Appropriate Funds To Provide Sea Protection and Public Access to the Historic Whaleback Lighthouse in Kittery      Died Between Houses**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138.

This bill provides a one-time General Fund appropriation of \$150,000 to the Department of Administrative and Financial Services for the Whaleback Lighthouse in Kittery to construct a breakwater, dock and gangway.

**Committee Amendment "A" (H-614)**

This amendment is the minority report of the committee. It moves the one-time appropriation to the Department of Administrative and Financial Services for the Whaleback Lighthouse in Kittery to construct a breakwater, dock and gangway from fiscal years 2017-18 to 2018-19.

**LD 1602      An Act To Authorize a General Fund Bond Issue for Agricultural Water Resource Development and Marketing      Died On Adjournment**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

The funds provided by this bond issue, in the amount of \$3,150,000, will be used for sustainable agricultural water sources and irrigation system development and for necessary renovations to the State of Maine Building at the Eastern States Exposition.

**LD 1613      An Act To Authorize a General Fund Bond Issue To Assist in the Commercialization of Maine Products and Services** **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A MASTRACCIO A	OTP-AM ONTP	S-335

This bill was reported out of committee in the First Regular Session of the 128th Legislature. Committee amendment "A" (S-335), which increased the amount of the bond, was the majority report of the committee and was subsequently adopted in both houses but with different House and Senate amendments. It was then carried over as unfinished business in the House from the First Regular Session to the Second Regular Session by joint order H.P. 1138. It was recommitted to the Committee on Appropriations and Financial Affairs in the Second Regular Session. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to further accelerate growth and capital investment in businesses in the State by leveraging private investment for the purpose of generating new revenue and providing new jobs.

**LD 1614      An Act To Authorize a General Fund Bond Issue To Fund the Maine Science, Technology, Engineering and Mathematics Loan Program** **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R		

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session by joint order H.P. 1138. This bill was again carried over, still in committee, from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$10,000,000, will be used by the Maine Science, Technology, Engineering and Mathematics Loan Program within the Finance Authority of Maine to provide loans in amounts up to \$7,500 per year for a maximum of five years to selected students in this State pursuing undergraduate and graduate degrees in the fields of science, computer science, technology, engineering and mathematics.

**LD 1649      An Act To Provide Funding for Geographic Information System Services** **PUBLIC 315 EMERGENCY**

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

This bill provides funding to agencies to pay for services provided by the Department of Administrative and Financial Services, Office of Geographic Information Systems and Maine Library of Geographic Information.

*Joint Standing Committee on Appropriations and Financial Affairs*

**Enacted Law Summary**

Public Law 2017, chapter 315 provides funding to agencies to pay for services provided by the Department of Administrative and Financial Services, Office of Geographic Information Systems and Maine Library of Geographic Information.

Public Law 2017, chapter 315 was enacted as an emergency measure effective October 31, 2017.

**LD 1653 An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers**

**PUBLIC 439**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM ONTP	S-366

This bill was carried over from the Second Regular Session of the 128th Legislature on the Special Appropriations Table to the next special session of the 128th Legislature by joint order S.P. 748.

This bill provides that service retirement benefits for a Capitol Police officer in the employment of the Department of Public Safety must be computed on the basis of all of the member's creditable service, regardless of when that service was earned.

**Committee Amendment "A" (S-366)**

This amendment, which is the majority report of the committee, makes technical drafting changes to the bill. It also makes clear that the provisions of the bill apply only to those Capitol Police officers employed in that capacity as of the effective date of the legislation.

The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2017, chapter 439 provides that service retirement benefits for a Capitol Police officer in the employment of the Department of Public Safety as of the effective date of this public law must be computed on the basis of all of the member's creditable service, regardless of when that service was earned and provides an appropriation to the Maine Public Employees Retirement System to fund the associated costs.

**LD 1760 An Act To Authorize a General Fund Bond Issue To Acquire Significant Historic Properties for Resale and Rehabilitation**

**Died On Adjournment**

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

This bill was carried over from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$1,050,000, will be used to provide funds to the Maine Historic Preservation Commission to capitalize the Historic Preservation Revolving Fund for the purpose of acquiring significant historic properties for resale and rehabilitation.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 1815 An Act To Authorize a General Fund Bond Issue To Improve Multimodal Facilities, Highways and Bridges and Municipal Culverts**

**PUBLIC 467**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM	S-531

This bill was carried over from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$100,000,000, will be used for construction, reconstruction and rehabilitation of highways and bridges and for facilities and equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$137,000,000 in federal and other funds.

**Committee Amendment "A" (S-531)**

This amendment authorizes the issuance of \$1,000,000 in General Fund bonds for improvements to, and remediation of, the Maine Maritime Academy's waterfront pier in Castine and \$5,000,000 in General Fund bonds for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings.

**Enacted Law Summary**

Public Law 2017, chapter 467 provides for a bond issue totaling \$106,000,000 with \$100,000,000, to be used for construction, reconstruction and rehabilitation of highways and bridges and for facilities and equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$137,000,000 in federal and other funds; and \$5,000,000 to be used for the upgrade of municipal culverts at stream crossings.

The bond issue is subject to voter approval at a statewide election to be held in November, 2018.

**LD 1834 An Act To Authorize a General Fund Bond Issue To Provide for Student Loan Debt Relief**

**Died On Adjournment**

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

This bill was carried over from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

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

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

in Maine or outside of Maine and agree to live and work in Maine for at least five years. The bill exempts from Maine income tax any benefits received under the program to the extent included in federal adjusted gross income and prohibits individuals who have received benefits under the program from receiving the Maine educational opportunity tax credit.

**LD 1867      An Act To Reestablish Certain Positions within the Department of Health and Human Services      Died Between Houses**

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

This bill was carried over from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

This bill establishes eight positions in the Department of Health and Human Services to replace positions that were eliminated by Public Law 2017, chapter 284, Part ZZZZZZ, section 9.

**LD 1883      An Act To Authorize a General Fund Bond Issue To Strengthen School Security      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B		

This bill was carried over from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748.

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to strengthen school security. The bill establishes the Maine School Security Enhancement Fund to provide loans to school administrative units to enhance security in schools and provides \$19,500,000 to the fund for this purpose. The bill also creates a school safety center within the Department of Education and provides \$500,000 for this purpose.

**LD 1907      Resolve, To Continue a Review of the State Employee and Teacher Retirement Plan      RESOLVE 57 EMERGENCY**

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

This resolve was reported by the committee pursuant to Joint Rule 353.

This resolve directs the Maine Public Employees Retirement System and the Department of Administrative and Financial Services, within their existing resources, to continue the working group to evaluate and design retirement plan options for all state employees and teachers. The Maine Public Employees Retirement System is directed to submit the final recommendation of the working group, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over retirement matters by December 1, 2019.

**Enacted Law Summary**

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

Resolve 2017, chapter 57 directs the Maine Public Employees Retirement System and the Department of Administrative and Financial Services, within their existing resources, to continue the working group to evaluate and design retirement plan options for all state employees and teachers. The Maine Public Employees Retirement System is directed to submit the final recommendation of the working group, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over retirement matters by December 1, 2019.

Resolve 2017, chapter 57 was finally passed as an emergency measure effective May 2, 2018.

**LD 1908     An Act To Increase Funding in the Maine Budget Stabilization Fund**

**Died On  
Adjournment**

Sponsor(s)  
HAMPER J

Committee Report

Amendments Adopted

This bill was carried over from the Second Regular Session of the 128th Legislature to the next special session of the 128th Legislature by joint order S.P. 748. This bill was not referred to committee.

Part A transfers \$5,000,000 from Other Special Revenue Funds in the Department of Professional and Financial Regulation to the Maine Budget Stabilization Fund.

Part B transfers \$20,000,000 from the Personal Services line category in the Department of Administrative and Financial Services, Salary Plan program, General Fund carrying account to the unappropriated surplus of the General Fund and transfers \$20,000,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

Part C transfers \$2,231,089 in settlement funds received pursuant to an assurance of discontinuance in the matter of Moody's Corporation, Moody's Investors Service, Inc. and Moody's Analytics, Inc. to the Maine Budget Stabilization Fund.

Part D transfers \$6,362,226 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

Part E credits interest earned on the investments of the General Fund and special revenue funds to replenish the Disaster Recovery Fund, subject to its existing statutory cap, and the Maine Budget Stabilization Fund.

**LD 1925     An Act To Provide Funding for the Conduct of Elections**

**Veto Sustained**

Sponsor(s)

Committee Report

Amendments Adopted

OTP  
ONTP

H-812    GATTINE D

This bill, which is the report of the Joint Standing Committee on Appropriations and Financial Affairs, provides additional one-time funds to the Secretary of State for the administration of the general election in November 2018 due to the need to include a separate ballot page.

**House Amendment "A" (H-812)**

This amendment removes the emergency preamble and emergency clause.

# *Joint Standing Committee on Appropriations and Financial Affairs*

## SUBJECT INDEX

### *Budget Bills*

#### Enacted

LD 924	An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government	PUBLIC 459 EMERGENCY
LD 925	An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government	PUBLIC 460 EMERGENCY

#### Not Enacted

LD 837	An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government	Veto Sustained
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### *General Obligation Bond Bills*

#### Enacted

LD 836	An Act To Authorize a General Fund Bond Issue To Build Maine's Workforce Development Capacity by Modernizing and Improving the Facilities and Infrastructure of Maine's Public Universities and Community Colleges	PUBLIC 465
LD 1510	An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects	PUBLIC 425
LD 1815	An Act To Authorize a General Fund Bond Issue To Improve Multimodal Facilities, Highways and Bridges and Municipal Culverts	PUBLIC 467

#### Not Enacted

LD 47	An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers	Died On Adjournment
LD 139	An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges	Died On Adjournment
LD 143	An Act To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund	Died On Adjournment
LD 178	An Act To Authorize a General Fund Bond Issue To Provide Jobs, Improve Road Infrastructure and Protect Water Resources	Died On Adjournment
LD 292	An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service	Died On Adjournment
LD 316	An Act To Authorize a General Fund Bond Issue for Railways	Died On Adjournment
LD 317	An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities	Died On Adjournment

LD 318	An Act To Authorize a General Fund Bond Issue to Support Economic Development with High-Resolution Geospatial Data	Died On Adjournment
LD 319	An Act To Authorize a General Fund Bond Issue for Riverfront Community Development	Died On Adjournment
LD 345	An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation	Died On Adjournment
LD 376	An Act To Authorize a General Fund Bond Issue for a New Engineering Design and Education Center at the University of Maine	ONTP
LD 416	An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Groundfish Permit Bank	Died On Adjournment
LD 467	An Act To Authorize a General Fund Bond Issue To Address Changes in Sea Level	Died On Adjournment
LD 520	An Act To Authorize a General Fund Bond Issue To Increase Rural Maine's Access to Broadband Internet Service	Died On Adjournment
LD 546	An Act To Authorize a General Fund Bond Issue To Support Biological Research in Maine	Died On Adjournment
LD 590	An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure	Died On Adjournment
LD 638	An Act To Authorize a General Fund Bond Issue for Transportation Projects	Died On Adjournment
LD 675	An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Targeted Areas of the State	Died On Adjournment
LD 735	An Act To Authorize a General Fund Bond Issue To Support the Independence of Maine's Seniors	Died On Adjournment
LD 743	An Act To Authorize a General Fund Bond Issue To Promote and Improve the Intermodal Transportation System in Maine	Died On Adjournment
LD 897	An Act To Authorize a General Fund Bond Issue To Encourage Efficient Biomass Thermal and Power Projects in Maine	Died On Adjournment
LD 953	An Act To Authorize a General Fund Bond Issue To Support the Biomass Industry	ONTP
LD 955	An Act To Authorize a General Fund Bond Issue To Recapitalize the Municipal Investment Trust Fund	Died On Adjournment
LD 964	An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings	Died On Adjournment
LD 1118	An Act To Authorize a General Fund Bond Issue To Support Local Infrastructure	Died On Adjournment
LD 1163	An Act To Authorize a General Fund Bond Issue To Provide Funding for a Program of Student Debt Payment and To Provide for the Establishment of That Program	Died On Adjournment
LD 1330	An Act To Authorize a General Fund Bond Issue To Facilitate Innovative Approaches to Regional School Facilities and To Establish the Maine Innovative Regional School Facilities Finance Program	Died On Adjournment



LD 1331	An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund	Died On Adjournment
LD 1511	An Act To Authorize a General Fund Bond Issue for the Protection of Public Health and Marine Resources and To Achieve Cost Savings in State Facilities Owned by the Department of Marine Resources	Died On Adjournment
LD 1562	An Act To Authorize a General Fund Bond Issue To Capitalize a Career and Technical Revolving Equipment and Renovation Fund	Died On Adjournment
LD 1602	An Act To Authorize a General Fund Bond Issue for Agricultural Water Resource Development and Marketing	Died On Adjournment
LD 1613	An Act To Authorize a General Fund Bond Issue To Assist in the Commercialization of Maine Products and Services	Died On Adjournment
LD 1614	An Act To Authorize a General Fund Bond Issue To Fund the Maine Science, Technology, Engineering and Mathematics Loan Program	Died On Adjournment
LD 1760	An Act To Authorize a General Fund Bond Issue To Acquire Significant Historic Properties for Resale and Rehabilitation	Died On Adjournment
LD 1834	An Act To Authorize a General Fund Bond Issue To Provide for Student Loan Debt Relief	Died On Adjournment
LD 1883	An Act To Authorize a General Fund Bond Issue To Strengthen School Security	Died On Adjournment

**Miscellaneous Funding and Other Requests**

**Enacted**

LD 1649	An Act To Provide Funding for Geographic Information System Services	PUBLIC 315 EMERGENCY
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**Not Enacted**

LD 1509	An Act To Prohibit Retired State Employees and Teachers from Returning to Work While Collecting Retirement Benefits	ONTP
LD 1586	An Act To Appropriate Funds To Provide Sea Protection and Public Access to the Historic Whaleback Lighthouse in Kittery	Died Between Houses
LD 1867	An Act To Reestablish Certain Positions within the Department of Health and Human Services	Died Between Houses
LD 1908	An Act To Increase Funding in the Maine Budget Stabilization Fund	Died On Adjournment
LD 1925	An Act To Provide Funding for the Conduct of Elections	Veto Sustained

**Public Employee Retirement**

**Enacted**

LD 176	An Act To Authorize the Maine Public Employees Retirement System To Procure and Offer Long-term Disability Insurance	PUBLIC 378
LD 247	An Act To Amend the Retirement Laws Pertaining to Participating Local Districts	PUBLIC 392 EMERGENCY
LD 521	An Act To Align the Criteria Used by the Maine Public Employees Retirement System in Determining Veterans' Disability Claims with the Criteria Used by the United States Department of Veterans Affairs	PUBLIC 384
LD 1653	An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers	PUBLIC 439
LD 1907	Resolve, To Continue a Review of the State Employee and Teacher Retirement Plan	RESOLVE 57 EMERGENCY

**Not Enacted**

LD 177	An Act To Remove the Age Penalty for State Retirees Working at State Correctional Institutions That Are Closing	Died On Adjournment
LD 650	An Act To Clarify and Protect Certain Public Service Retirement Benefits	Died On Adjournment





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



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

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

October 2018

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*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 250      An Act To Increase the Penalty for Aggravated Sex Trafficking**

**Accepted Majority  
(ONTP) Report**

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

This bill was reported out of committee and then recommitted to the committee in the First Regular Session. It was then carried over to the Second Regular Session of the 128th Legislature.

This bill increases the crime of aggravated sex trafficking from a Class B crime to a Class A crime and requires a minimum sentence of imprisonment of 25 years to life.

**Committee Amendment "A" (H-220)**

This amendment was the majority report of the committee in the First Regular Session. The amendment replaces the bill and changes the title. The amendment increases the penalty for the crime of sex trafficking if the person who is trafficked is less than 18 years of age to a Class C crime. The amendment increases the penalty for the crime of aggravated sex trafficking if the person who is trafficked is less than 18 years of age from a Class B crime to a Class A crime if the actor compels the minor to enter into, engage in or remain in prostitution.

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

This amendment removes the penalty increases contained in the bill, as amended by Committee Amendment "A," and instead, with respect to the crime of sex trafficking of a person less than 18 years of age, directs the court to treat the age of the person trafficked as an aggravating sentencing factor.

This amendment was not adopted.

**Senate Amendment "A" To Committee Amendment "A" (S-311)**

Current law provides that a person who promotes prostitution of a person less than 18 years old is guilty of aggravated sex trafficking, which is a Class B crime. The bill, as amended by Committee Amendment "A," increases the class of this crime to Class A and adds that the person must compel the minor to enter into, engage in or remain in prostitution to be guilty of aggravated sex trafficking. This amendment removes the added element of compulsion from the crime. This amendment also strikes language that would have established promotion of prostitution of a person less than 18 years of age as a Class C crime and promotion of prostitution of others as a Class D crime.

This amendment was not adopted.

**House Amendment "B" To Committee Amendment "A" (H-552)**

This amendment requires the court to treat the age of the person promoted into prostitution as an aggravating sentencing factor. This amendment also increases the class of crime for sex trafficking if the person who is trafficked is less than 18 years of age from a Class C crime to a Class B crime.

This amendment was not adopted.

**Committee Amendment "B" (H-651)**

This amendment is the minority report of the committee in the Second Regular Session. The amendment replaces the bill. It increases the class for the crime of aggravated sex trafficking from a Class B to a Class A crime if the

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

person who is trafficked is less than 18 years of age. It increases the class for the crime of aggravated sex trafficking from a Class B to a Class A crime if the person who is trafficked suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders the other person substantially incapable of appraising the nature of the conduct involved.

**LD 377      **Resolve, To Establish the York County Jail Drug Detoxification and Rehabilitation Pilot Program****

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J GROHMAN M	OTP-AM ONTP	S-112

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill establishes the County Jail Drug Rehabilitation and Treatment Grant Program to provide state funding in the form of grants to partially fund the creation of drug rehabilitation and treatment facilities and programs attached to or affiliated with county jails or regional jails. The bill requires the Department of Corrections to seek the advice of a statewide association of county commissioners and a statewide association of sheriffs in designing, adopting standards for and periodically reviewing effectiveness of the grant program. The bill specifies that the grant program provides partial funding to counties that are planning to affiliate with or build or convert a portion of county or regional jails or jail facilities for use as short-term or long-term residential drug rehabilitation and treatment facilities or programs. The bill requires the department to adopt grading standards for awarding grants that require county funding contributions to the drug rehabilitation and treatment facility or program of at least 50% of the cost, that take into consideration the level of county support and county funding and that take into consideration county need. The department is directed to compile a priority list that reflects priorities derived from the grading standards.

The bill allows the department to accept funding from private and public sources and provides for funding from the County Jail Drug Rehabilitation and Treatment Grant Program Dedicated Fund, which is established in the bill as a nonlapsing, dedicated fund. The bill provides that department funds remaining and unencumbered at the end of a state fiscal year lapse to the County Jail Drug Rehabilitation and Treatment Grant Program Dedicated Fund.

**Committee Amendment "A" (S-112)**

This amendment is the majority report of the committee. The amendment changes the title and replaces the bill with a resolve that establishes the York County Jail Drug Detoxification and Rehabilitation Pilot Program to provide one-time state funding for the creation of drug detoxification and rehabilitation programs in therapeutic communities within the York County Jail or in facilities attached to or affiliated with the jail. The pilot program is required to provide services to inmates of the York County Jail and may provide services to inmates from other counties as agreed between the York County Sheriff and the sheriffs of other counties in this State. The amendment provides funding from the General Fund of \$975,000 per year for state fiscal years 2017-18 and 2018-19. The funding does not lapse but carries forward from year to year.



*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 449      An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder**

**PUBLIC 374**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM	S-79

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to require an automatic life sentence for a defendant convicted of murder as a result of domestic abuse.

**Committee Amendment "A" (S-79)**

This amendment replaces the bill and changes the title. The amendment adds to the circumstances of the crime that the court must consider when setting the sentence for a person convicted of murder that the victim is a family or household member who is a victim of domestic violence committed by the convicted person.

**Enacted Law Summary**

Public Law 2017, chapter 374 adds to the circumstances of the crime that the court must consider when setting the sentence for a person convicted of murder that the victim is a family or household member who is a victim of domestic violence committed by the convicted person.

**LD 524      An Act To Amend the Laws on Domestic Violence**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	OTP-AM	H-138

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

The bill creates the crime of domestic violence aggravated assault, which a person commits if the person commits aggravated assault, elevated aggravated assault or elevated aggravated assault on a pregnant person and the victim is a family or household member. It also makes a violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order.

**Committee Amendment "A" (H-138)**

This amendment replaces the bill and creates the crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person. It also makes violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order. It also adds an emergency preamble and emergency clause.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 525      An Act To Enhance Maine's Response to Domestic Violence**

**PUBLIC 431**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E CYRWAY S	OTP-AM ONTP	H-139 S-509    HAMPER J

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

The bill provides funding for the Maine Coalition to End Domestic Violence to support certified batterers' intervention programs for indigent participant fees, training programs, transportation costs and administrative expenses for the coalition.

**Committee Amendment "A" (H-139)**

This amendment, which is the majority report of the committee, replaces the bill and adds an appropriations and allocations section to provide funding to the Department of Corrections, instead of the Department of Health and Human Services, for batterers' intervention programs.

**Senate Amendment "A" To Committee Amendment "A" (S-509)**

This amendment requires the Department of Corrections to submit a report regarding the effectiveness of certified batterers' intervention programs to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by December 5, 2020. This amendment also specifies that funding provided to the Maine Coalition to End Domestic Violence to support these programs does not extend beyond fiscal year 2020-21. Finally, this amendment removes the funding provided in fiscal year 2017-18.

**Enacted Law Summary**

Public Law 2017, chapter 431 provides funding of \$150,000 to the Department of Corrections, Office of Victim Services for batterers' intervention programs and specifies that such funding may not extend beyond fiscal year 2020-21. The law requires the Department of Corrections to submit a report regarding the effectiveness of certified batterers' intervention programs to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by December 5, 2020. The law also specifies that funding provided to the Maine Coalition to End Domestic Violence to support these programs does not extend beyond fiscal year 2020-21.

**LD 861      An Act To Provide Wage Parity for Certain State Law Enforcement Personnel**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C MAKER J	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides for a 15% upward adjustment of salary schedules in fiscal year 2017-18 for certain law enforcement positions in the Department of Corrections; the Department of Agriculture, Conservation and Forestry; Baxter State Park Authority; the Department of Defense, Veterans and Emergency Management, Maine Military Authority; the Office of the Attorney General; and the Office of the Secretary of State, Bureau of Motor Vehicles. It also requires that, beginning in fiscal year 2018-19, revenue from a sales tax imposed on the retail sale of

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

recreational marijuana is to be used to offset the cost of the salary increase for Adult Probation Officer and Juvenile Community Corrections Officer positions in the Department of Corrections.

**LD 951      An Act To Adopt the Uniform Act on Prevention of and Remedies for Human Trafficking      ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to adopt a law based on the Uniform Act on Prevention of and Remedies for Human Trafficking. In addition to any substantive changes to the uniform act that may be adopted by the Legislature, the basic numbering system, the mechanical structure and the internal organization of the law recommended by the National Conference of Commissioners on Uniform State Laws will be altered to conform to the numbering, structure and organization of the Maine Revised Statutes.

**LD 990      An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Providers and Firefighters      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TURNER B	OTP-AM ONTP OTP-AM	S-265 H-542    NADEAU C

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill changes the crime of assault on an officer to include offensive physical contact and creates the crime of aggravated assault on an officer, which is modeled on the crime of aggravated assault.

**Committee Amendment "A" (S-265)**

This amendment, which is the majority report of the committee, changes the title and does the following.

1. It amends the existing crimes of assault on an officer, assault on an emergency medical care provider and assault on a firefighter to create new Class B crimes when a person commits an assault on a law enforcement officer, emergency medical care provider or firefighter and the person selected the law enforcement officer, emergency medical care provider or firefighter whom the person assaulted because of that law enforcement officer's, emergency medical care provider's or firefighter's status as a law enforcement officer, emergency medical care provider or firefighter.
2. It amends the existing crime of assault on an officer to create a new Class C crime when a person intentionally or knowingly causes offensive physical contact to a law enforcement officer.
3. It retains the provisions of the bill that create the new Class A and Class B crimes of aggravated assault on an officer.

**Committee Amendment "B" (S-266)**

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

This amendment, which is a minority report of the committee, changes the title and amends the bill as follows.

1. It removes from the bill the new Class C crime of recklessly causing offensive physical contact to a law enforcement officer.
2. It retains from the bill the new Class C crime of intentionally or knowingly causing offensive physical contact to a law enforcement officer.
3. It retains from the bill the new Class A or Class B crime of aggravated assault on an officer.

### **House Amendment "A" To Committee Amendment "A" (H-538)**

This amendment removes the mental state of recklessly from the crime of assault on an officer, leaving "intentionally" and "knowingly."

This amendment was not adopted.

### **House Amendment "B" To Committee Amendment "A" (H-542)**

This amendment strikes language from Committee Amendment "A" that creates a new Class C crime when a person intentionally or knowingly causes offensive physical contact to a law enforcement officer. This amendment also removes the mental state of "recklessly" from the crimes of causing bodily injury to a law enforcement officer, causing bodily injury to an emergency medical care provider and causing bodily injury to a firefighter when the injured's status as a law enforcement officer, emergency medical care provider or firefighter resulted in the selection of the injured as a target.

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

This amendment removes the Class B crime added by Committee Amendment "A" of causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter. Instead, this amendment makes causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter an aggravating factor that must be considered by the court when sentencing a person convicted of assault of a law enforcement officer, emergency medical care provider or firefighter.

This amendment was not adopted.

### **House Amendment "D" To Committee Amendment "A" (H-551)**

This amendment removes the Class B crime added by Committee Amendment "A" of causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter. Instead, this amendment makes causing bodily injury to a law enforcement officer, emergency medical care provider or firefighter because of that person's status as a law enforcement officer, emergency medical care provider or firefighter an aggravating factor that must be considered by the court when sentencing a person convicted of assault of a law enforcement officer, emergency medical care provider or firefighter.

This amendment also removes the Class C crime added by Committee Amendment "A" of intentionally or knowingly causing offensive physical contact to a law enforcement officer while that officer is in the performance of the officer's official duties.

This amendment was not adopted.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1048     An Act To Reclassify Certain Offenses and Increase the Efficiency of the Criminal Justice System**

**Died On  
Adjournment**

Sponsor(s)

VOLK A

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748; on the adjournment of the Second Special Session, the bill had not been reported out of committee.

This bill requires the use of the Uniform Summons and Complaint form for criminal violations of the Maine Revised Statutes, Titles 12, 17-A and 29-A and the Violation Summons and Complaint for civil violations of those titles. This bill requires the Violation Summons and Complaint form to be the same form that is currently used for traffic infractions and standardizes the use, including the issuance and disposition, of that form by law enforcement officers and the Maine Warden Service. This bill specifies that district attorneys are required to prosecute only criminal violations of the inland fisheries and wildlife laws and removes references to citations, which are no longer used by the warden service.

**LD 1091     An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes**

**PUBLIC 432  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-361

S-522    HAMPER J

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill makes changes to the laws recommended by the Criminal Law Advisory Commission.

Part A of the bill does the following:

1. It amends the Maine Revised Statutes, Title 15, section 393, subsection 1-B by replacing the words "pending charging instrument" with the words "the charge that gave rise to the prohibition" to eliminate a potential ambiguity; and
2. It enacts as Title 15, section 1094-C a provision that makes it a Class C crime for a person arrested for an alleged murder to intentionally or knowingly make direct or indirect contact with any specifically identified family or household member of the alleged victim if that person is detained because a Harnish bail proceeding has not yet taken place, the proceeding has been waived in open court by the person, or the proceeding has taken place and the person's conditional right to bail has been extinguished and bail has been denied by the court, and who has been properly notified not to make direct or indirect contact with any specifically identified family or household member of the alleged victim of the murder for which the person is being detained.

Part B clarifies provisions of the Criminal History Record Information Act as they apply to granted petitions for full and free pardons.

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

Part C does the following:

1. It rearranges into 2 subsections the content of Title 17-A, section 33. Subsection 1 contains the content of the current section 33, except that it deletes the words "unless the concurrent cause was clearly sufficient to produce the result and the conduct of the defendant was clearly insufficient." Subsection 2 contains a simplified test to be applied in the event concurrent causation is generated as an issue. It provides that, when a defendant's conduct may have operated concurrently with another cause, in addition to satisfying the "but for" test the defendant's conduct must have been sufficient by itself to produce the result; and
2. It amends Title 17-A, section 505, subsection 2 by adding to the definition of "public way" the words "a way upon which the public has access as invitees or licensees."

Part D allows the use of prior convictions for aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person, and like crimes in other jurisdictions, to be used to elevate the class of subsequent domestic violence crimes from Class D to Class C. The prior conviction may be used to enhance the current charge only if the State or other jurisdiction proved, in the prior case, that the defendant and victim were family or household members.

Part E does the following:

1. It amends Title 17-A, section 1101 by enacting definitions of "cocaine" and "heroin." The definition of "cocaine" mirrors that currently found in Title 17-A, section 1102, subsection 1, paragraph F. The definition of "heroin" as "any compound, mixture or preparation containing heroin (diacetylmorphine) in any quantity" is in response to *State v. Pinkham, Sr.*, 2016 ME 59, 137 A.3d 203; and
2. It repeals the definition of "cocaine" in Title 17-A, section 1102, subsection 1, paragraph F, because its content is moved to section 1101.

Part F of the bill does the following:

1. It amends Title 30-A, section 3821, subsection 3 to clarify that hotel and lodging house registers must be kept for 2 years and must be available for inspection by an agent of the authority that licenses the hotel or lodging house; and
2. It amends Title 34-A, section 1216, subsection 1, paragraph D to clarify that dissemination of certain information pertaining to a person receiving services from the Department of Corrections may be made to any criminal justice agency if necessary to carry out the "administration of criminal justice" as separately defined pursuant to the Criminal Record History Information Act and the Intelligence and Investigative Record Information Act, and to carry out the "administration of juvenile criminal justice" and the "administration of juvenile justice" as separately defined pursuant to the Maine Juvenile Code.

### **Committee Amendment "A" (H-361)**

This amendment provides funding to the Maine Commission on Indigent Legal Services.

### **Senate Amendment "A" To Committee Amendment "A" (S-522)**

This amendment removes the General Fund appropriation for fiscal year 2017-18.

### **Enacted Law Summary**

Public Law 2017, chapter 432 makes the following changes to or enacts the following provisions of the criminal

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

laws:

1. It amends the Maine Revised Statutes, Title 15, section 393, subsection 1-B by replacing the words "pending charging instrument" with the words "the charge that gave rise to the prohibition" to eliminate a potential ambiguity;
2. It enacts as Title 15, section 1094-C a provision that makes it a Class C crime for a person arrested for an alleged murder to intentionally or knowingly make direct or indirect contact with any specifically identified family or household member of the alleged victim if that person is detained because a Harnish bail proceeding has not yet taken place, the proceeding has been waived in open court by the person, or the proceeding has taken place and the person's conditional right to bail has been extinguished and bail has been denied by the court, and who has been properly notified not to make direct or indirect contact with any specifically identified family or household member of the alleged victim of the murder for which the person is being detained.
3. It clarifies provisions of the Criminal History Record Information Act as they apply to granted petitions for full and free pardons;
4. It rearranges into 2 subsections the content of Title 17-A, section 33. Subsection 1 contains the content of the current section 33, except that it deletes the words "unless the concurrent cause was clearly sufficient to produce the result and the conduct of the defendant was clearly insufficient." Subsection 2 contains a simplified test to be applied in the event concurrent causation is generated as an issue. It provides that, when a defendant's conduct may have operated concurrently with another cause, in addition to satisfying the "but for" test the defendant's conduct must have been sufficient by itself to produce the result;
5. It amends Title 17-A, section 505, subsection 2 by adding to the definition of "public way" the words "a way upon which the public has access as invitees or licensees";
6. It allows the use of prior convictions for aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person, and like crimes in other jurisdictions, to be used to elevate the class of subsequent domestic violence crimes from Class D to Class C. The prior conviction may be used to enhance the current charge only if the State or other jurisdiction proved, in the prior case, that the defendant and victim were family or household members;
7. It amends Title 17-A, section 1101 by enacting definitions of "cocaine" and "heroin." The definition of "cocaine" mirrors that currently found in Title 17-A, section 1102, subsection 1, paragraph F. The definition of "heroin" as "any compound, mixture or preparation containing heroin (diacetylmorphine) in any quantity" is in response to *State v. Pinkham, Sr.*, 2016 ME 59, 137 A.3d 203;
8. It repeals the definition of "cocaine" in Title 17-A, section 1102, subsection 1, paragraph F, because its content is moved to section 1101;
9. It amends Title 30-A, section 3821, subsection 3 to clarify that hotel and lodging house registers must be kept for 2 years and must be available for inspection by an agent of the authority that licenses the hotel or lodging house;
10. It amends Title 34-A, section 1216, subsection 1, paragraph D to clarify that dissemination of certain information pertaining to a person receiving services from the Department of Corrections may be made to any criminal justice agency if necessary to carry out the "administration of criminal justice" as separately defined pursuant to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act, and to carry out the "administration of juvenile criminal justice" and the "administration of juvenile justice" as separately defined pursuant to the Maine Juvenile Code; and
11. It provides an appropriation to the Maine Commission on Indigent Legal Services of \$6000 for fiscal year 2018-19.

*Joint Standing Committee on Criminal Justice and Public Safety*

Public Law 2017, chapter 432 was enacted as an emergency measure effective July 4, 2018.

**LD 1146      Resolve, To Provide Wage Parity for Law Enforcement Officers in the Department of Corrections with Other Law Enforcement Officers      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY A MAKER J	ONTP	

This resolve was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

In Resolve 2015, chapter 80, the salary schedules for certain law enforcement positions, including those in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, but not including the Department of Corrections, were adjusted upward by 12% to 18%. This resolve requires the salary schedules for law enforcement positions in the Department of Corrections to be adjusted upward by 15%.

**LD 1168      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights      Died On Adjournment**

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

This resolution was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748; on the adjournment of the Second Special Session, this resolution had not been reported out of committee.

This resolution proposes to amend the Constitution of Maine to enact a Victims' Bill of Rights, designed to ensure specific rights for victims of crime. The purpose of this resolution is to place into the Constitution of Maine various rights regarding notification of public proceedings at which the victim has a right to be heard, the right to confer with the prosecution and the right to prompt and full restitution. This resolution requires a court to grant a request by the victim to enforce the rights of the victim and to provide a remedy for violations of the victim's rights, including the appeal of a sentence. This resolution does not provide a victim a cause of action for compensation or damages against the State or a political subdivision of the State, including the courts, or any officer, employee or agent of the State or a political subdivision of the State.

**LD 1183      An Act To Expand Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases      ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides funding to expand the use of electronic monitoring as part of a coordinated response to domestic violence, sexual assault and stalking. It provides funds for victim advocates and case management and funds to



*Joint Standing Committee on Criminal Justice and Public Safety*

support the cost of electronic monitoring for indigent offenders and for victims who may choose to carry a corresponding device.

**LD 1202 An Act To Clear a Path to Employment**

**Accepted Majority  
(ONTP) Report**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill establishes an automatic process for an individual who has been convicted of a Class C, Class D or Class E crime to have the records of that conviction sealed if the crime does not involve domestic violence or sexual assault; the individual has not been convicted of any other crime in this State or another jurisdiction; and at least seven years have passed since the date of conviction. If the Department of Public Safety, Bureau of State Police, State Bureau of Identification objects to the automatic sealing of an individual's criminal conviction records, the individual may file a motion in the underlying criminal proceeding requesting that the records be sealed.

The bill provides for a reduction in the seven-year waiting period for the sealing of records of an eligible criminal conviction if a convicted individual files a motion with the court demonstrating that the individual obtained a high school diploma or postsecondary certificate or degree after the date of conviction.

The bill prohibits the use of sealed criminal conviction information by all employers that are not criminal justice agencies. It also authorizes individuals whose conviction records have been sealed to respond to inquiries, other than inquiries from a criminal justice agency, as if the sealed conviction and underlying crime had never occurred.

**Committee Amendment "A" (S-392)**

This amendment, which is the minority report of the committee, replaces the bill and amends the Maine Revised Statutes, Title 15, chapter 310, which provides a motion process for the imposition of special restrictions on the dissemination and use of criminal history record information for a single Class E criminal conviction committed by an individual 18 to 20 years of age. The amendment does the following:

1. It authorizes a court to impose special restrictions on the dissemination and use of criminal history record information for a single Class D or Class E criminal conviction committed by an individual of any age when at least four years have passed since the person has fully satisfied each of the sentencing alternatives imposed for the eligible criminal conviction;
2. It allows dissemination of criminal history record information to a public or private entity to which a person who is the subject of a criminal conviction has applied for licensure or employment when applicable federal or state law, rule or regulation requires that entity to perform a fingerprint-based state or national criminal history record check of the person prior to licensing or employing the person; and
3. It repeals the existing statutory repeal date of October 1, 2019 for the Maine Revised Statutes, Title 15, chapter 310.

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

**LD 1268    An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R BRAKEY E	OTP-AM ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill amends the Maine Bail Code to require the development and use of a risk assessment instrument for determining appropriate pretrial release conditions, as well as a needs screening and, as necessary, a clinical assessment with regard to substance abuse or mental health issues of defendants to identify defendants appropriate for diversion to treatment. It prohibits the use of monetary bail.

**Committee Amendment "A" (H-732)**

This amendment, which is the majority report of the committee, replaces the bill and establishes the Statewide Criminal Justice Coordinating Council to accept and review data on encounters between law enforcement agencies and members of the public and data gathered through the use of nationally validated screening and assessment tools when persons are admitted to jail. The council consists of 12 members and is required to collect and review data submitted by law enforcement agencies, sheriffs and regional jail administrators, review and summarize the data and provide an annual report beginning January 15, 2021 to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and health and human services matters. The report must contain any recommendations for legislative action. A legislative committee that receives a report from the Statewide Criminal Justice Coordinating Council may report out legislation based on the report to the Legislature. Staffing and administrative support for the council may be provided by the Department of Public Safety or by contract with a person having relevant experience.

The amendment requires each law enforcement agency in the State to submit to the Department of Public Safety on a quarterly basis beginning January 15, 2020 data that identifies law enforcement calls for service and encounters between law enforcement officers and certain members of the public and requires the department to forward that data to the Statewide Criminal Justice Coordinating Council.

The amendment requires a county sheriff who operates a jail and a regional jail administrator to submit in summary form to the Department of Public Safety information gathered through the use of a nationally validated screening and assessment tool related to the mental health condition and substance use disorder needs of persons entering jail beginning January 15, 2020. The department is required to forward this information to the Statewide Criminal Justice Coordinating Council.

The amendment adds a mandate preamble and an appropriations and allocations section.

**LD 1322    An Act Regarding Mental Health First Aid Training for Corrections Personnel**

**PUBLIC 436**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VITELLI E	OTP-AM OTP-AM	H-499

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the

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

Second Special Session by joint order S.P. 748.

This bill requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training and that each jail, prison and correctional facility in the State send two corrections officers to the academy for training. After the first two corrections officers receive mental health first aid training at the academy, the jail, prison or state correctional facility is required to send two other corrections officers to the academy for training and to repeat this process until all corrections officers at the jail, prison or state correctional facility have received mental health first aid training at the academy. This bill requires each jail, prison and correctional facility to report to the Commissioner of Corrections when all corrections officers have received mental health first aid training at the Maine Criminal Justice Academy and the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

### **Committee Amendment "A" (H-499)**

This amendment is the majority report of the committee. The amendment requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training. It also requires that each jail, prison and correctional facility in the State ensure that 20% of correctional officers are trained in mental health first aid by 2022. The amendment requires each jail, prison and correctional facility to report to the Commissioner of Corrections when corrections officers have received the required mental health first aid training at the Maine Criminal Justice Academy. The amendment requires the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

### **Committee Amendment "B" (H-500)**

This amendment is the minority report of the committee. The amendment requires that the Maine Criminal Justice Academy periodically report on the hours of mental health first aid training provided to corrections officers across the State by the Maine Criminal Justice Academy as basic training and as ongoing training and by the law enforcement agencies that employ the corrections officers as part of ongoing training provided as a requirement of employment.

### **Enacted Law Summary**

Public Law 2017, chapter 436 requires that the Maine Criminal Justice Academy provide eight hours of mental health first aid training as part of basic corrections training. It also requires that each jail, prison and correctional facility in the State ensure that 20% of correctional officers are trained in mental health first aid by 2022. The law requires each jail, prison and correctional facility to report to the Commissioner of Corrections when corrections officers have received the required mental health first aid training at the Maine Criminal Justice Academy. The law requires the commissioner to report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters after receiving the report from all jails, prisons and correctional facilities.

**LD 1388      An Act To Prohibit the Falsification of Medical Records**

**PUBLIC 410**

Sponsor(s)

ROSEN K

Committee Report

OTP-AM  
ONTP

Amendments Adopted

S-162

This bill was reported out of committee during First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table.

This bill provides that the falsification of health care records maintained by a health care provider with the intent to deceive another person is a Class D crime except that it is a Class C crime if any reliance on the falsification causes

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

bodily injury or the impairment of a person's mental or behavioral condition.

**Committee Amendment "A" (S-162)**

This amendment is the majority report of the committee. The amendment specifies that the crime of falsifying health care records applies if a person intends to deceive a governmental entity, as well as another person. The amendment removes veterinary hospitals from the definition of "health care provider." The amendment requires that the type of bodily injury that is required to elevate the crime to Class C is serious bodily injury.

**Enacted Law Summary**

Public Law 2017, chapter 410 provides that the falsification of health care records maintained by a health care provider with the intent to deceive another person is a Class D crime except that it is a Class C crime if any reliance on the falsification causes serious bodily injury or the impairment of a person's mental or behavioral condition. The law specifies that the crime of falsifying health care records applies if a person intends to deceive a governmental entity, as well as another person.

**LD 1389      An Act To Disburse Funds to the Maine Fire Protection Services Commission      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT T CYRWAY S	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill authorizes the disbursement of the full \$2,000 appropriation to be paid to the Maine Fire Protection Services Commission by September 1st in each year of the 2017-2019 biennium.

**LD 1414      An Act To Ensure the Availability of In-person Visitation in County Jails      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R ROSEN K	OTP-AM ONTP	H-618

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to ensure the availability in county jails of in-person visitation between a prisoner and a visitor of the prisoner. In addition to requiring that all prisoners have the opportunity for in-person visits in county jails, such measures may include:

1. Limiting conditions on in-person visits to only those conditions and limitations required for safety and security, except that the jail may provide video-only visitation if needed for a particular prisoner's safety and security or may provide video-only visitation on a short-term basis if the jail is unable to provide a safe and secure location for in-person visitation;
2. Requiring opportunities for informal communication between a prisoner and a visitor of the prisoner, including opportunities for physical contact, and prohibiting the use of devices that preclude physical contact except in cases of substantiated security risk; or
3. Establishing a minimum number of in-person visit opportunities per week; requiring that video visitation be used only as a supplement to, and not a replacement of, in-person visitation; ensuring that video visitation service fees are

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

affordable for prisoners and their families; and using, as a reward for good behavior, a certain number of free video visits per month.

**Committee Amendment "A" (H-618)**

This amendment, which is the majority report of the committee, replaces the bill, which is a concept draft. It requires the sheriff of a county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

The amendment authorizes a sheriff to restrict a particular prisoner to video-only visitation upon a determination that allowing in-person visitation for that prisoner may jeopardize the safety and security of the jail. It also requires the sheriff to provide opportunities for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

**LD 1415      An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs      Died Between Houses**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides for deductions from a prison sentence based on achievement of goals in a person's transition plan for educational, vocational, career or technical training programs or mental health treatment or substance abuse treatment programs for a person who commits a crime on or after October 1, 2017. The deductions are earned upon achievement of a transition plan goal and may not be denied or withdrawn based on consideration of disciplinary factors or daily attendance or a decision of an employee of the Department of Corrections. A person may earn only one deduction per sentence of imprisonment.

The goals and the deductions are: for achievement of a high school equivalency diploma, a deduction of 90 days from the sentence; for achievement of an adult high school diploma, a deduction of 120 days; for achievement of an associate degree from an accredited institution of higher education, a deduction of 180 days; for achievement of a bachelor's degree from an accredited institution of higher education, a deduction of 365 days; for achievement of completion of a vocational, career or technical training program authorized and approved by the department, a deduction of 60 days; for achievement of completion of a mental health program and treatment course, a deduction of 60 days; and for achievement of completion of a substance abuse program and treatment course, a deduction of 60 days.

**Committee Amendment "A" (H-719)**

This amendment, which is the minority report of the committee, replaces the bill and authorizes a person sentenced on or after January 1, 2019 and committed to the custody of the Department of Corrections to earn deductions for certain specified educational achievements and completions of treatment.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1429 An Act Regarding the Epidemic of Opiate Abuse**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M DION M	OTP-AM	H-510

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill addresses the opiate crisis in Maine as follows:

1. It allows funds from property forfeited pursuant to a criminal forfeiture action to be assigned by the court, upon the request of the investigating or prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders;
2. It clarifies that the Class B crimes of aggravated furnishing of scheduled drugs and aggravated trafficking or furnishing of counterfeit drugs are for the death of another person, whose death was caused by drugs furnished by the defendant; and
3. It requires the Department of Health and Human Services to provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the Controlled Substances Prescription Monitoring Program, including the number of prescribers participating and trends in prescription practices.

**Committee Amendment "A" (H-510)**

This amendment adds to the bill new variants of aggravated trafficking of scheduled drugs that include trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime.

The amendment also adds an appropriations and allocations section.

**LD 1490 An Act To Stabilize Funding for the County Jails**

**PUBLIC 450**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S BRADSTREET R	OTP-AM	S-268 S-535 HAMPER J

This bill was reported out of committee during the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. It was again carried over, still on the Special Appropriations Table, to the Second Special Session by joint order S.P. 748.

This bill transfers funds out of the County Jail Operations Fund program to the Community Based Corrections program within the Department of Corrections to create a separate program for funds distributed pursuant to the Maine Revised Statutes, Title 34-A, section 1210-D, subsection 2.

**Committee Amendment "A" (S-268)**

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

This amendment separates the County Jail Operations Fund into a County Jail Operations Fund and a new County Jail Community Corrections Fund and it provides \$3,800,000 per year in additional funding for the County Jail Operations Fund.

**Senate Amendment "A" To Committee Amendment "A" (S-535)**

This amendment replaces the committee amendment and does the following:

1. It provides ongoing funding to the Department of Corrections, County Jails Operation Fund program of \$3,000,000, of which \$1,700,000 must be spent on community corrections as specified in statute;
2. It provides funding for the Kennebec County Criminogenic Addiction Recovery Academy program; and
3. It provides one-time funding of \$3,000,000 to the Department of Corrections, County Jails Operation Fund program to reimburse county and regional jails in specified amounts for unusually high costs incurred by those jails during fiscal year 2017-18 and to provide a source of funds for such costs incurred in fiscal year 2018-19 that are in excess of the amounts budgeted.

The amendment also requires the State Controller to transfer \$3,000,000 from available balances in Department of Professional and Financial Regulation accounts, as determined by the Commissioner of Professional and Financial Regulation, to the General Fund.

**Enacted Law Summary**

Public Law 2017, chapter 450 provides funding for the county jails and regional jail as follows:

1. It provides ongoing funding to the Department of Corrections, County Jails Operation Fund program of \$3,000,000, of which \$1,700,000 must be spent on community corrections as specified in statute;
2. It provides funding for the Kennebec County Criminogenic Addiction Recovery Academy program; and
3. It provides one-time funding of \$3,000,000 to the Department of Corrections, County Jails Operation Fund program to reimburse county and regional jails in specified amounts for unusually high costs incurred by those jails during fiscal year 2017-18 and to provide a source of funds for such costs incurred in fiscal year 2018-19 that are in excess of the amounts budgeted.

The law also requires the State Controller to transfer \$3,000,000 from available balances in Department of Professional and Financial Regulation accounts, as determined by the Commissioner of Professional and Financial Regulation, to the General Fund.

**LD 1672      An Act To Waive the Fee for Attendance at the Maine Criminal Justice Academy for Former Military Police Officers      ONTP**

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

This bill provides a waiver of the fee charged for the basic training course at the Maine Criminal Justice Academy for honorably discharged veterans of the United States Armed Forces who served as military police officers and who have been hired for or have received conditional offers of full-time employment as law enforcement officers if the veterans' military experience and education meet certain criteria.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1704 An Act To Fund the Downeast Correctional Facility**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MAKER J	OTP-AM	H-593 S-393 MAKER J

This bill was reported out of committee during the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the Second Special Session by joint order S.P. 748.

This bill requires the Department of Corrections to report proposed changes to the Downeast Correctional Facility to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than April 1, 2019. The report must include detailed plans about any proposed changes concerning the prisoner population at the Downeast Correctional Facility.

The bill also specifies the report must include the related impact on other correctional facilities, the impact of any change to employee compensation and benefits, an economic and community impact analysis on any community affected by a shift in prisoner population and the proposed use of any surplus property generated by facility closure.

The bill requires the Downeast Correctional Facility to remain open and operational prior to the submission of the report to the Legislature and permits the closure of the facility only if legislation approving the closure is enacted into law. The bill also provides funds to restore all positions and related All Other costs in order to continue operation of the Downeast Correctional Facility beyond June 30, 2018.

**Committee Amendment "A" (H-593)**

This amendment strikes the provision from the bill requiring the Downeast Correctional Facility to remain open and operational pending the submission of a report by the Department of Corrections concerning proposed changes to the Downeast Correctional Facility.

**House Amendment "A" (H-630)**

This amendment removes the emergency preamble and emergency clause.

This amendment was not adopted.

**Senate Amendment "A" (S-393)**

This amendment removes the emergency preamble and emergency clause.

**LD 1705 An Act To Strengthen Crime Victims' Rights**

**PUBLIC 386**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM	H-668

This bill strengthens the rights of a victim of a crime as follows:

1. It authorizes the victim of a crime to be present at all trial proceedings that are public unless the court determines that the fair administration of justice requires the exclusion of the victim; and



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

2. It requires that the victim of a crime who so wishes receive notification of the defendant's escape from the jail or institution to which the defendant is committed.

**Committee Amendment "A" (H-668)**

This amendment strikes section 1 of the bill and specifies that the victim of a crime who so wishes must be notified of the defendant's escape from the jail or from the institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or residential treatment program to which the defendant is committed by the Commissioner of Health and Human Services.

**Enacted Law Summary**

Public Law 2017, chapter 386 specifies that the victim of a crime who so wishes must be notified of the defendant's escape from the jail or from the institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or residential treatment program to which the defendant is committed by the Commissioner of Health and Human Services.

**LD 1706      An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VOLK A	ONTP OTP-AM	

This bill provides offsetting General Fund appropriations and deappropriations to provide funding to support the Department of Corrections' strategic plan to improve access to and delivery of rehabilitation programs. It also requires that the funds be transferred by financial order by the State Budget Officer upon approval of the Governor and specifies that the transfers are considered adjustments to appropriations and allocations.

**Committee Amendment "A" (H-653)**

This amendment, which is the minority report of the committee, changes the title and replaces the bill. It clarifies the scope and purpose of the rehabilitation programming offered by the Department of Corrections to be consistent with the department's mission to reduce the likelihood that juvenile and adult offenders will reoffend by providing practices, programs and services that are evidence-based and that hold the offenders accountable.

The amendment also requires the department, within the limits of available resources, to collect data on and track over time the rate of recidivism of the client population served by its correctional facilities and to ensure that the rehabilitation programming offered by the department is designed to reduce the rate of recidivism, thereby enhancing public safety.

**LD 1728      An Act To Amend Maine Criminal Code Sentencing Provisions Relating To Increased Sentencing Class Based on Multiple Prior Convictions for Certain Violent or Sexual Crimes      PUBLIC 336**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E PIERCE J	OTP-AM	S-355

Current law prohibits visual sexual aggression against a child, which is either a Class C crime if the child has not attained 12 years of age or a Class D crime if the child has not attained 14 years of age.

*Joint Standing Committee on Criminal Justice and Public Safety*

This bill amends that law to provide that visual sexual aggression against a child who has not attained 14 years of age is a Class C crime and retains as an element of the crime the motivation of the actor committing the crime for the purpose of causing affront or alarm when the actor exposes the actor's genitals to another person or causes the other person to expose that person's genitals to the actor.

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

This amendment changes the title, replaces the bill and amends sentencing provisions under the Maine Criminal Code to include crimes involving sexual exploitation of minors, sex trafficking, prostitution and public indecency among the list of crimes for which the sentencing class is elevated based on multiple prior convictions or for which a prior conviction may serve to elevate the sentencing class of certain other crimes.

**Enacted Law Summary**

Public Law 2017, chapter 336 amends sentencing provisions under the Maine Criminal Code to include crimes involving sexual exploitation of minors, sex trafficking, prostitution and public indecency among the list of crimes for which the sentencing class is elevated based on multiple prior convictions or for which a prior conviction may serve to elevate the sentencing class of certain other crimes.

**LD 1735     An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement**

**PUBLIC 373  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M TIMBERLAKE J	OTP-AM	S-383 S-384    ROSEN K

This bill authorizes a regional medical control committee that has been approved by the Department of Public Safety, Emergency Medical Services' Board to carry out a plan of quality improvement to have access to data collected by Maine Emergency Medical Services that allows identification of persons receiving emergency medical treatment for the purpose of quality improvement.

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

This amendment specifies that a regional medical control committee established to carry out a plan of quality improvement that has been approved by the Department of Public Safety, Emergency Medical Services' Board may have access to data collected by Maine Emergency Medical Services that allow identification of persons receiving emergency medical treatment for purposes relating to the approved quality improvement plan so long as the release of the data is approved by the Emergency Medical Services' Board, the Medical Direction and Practices Board and the Director of Maine Emergency Medical Services.

The amendment also clarifies that the Emergency Medical Services' Board is required to ensure that confidential information submitted to the board by any entity is easily accessible by that entity without charge for a period of four years from the date that the confidential information is submitted to the board.

**Senate Amendment "A" To Committee Amendment "A" (S-384)**

This amendment replaces language in Committee Amendment "A" requiring that information submitted to the Department of Public Safety, Emergency Medical Services' Board by an entity be accessible by that entity without charge for a period of four years from the date of submission with language requiring that such information be accessible by that entity in accordance with rules adopted by the board that enable compliance with federal and state laws.

**Enacted Law Summary**

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

Public Law 2017, chapter 373 authorizes a regional medical control committee established to carry out a plan of quality improvement that has been approved by the Department of Public Safety, Emergency Medical Services' Board to access data collected by Maine Emergency Medical Services that allow identification of persons receiving emergency medical treatment for purposes relating to the approved quality improvement plan so long as the release of the data is approved by the Emergency Medical Services' Board, the Medical Direction and Practices Board and the Director of Maine Emergency Medical Services.

Public Law 2017, chapter 373 also provides that information submitted to the Department of Public Safety, Emergency Medical Services' Board by an entity must be accessible by that entity without charge for a period of four years from the date of submission with language requiring that such information be accessible by that entity in accordance with rules adopted by the board that enable compliance with federal and state laws.

Public Law 2017, chapter 373 was enacted as an emergency measure effective April 6, 2018.

**LD 1740      An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking      PUBLIC 416**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A GIDEON S	OTP-AM	S-385

This bill creates the crimes of criminal forced labor, a Class C crime, and aggravated criminal forced labor, a Class B crime, under the Maine Criminal Code. It provides that a person is guilty of criminal forced labor if the person, without the legal right to do so, intentionally or knowingly compels another person to provide labor or services having economic value through certain coercive acts. A person is guilty of aggravated criminal forced labor if the person compelled to provide labor or services has not in fact attained 18 years of age.

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

This amendment changes the title of the bill and adds criminal forced labor and aggravated criminal forced labor to the definition of "human trafficking offense" in the law providing civil remedies for human trafficking. The amendment provides an affirmative defense to prosecution for a person who violates the criminal forced labor or aggravated criminal forced labor provision in the bill or the sex trafficking provision in current law that the violator was compelled to violate the provision. The amendment requires the Department of Labor to provide to the Department of Transportation, the Maine Turnpike Authority, and certain businesses and employers signs that contain a telephone number for a national human trafficking hotline. The amendment requires that the Department of Transportation, the Maine Turnpike Authority, and certain businesses and employers post the signs and provides a civil violation penalty of \$300 per violation against certain businesses and employers for failure to post the required signs.

**Enacted Law Summary**

Public Law 2017, chapter 416 creates the crimes of criminal forced labor, a Class C crime, and aggravated criminal forced labor, a Class B crime, under the Maine Criminal Code. It provides that a person is guilty of criminal forced labor if the person, without the legal right to do so, intentionally or knowingly compels another person to provide labor or services having economic value through certain coercive acts. A person is guilty of aggravated criminal forced labor if the person compelled to provide labor or services has not in fact attained 18 years of age. The law adds criminal forced labor and aggravated criminal forced labor to the definition of "human trafficking offense" in the law providing civil remedies for human trafficking. The law provides an affirmative defense to prosecution for a person who violates the laws on criminal forced labor, aggravated criminal forced labor or sex trafficking that the violator was compelled to violate those laws. The law requires the Department of Labor to provide to the Department of Transportation, the Maine Turnpike Authority and certain businesses and employers signs that contain a telephone number for a national human trafficking hotline. The law requires that the Department of

*Joint Standing Committee on Criminal Justice and Public Safety*

Transportation, the Maine Turnpike Authority and certain businesses and employers post the signs and provides a civil violation penalty of \$300 per violation against certain businesses and employers for failure to post the required signs.

**LD 1751 An Act Regarding the Victims' Compensation Fund**

**PUBLIC 348**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K WARREN C	OTP-AM	S-386

Current law provides that compensation may not be paid from the Victims' Compensation Fund to any claimant who does not fully cooperate with the Victims' Compensation Board or with the reasonable requests of law enforcement officers or prosecution authorities or to or on behalf of any person who violated a criminal law that caused or contributed to the injury or death for which compensation is sought. This bill provides that the board may deny compensation in whole or in part in these circumstances.

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

This amendment replaces the bill. The amendment allows compensation from the Victims' Compensation Fund to a claimant for expenses when the victim is the victim of a criminal homicide and the claimant was not involved in the criminal conduct that caused or contributed to the death of the victim.

**Enacted Law Summary**

Public Law 2017, chapter 348 allows compensation from the Victims' Compensation Fund to a claimant for expenses when the victim is the victim of a criminal homicide and the claimant was not involved in the criminal conduct that caused or contributed to the death of the victim.

**LD 1782 An Act To Provide for In-person Visitation of Incarcerated Persons**

**Accepted Majority (ONTP) Report**

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

This bill requires a county sheriff to provide for in-person visitation at a county jail between a prisoner and a visitor of the prisoner, subject to conditions and limitations imposed on a case-by-case basis as required for the safety and security of the jail as determined by the sheriff and subject to an exception for video-only visitation. It allows a sheriff to provide video-only visitation only after a determination is made on a case-by-case basis, documented in the record of the prisoner, that in-person visitation may jeopardize the safety and security of the jail or that, on a short-term basis, the jail facility is unable to provide a safe and secure location for in-person visitation.

**LD 1783 An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K DIAMOND B	OTP-AM	H-736

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

This bill was reported out of committee during the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the Second Special Session by joint order S.P. 748.

This bill makes aggravated trafficking in fentanyl powder a Class A crime.

**Committee Amendment "A" (H-736)**

This amendment incorporates a fiscal note.

**LD 1795 An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission**

**PUBLIC 377  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP	H-650

This emergency bill makes the following corrections to the criminal and related laws and to the law on possession of more than 2 1/2 ounces of marijuana.

1. Public Law 2017, chapter 144, section 3 failed to distinguish, in the laws on service of process on providers of electronic communication service and providers of remote computing service, between foreign entities that are governed by laws of states other than Maine and those that are governed by laws of foreign countries. The bill distinguishes these two types of foreign entities and provides a cross-reference to the Maine Rules of Evidence for each type of foreign entity.
2. Public Law 2017, chapter 1, section 20 designated possession of up to 2 1/2 ounces of marijuana by a person under 18 years of age a violation of the Maine Juvenile Code, which was one of two options for prosecution under prior law. Chapter 1 repealed the option of prosecution of possession as a civil violation. The bill retains the designation of possession as a juvenile crime and restores the designation of possession as a civil violation. Neither the juvenile crime nor the civil violation applies to possession of up to 2 1/2 ounces by a person under 21 years of age who is a qualified patient for the purposes of the Medical Use of Marijuana Act.
3. Public Law 2017, chapter 300 created a new version of the crime of gross sexual assault, specifically, engaging in a sexual act with another person when that other person has not expressly or impliedly acquiesced to the sexual act. The law neglected to create a corresponding registration provision for the newly defined variant of gross sexual assault. The bill designates gross sexual assault based on lack of acquiescence to the sexual act as a Tier II offense under the Sex Offender Registration and Notification Act of 2013. The registration obligation will apply to conduct committed on or after the effective date of this Act.

**Committee Amendment "A" (H-650)**

This amendment is the majority report of the committee. The amendment eliminates the reference to the fine amount for Class E crimes to avoid confusion regarding the status of the juvenile crimes of possession of under 2 1/2 ounces of marijuana, possession of drug paraphernalia, illegal transportation of drugs by a minor and certain offenses involving alcoholic beverages. Instead, the amendment changes the language of the provision to explicitly state that the maximum fine is \$1,000. The amendment does not change the maximum fine.

**Enacted Law Summary**

Public Law 2017, chapter 377 makes the following corrections to the criminal and related laws and to the law on possession of more than 2 1/2 ounces of marijuana.

1. Public Law 2017, chapter 144, section 3 failed to distinguish, in the laws on service of process on providers of

*Joint Standing Committee on Criminal Justice and Public Safety*

electronic communication service and providers of remote computing service, between foreign entities that are governed by laws of states other than Maine and those that are governed by laws of foreign countries. This law distinguishes these two types of foreign entities and provides a cross-reference to the Maine Rules of Evidence for each type of foreign entity.

2. Public Law 2017, chapter 1, section 20 designated possession of up to 2 1/2 ounces of marijuana by a person under 18 years of age a violation of the Maine Juvenile Code, which was one of two options for prosecution under prior law. Chapter 1 repealed the option of prosecution of possession as a civil violation. This law retains the designation of possession as a juvenile crime and restores the designation of possession as a civil violation. Neither the juvenile crime nor the civil violation applies to possession of up to 2 1/2 ounces by a person under 21 years of age who is a qualified patient for the purposes of the Medical Use of Marijuana Act.

3. Public Law 2017, chapter 300 created a new version of the crime of gross sexual assault, specifically, engaging in a sexual act with another person when that other person has not expressly or impliedly acquiesced to the sexual act. The law neglected to create a corresponding registration provision for the newly defined variant of gross sexual assault. This law designates gross sexual assault based on lack of acquiescence to the sexual act as a Tier II offense under the Sex Offender Registration and Notification Act of 2013. The registration obligation applies to conduct committed on or after April 11, 2018.

Public Law 2017, chapter 377 was enacted as an emergency measure effective April 11, 2018.

**LD 1813 An Act To Protect Children under 14 Years of Age from Being Photographed by Certain Persons**

**PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M KATZ R	OTP-AM	H-656

This bill establishes as a Class D crime the intentional photographing of a minor without the consent of the minor's parent or guardian by a person required to register as a sex offender.

**Committee Amendment "A" (H-656)**

This amendment replaces the bill and changes the title. It adds a definition of "indirect contact" to the Maine Revised Statutes, Title 17-A, section 261 and applies that definition to prohibit a person from photographing another person under 14 years of age if the person has been convicted of a sexual assault against or sexual exploitation of another person under 14 years of age and the person has been notified, in writing or otherwise, not to engage in this conduct by a law enforcement officer, corrections officer or judicial officer. The notification expires after one year. The definition of "photographing" is based on a definition of "photograph" in Title 17-A, section 281, subsection 3.

**Enacted Law Summary**

Public Law 2017, chapter 354 adds a definition of "indirect contact" to the Maine Revised Statutes, Title 17-A, section 261 and applies that definition to prohibit a person from photographing another person under 14 years of age if the person has been convicted of a sexual assault against or sexual exploitation of another person under 14 years of age and the person has been notified, in writing or otherwise, not to engage in this conduct by a law enforcement officer, corrections officer or judicial officer. The notification expires after one year.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1819     An Act Prohibiting Female Genital Mutilation**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H MASON G	ONTP	

This bill defines "female genital mutilation" and makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age for nonmedical purposes or a Class B crime if the person who performs the female genital mutilation is a parent, guardian or someone who has immediate custody of the female individual. This bill also criminalizes transporting a female individual under 18 years of age outside of the State for the purpose of undergoing female genital mutilation. It is not a defense to criminal prosecution that the female individual, or the parent, guardian or person who has immediate custody of the female individual, consented to the procedure or believed that it was necessary for custom, religion or ritual. It is a defense to criminal prosecution that the procedure was done for purposes related to the health of the female individual by a person licensed as a physician in this State.

This bill extends the statute of limitations to the 25th birthday of a victim of female genital mutilation and allows the use of school records or a document filed with a government agency to establish the age of a victim who does not have a birth certificate. In addition, a physician licensed in Maine who performs female genital mutilation of a minor is subject to permanent revocation of that physician's medical license.

Selected portions of this bill and of LD 1822 were incorporated into a new bill prohibiting female genital mutilation, LD 1904, that was reported out by a majority of the committee.

**LD 1822     An Act To Amend the Laws Governing Offenses against the Person**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D	ONTP	

This bill defines "female genital mutilation" and makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age for nonmedical purposes. It is not a defense to criminal prosecution that the female individual, or the parent, guardian or person who has immediate custody of the female individual, consented to the procedure or believed that it was necessary for custom, religion or ritual. It is a defense to criminal prosecution that the procedure was necessary to the health of the female individual or performed for medical purposes on a female individual in labor or who has just given birth and was performed by a person licensed in this State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife or a person in an approved training program under the supervision of a physician or midwife licensed in this State.

A person licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife licensed in Maine who performs female genital mutilation of a minor is subject to permanent revocation of that person's professional license.

This bill also authorizes the Department of Health and Human Services to institute a community outreach program regarding female genital mutilation for specific communities in which female genital mutilation of minors might be practiced that provides support services, training and educational materials.

Selected portions of this bill and of LD 1819 were incorporated into a new bill prohibiting female genital mutilation, LD 1904, that was reported out by a majority of the committee.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1838 An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos**

**PUBLIC 397**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M HERBIG E	OTP-AM	S-419

This bill provides that a person is guilty of the Class E crime of indecent conduct if the actor exposes the actor's genitals with the intent to create images that the actor transmits to another person by mechanical or electronic means under circumstances that in fact are likely to cause affront or alarm. It also provides that a subsequent violation by a person who has two or more prior convictions for indecent conduct or visual sexual aggression against a child is a Class D crime.

**Committee Amendment "A" (S-419)**

This amendment replaces the bill and changes the title. It establishes new variants of the crime of harassment by telephone or by electronic communication device. The amendment prohibits using a telephone or electronic communication device, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, to send an image or video of a sexual act or of the actor's or another person's genitals if the person called or contacted is under 14 years of age, is 14 or 15 years of age when the actor is at least five years older or suffers from a mental disability that is reasonably apparent or known to the actor. The amendment designates these new variants of harassment by telephone or electronic communication device as Class D crimes. The amendment also prohibits using a telephone or by electronic communication device to send an image or video of a sexual act or the actor's or another person's genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. The amendment designates this new variant of harassment by telephone or by electronic communication device as a Class E crime.

**Enacted Law Summary**

Public Law 2017, chapter 397 establishes new variants of the crime of harassment by telephone or by electronic communication device. The law prohibits using a telephone or electronic communication device, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, to send an image or video of a sexual act or of the actor's or another person's genitals if the person called or contacted is under 14 years of age, is 14 or 15 years of age when the actor is at least five years older or suffers from a mental disability that is reasonably apparent or known to the actor. The law designates these new variants of harassment by telephone or electronic communication device as Class D crimes. The law also prohibits using a telephone or by electronic communication device to send an image or video of a sexual act or the actor's or another person's genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. The law designates this new variant of harassment by telephone or by electronic communication device as a Class E crime.

**LD 1841 An Act To Authorize a Prerelease Facility in Washington County**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	ONTP OTP-AM	

This emergency bill, which is a concept draft pursuant to Joint Rule 208, proposes to authorize a prerelease facility to be located in Washington County.



*Joint Standing Committee on Criminal Justice and Public Safety*

**Committee Amendment "A" (S-455)**

This amendment is the minority report of the committee and it replaces the bill. The amendment establishes the Washington County Prerelease and Job Training Center to provide vocational training and rehabilitative programs, including but not limited to work release and work involving public restitution, for 50 or fewer prisoners. The amendment provides mechanisms for obtaining the rights to develop land or for purchasing land for the Washington County Prerelease and Job Training Center and for selling or leasing the Downeast Correctional Facility. The proceeds from the sale or lease of the Downeast Correctional Facility must, as designated by the Commissioner of Administrative and Financial Services, be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements.

The amendment also adds an appropriations and allocations section.

**LD 1855      An Act To Fund the Reorganization of the Department of Public Safety,  
State Bureau of Identification** **PUBLIC 383  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K DIAMOND B	OTP-AM	H-658

This bill provides funding for a management-initiated reorganization of the Department of Public Safety, State Bureau of Identification. The Department of Administrative and Financial Services, Bureau of Human Resources has reviewed and authorized the position reclassifications required to support the reorganization.

**Committee Amendment "A" (H-658)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2017, chapter 383 provides funding for a management-initiated reorganization of the Department of Public Safety, State Bureau of Identification.

Public Law 2017, chapter 383 was enacted as an emergency measure effective April 12, 2018.

**LD 1859      An Act To Include Operating a Motor Vehicle in a Parking Area in the  
Law Regarding Operating after Habitual Offender Revocation** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	OTP	

Current law provides that a person commits the crime of operating after habitual offender revocation if that person operates a motor vehicle on a public way when that person's license to operate a motor vehicle has been revoked under certain circumstances. This bill provides that a person also commits the crime of operating after habitual offender revocation if that person operates a motor vehicle in a parking area when that person's license to operate a motor vehicle has been revoked under certain circumstances.

*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 1904     An Act To Prohibit the Practice of Female Genital Mutilation of a Minor**

**Died Between  
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

S-454    ROSEN K

This bill was reported out by a majority of the committee pursuant to joint order S.P. 709. A minority of the committee voted to report out a different version of the bill, which appears in this summary as committee amendment "A," while a separate minority of the committee voted ought not to pass.

This bill defines "female genital mutilation" as the circumcision, excision, mutilation or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of a female individual but excludes from the definition medical procedures that are necessary to the health of the female individual or performed for medical purposes on a female individual in labor or who has just given birth, as long as the medical procedure was performed by a person licensed in the State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or by a licensed midwife or a person in an approved training program under the supervision of a physician or midwife licensed in this State.

The bill makes it a Class A crime to perform female genital mutilation on a female individual under 18 years of age, to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation or to knowingly consent to female genital mutilation of a female individual under 18 years of age. Under the provisions of the bill, it is not a defense that the victim or the parent, guardian or person who has immediate custody of the victim consented to the procedure or believed that it was desired as part of a social norm or was necessary for custom, religion or ritual.

The bill extends the statute of limitations for female genital mutilation offenses to the 25th birthday of a victim of female genital mutilation. Commission of a female genital mutilation offense by a person licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or a midwife licensed in Maine is grounds for permanent revocation of the license of that person.

This bill also requires the Department of Health and Human Services, to the extent existing resources are available, to develop and institute a community outreach program regarding female genital mutilation that provides support services, training and educational materials.

**Committee Amendment "A" (S-446)**

This amendment, which is a minority report of the committee, removes the portions of the bill that make it a Class A crime to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation or to knowingly consent to female genital mutilation of a female individual under 18 years of age.

**Senate Amendment "A" (S-454)**

The bill excludes from the definition of "female genital mutilation" certain necessary medical procedures performed by a person licensed in the State by the Board of Licensure in Medicine or the Board of Osteopathic Licensure or by a licensed midwife or a person in an approved training program under the supervision of one of these licensed professionals.

Because certified midwives and certified professional midwives are not required to be licensed in the State until January 1, 2020, this amendment clarifies that necessary medical procedures performed by a certified midwife or certified professional midwife, or by an individual in an approved training program under the supervision of a certified midwife or certified professional midwife, are also excluded from the definition of "female genital mutilation."

*Joint Standing Committee on Criminal Justice and Public Safety*

**House Amendment "C" To Committee Amendment "A" (H-755)**

This amendment amends the definition of "female genital mutilation" to include only the circumcision, excision or infibulation, in whole or in part, of the labia majora, labia minora or clitoris of a female individual so as to conform with the definition set forth in federal law.

This amendment was not adopted.

**House Amendment "B" To Committee Amendment "A" (H-754)**

Committee Amendment "A" removes a portion of the bill that makes it a Class A crime to knowingly consent to female genital mutilation of a female individual under 18 years of age. This amendment restores that provision.

This amendment was not adopted.

**House Amendment "A" To Committee Amendment "A" (H-753)**

Committee Amendment "A" removes a portion of the bill that makes it a Class A crime to knowingly transport a female individual under 18 years of age outside of this State for purposes of female genital mutilation. This amendment restores that provision.

This amendment was not adopted.

**LD 1910    An Act To Fund Enhanced Data Sharing between the Department of Public Safety, Bureau of State Police and the Maine Judicial Branch**

**PUBLIC 468**

Sponsor(s)  
KEIM L

Committee Report

Amendments Adopted

This bill was not referred to committee. It was carried over from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748. It provides funding to reprogram the Maine telecommunications and routing operations system, or METRO, data switch within the Department of Public Safety, Bureau of State Police in order to support the enhancement of data sharing with the Maine Judicial Branch for data relating to warrants, bail conditions, protection from abuse or harassment orders and criminal history record information and similar public safety-related data exchanges.

**Enacted Law Summary**

Public Law 2017, chapter 468 provides funding to reprogram the Maine telecommunications and routing operations system, or METRO, data switch within the Department of Public Safety, Bureau of State Police in order to support the enhancement of data sharing with the Maine Judicial Branch for data relating to warrants, bail conditions, protection from abuse or harassment orders and criminal history record information and similar public safety-related data exchanges.



*Joint Standing Committee on Criminal Justice and Public Safety*

**SUBJECT INDEX**

**Criminal History Record Information/DNA/Forensics**

**Not Enacted**

LD 1202	An Act To Clear a Path to Employment	Majority (ONTP) Report
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**Criminal Law**

**Enacted**

LD 1091	An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes	PUBLIC 432 EMERGENCY
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LD 1388	An Act To Prohibit the Falsification of Medical Records	PUBLIC 410
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LD 1728	An Act To Amend Maine Criminal Code Sentencing Provisions Relating To Increased Sentencing Class Based on Multiple Prior Convictions for Certain Violent or Sexual Crimes	PUBLIC 336
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LD 1795	An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission	PUBLIC 377 EMERGENCY
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LD 1813	An Act To Protect Children under 14 Years of Age from Being Photographed by Certain Persons	PUBLIC 354
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LD 1838	An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos	PUBLIC 397
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**Not Enacted**

LD 990	An Act To Prevent Violence against Law Enforcement Officers, Emergency Medical Care Providers and Firefighters	Died On Adjournment
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LD 1048	An Act To Reclassify Certain Offenses and Increase the Efficiency of the Criminal Justice System	Died On Adjournment
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LD 1819	An Act Prohibiting Female Genital Mutilation	ONTP
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LD 1822	An Act To Amend the Laws Governing Offenses against the Person	ONTP
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LD 1904	An Act To Prohibit the Practice of Female Genital Mutilation of a Minor	Died Between Houses
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## *Criminal Procedure/Bail/Sentencing*

### Not Enacted

LD 1268	An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants	INDEF PP
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## *Department of Corrections*

### Enacted

LD 1322	An Act Regarding Mental Health First Aid Training for Corrections Personnel	PUBLIC 436
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### Not Enacted

LD 1704	An Act To Fund the Downeast Correctional Facility	Veto Sustained
LD 1706	An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs	Died Between Houses
LD 1841	An Act To Authorize a Prerelease Facility in Washington County	INDEF PP

## *Domestic Violence*

### Enacted

LD 449	An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder	PUBLIC 374
LD 525	An Act To Enhance Maine's Response to Domestic Violence	PUBLIC 431

### Not Enacted

LD 524	An Act To Amend the Laws on Domestic Violence	Died On Adjournment
LD 1183	An Act To Expand Use of Electronic Monitoring in Domestic Violence, Sexual Assault and Stalking Cases	ONTTP

## *Drugs*

### Not Enacted

LD 1429	An Act Regarding the Epidemic of Opiate Abuse	Died On Adjournment
LD 1783	An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs	Died On Adjournment

## *Firefighters*

### Not Enacted

LD 1389	An Act To Disburse Funds to the Maine Fire Protection Services Commission	ONTTP
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### **Human Trafficking**

#### **Enacted**

LD 1740 An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking PUBLIC 416

#### **Not Enacted**

LD 250 An Act To Increase the Penalty for Aggravated Sex Trafficking Majority (ONTP) Report  
LD 951 An Act To Adopt the Uniform Act on Prevention of and Remedies for Human Trafficking ONTP

### **Law Enforcement**

#### **Not Enacted**

LD 861 An Act To Provide Wage Parity for Certain State Law Enforcement Personnel ONTP  
LD 1146 Resolve, To Provide Wage Parity for Law Enforcement Officers in the Department of Corrections with Other Law Enforcement Officers ONTP  
LD 1672 An Act To Waive the Fee for Attendance at the Maine Criminal Justice Academy for Former Military Police Officers ONTP

### **OUI/OAS/Other MV Violations**

#### **Not Enacted**

LD 1859 An Act To Include Operating a Motor Vehicle in a Parking Area in the Law Regarding Operating after Habitual Offender Revocation INDEF PP

### **Prison/Jail/Inmate**

#### **Enacted**

LD 1490 An Act To Stabilize Funding for the County Jails PUBLIC 450

#### **Not Enacted**

LD 377 Resolve, To Establish the York County Jail Drug Detoxification and Rehabilitation Pilot Program Died On Adjournment  
LD 1414 An Act To Ensure the Availability of In-person Visitation in County Jails Veto Sustained  
LD 1415 An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs Died Between Houses  
LD 1782 An Act To Provide for In-person Visitation of Incarcerated Persons Majority (ONTP) Report

**Public Safety/Emergency Medical Services**

**Enacted**

LD 1735	An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement	PUBLIC 373 EMERGENCY
LD 1855	An Act To Fund the Reorganization of the Department of Public Safety, State Bureau of Identification	PUBLIC 383 EMERGENCY
LD 1910	An Act To Fund Enhanced Data Sharing between the Department of Public Safety, Bureau of State Police and the Maine Judicial Branch	PUBLIC 468

**Victim Rights**

**Enacted**

LD 1705	An Act To Strengthen Crime Victims' Rights	PUBLIC 386
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**Not Enacted**

LD 1168	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights	Died On Adjournment
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**Victim's Compensation Fund**

**Enacted**

LD 1751	An Act Regarding the Victims' Compensation Fund	PUBLIC 348
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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON EDUCATION AND  
CULTURAL AFFAIRS**

October 2018

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***Joint Standing Committee on Education and Cultural Affairs***

**LD 49      An Act To Improve Science and Engineering Education for Maine's Students**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M LANGLEY B	OTP-AM OTP-AM ONTP	H-497

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires the Department of Education to include the so-called Next Generation Science Standards for kindergarten to grade 12 in the State's system of learning results and assessment and directs the Commissioner of Education to amend Department of Education rules on or before December 31, 2017 in order to include the science standards as part of the State's system of learning results and assessment beginning with the 2019-2020 school year.

**Committee Amendment "A" (H-497)**

This amendment is the majority report of the committee. The amendment strikes the provision of the bill that adds science to the content areas of English language arts, literacy and mathematics as part of the rating scale required to measure educator effectiveness as required under the performance evaluation and professional growth system. The amendment also extends the implementation of the amended rules to the 2020-2021 school year and requires that the Department of Education provisionally adopt these rules on or before December 31, 2018. The amendment also includes funding for the costs associated with including science standards that are aligned to the Next Generation Science Standards as part of the learning results.

**Committee Amendment "B" (H-498)**

This amendment is the minority report of the committee. The amendment strikes the provision of the bill that adds science to the content areas of English language arts, literacy and mathematics as part of the rating scale required to measure educator effectiveness as required under the performance evaluation and professional growth system. The amendment further directs the Commissioner of Education, in amending the Department of Education rules in order to include science standards as part of the State's system of learning results and assessment, to include the science standards adopted by the Commonwealth of Massachusetts in 2006 and align those standards to the interactive components of the Next Generation Science Standards released in 2013. The amendment also extends the implementation of the amended rules to the 2020-2021 school year and requires that the Department of Education provisionally adopt these rules on or before December 31, 2018.

The amendment also provides funding for the costs associated with including the science standards adopted by Massachusetts as part of the learning results.

**LD 51      An Act To Amend the Process for a Single Municipality To Withdraw from a Regional School Unit**

**PUBLIC 385**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B MAKER J	OTP-AM	H-693

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

***Joint Standing Committee on Education and Cultural Affairs***

The bill adds requirements to an agreement for withdrawal of a single municipality from a regional school unit. The additional requirements are a plan for providing child nutrition services and an anticipated budget for the first year of operation of schools operated by the petitioning municipality. The bill requires the directors of a regional school unit board to respond to a proposed agreement of a withdrawing municipality within 30 days. It also authorizes a withdrawing municipality to request the Commissioner of Education to provide assistance to the withdrawing municipality and the directors of the regional school unit board in negotiations relating to the withdrawal agreement.

**Committee Amendment "A" (H-693)**

This amendment strikes the bill's proposed requirements that the directors of a regional school unit board respond to a withdrawal committee within 30 days of receipt of the committee's proposed agreement and the proposed allowance that the withdrawal committee is allowed to request the Commissioner of Education to provide assistance in any negotiations. The amendment also provides that the referendum vote to approve withdrawal must be completed by November 30th of the year prior to the intended July 1st effective operational date for the schools of the withdrawn municipality.

**Enacted Law Summary**

Public Law 2017, chapter 385 adds requirements to an agreement for withdrawal of a single municipality from a regional school unit. The additional requirements are a plan for providing child nutrition services and an anticipated budget for the first year of operation of schools operated by the petitioning municipality. It also provides that the referendum vote to approve withdrawal must be completed by November 30th of the year prior to the intended July 1st effective operational date for the schools of the withdrawn municipality.

**LD 228      An Act To Amend the Mathematics Requirements for High School Graduation      ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill prohibits requiring the secondary course of study in schools from including an advanced algebra course and prohibits requiring students to achieve proficiency in advanced algebra. The bill requires the Commissioner of Education to amend the rules by the beginning of the 2018-2019 school year requiring students to complete an advanced algebra course.

**LD 334      An Act To Clarify the Uses of the Fund To Advance Public Kindergarten to Grade 12 Education      ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the provisions of the Fund to Advance Public Kindergarten to Grade 12 Education as enacted in Initiated Bill 2015, chapter 4 in order to clarify terminology and uses of the fund.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 526      An Act To Remove the Cap on an Increase in the State Share of the Cost of Health Insurance for Retired Teachers**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B MILLETT R	OTP-AM ONTP OTP-AM	H-42 S-41    LANGLEY B

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

Current law requires the State to pay 45% of a retired teacher's share of the premium for group accident and sickness or health insurance. This bill raises that percentage to 50% from July 1, 2017 to June 30, 2019; 55% from July 1, 2019 to June 30, 2021; and 60% after June 30, 2021. It also removes the cap on the increase in the State's total cost for retired teachers' health insurance premiums for fiscal years ending after June 30, 2015.

**Committee Amendment "B" (H-42)**

This amendment is a minority report of the committee. The amendment strikes the bill's proposal to raise the required percentage of a retired teacher's share of the premium for group accident and sickness or health insurance from 45% to 60% between fiscal year 2016-17 and fiscal year 2020-21. The amendment retains the current requirement that the State pay 45% of a retired teacher's share of the premium for group accident and sickness or health insurance and, beginning in fiscal year 2017-18, removes the restriction in current law that limits the increase in the State's total cost for retired teachers' health insurance premiums.

**Committee Amendment "A" (H-41)**

This amendment is the majority report of the committee. The amendment adds an appropriations and allocations section to the bill.

**Senate Amendment "A" To Committee Amendment "B" (S-41)**

This amendment removes the language that caps the increase in the State's total cost for retired teachers' health insurance premiums for certain fiscal years. It retains the current requirement that the State pay 45% of a retired teacher's share of the premium for group accident and sickness or health insurance.

**LD 681      An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M MAKER J	OTP-AM ONTP	H-505

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires that instruction involving affirmative consent, communication and decision making regarding sexual activity be a mandatory part of secondary school instruction. "Affirmative consent" is defined as consent to sexual activity that can be revoked at any time and does not include silence, lack of resistance or consent given

***Joint Standing Committee on Education and Cultural Affairs***

while intoxicated. This bill also requires a postsecondary educational institution to make a notation on a student's transcript if the student has been convicted of sexual assault committed on the campus of the postsecondary educational institution.

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

This amendment, which is the majority report of the committee, strikes the part of the bill that requires a notation to be made on the transcript of a postsecondary student who is convicted of sexual assault. This amendment requires the Commissioner of Education to review the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, during the 2017-2018 school year as part of the commissioner's five-year review cycle of the content standards and performance indicators required under the system of learning results.

**LD 816      An Act To Promote Academic Achievement through Hunger Relief for Maine Children      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C PIERCE T	OTP-AM ONTP	S-150

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill directs the State to fund the difference between the federal reimbursements for reduced-price and free lunches in order to provide all children under 185% of the federal poverty level free lunch at school.

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

This amendment is the majority report of the committee and replaces the bill. The amendment directs the State to fund 20¢ of the funding difference between the federal lunch reduced reimbursement rate and the federal free lunch reimbursement rate for every reduced-price lunch at every public school participating in the National School Lunch Program. The amendment also clarifies that schools must provide reimbursable instead of Type A meals.

The amendment also adds an appropriations and allocations section.

**LD 1016      An Act To Provide Funding for Career and Technical Education Based on Projected Enrollment      ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill modifies the funding model for career and technical education costs. The bill requires that the state allocation for these costs be based on the projected enrollment for the fiscal year of the allocation rather than actual enrollment in a prior year.



*Joint Standing Committee on Education and Cultural Affairs*

**LD 1130 An Act To Provide Traffic Safety Education in Schools**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M KATZ R	OTP-AM ONTP	H-469 H-537 DAUGHTRY M

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

The purpose of this bill is to provide students in Maine with access to traffic safety education from an early age with the goal of teaching students safe practices and respect for all users of the road in order to reduce the unacceptable number of pedestrian and bicyclist fatalities and make Maine's roadways safer and more enjoyable for all users. This bill requires all school administrative units to provide at least one hour annually of age-appropriate traffic safety education to students in grades 2 to 12. The traffic safety education program must provide, at a minimum, instruction on the use of public and private ways by pedestrians, bicyclists and motor vehicle operators and on the laws and rules regarding that use. A school administrative unit may contract with a third party to provide the education.

**Committee Amendment "A" (H-469)**

This amendment, which is the majority report of the committee, modifies the requirements in the bill for age-appropriate traffic safety education in school administrative units. The amendment provides that the traffic safety education must be provided annually to at least four different grade levels from kindergarten to grade 12. The amendment retains the requirements of the bill that the education be at least one hour in length and meet certain minimum requirements. This amendment also provides funding for 90% of the cost to school administrative units to implement the traffic safety education curriculum.

**House Amendment "A" To Committee Amendment "A" (H-537)**

This amendment requires traffic safety education to be provided annually in at least four different grades from grade 4 to grade 12, instead of kindergarten to grade 12 as in the committee amendment. This amendment revises the appropriations and allocations section based on the new requirement.

**LD 1286 An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements**

**PUBLIC 426**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MAREAN D	OTP-AM	S-221 S-510 HAMPER J

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires every school administrative unit to obtain a criminal history background check of an individual before hiring or placing that individual within the school administrative unit except for educational personnel currently required to undergo a criminal history background check. This bill also requires every school administrative unit to conduct an audit to determine if the school administrative unit possesses a criminal history

***Joint Standing Committee on Education and Cultural Affairs***

background check for all current employees of the school administrative unit and to obtain criminal history background checks for those employees for whom the school administrative unit does not have a criminal history background check.

**Committee Amendment "A" (S-221)**

This amendment changes the title, replaces the bill and requires, beginning January 1, 2018, a school administrative unit to submit quarterly to the Department of Education a list of the names of all employees and the date on which each person most recently commenced employment. Upon receipt of the list, the department is required to determine for each person included on the list whether the person has complied with all applicable criminal history record check and fingerprinting requirements. If any person has failed to comply with any applicable requirement, the department is required to immediately notify the school administrative unit of that person's failure to comply.

This amendment also provides ongoing funds for 90% of the cost to school administrative units to comply with the bill as amended by this amendment.

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

This amendment changes the date by which school administrative units must begin submitting lists of employees to the Department of Education from January 1, 2018 to January 1, 2019. The amendment also strikes funding for fiscal year 2017-18.

**Enacted Law Summary**

Public Law 2017, chapter 426 requires school administrative units, beginning January 1, 2019, and quarterly thereafter, to submit to the Department of Education a list of the names of all employees subject to certification, approval or authorization and to indicate for each person the date on which the person most recently commenced employment with the school administrative unit. Upon receipt of the list, the department is required to determine whether each person has complied with all applicable criminal history record check and fingerprinting requirements and immediately notify the school of any failure to comply.

Public Law 2017, chapter 426 also provides ongoing funds for 90% of the cost to school administrative units to comply with the law.

**LD 1321      An Act To Promote Social and Emotional Learning and Development in      Veto Sustained**  
**Early Childhood**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C PIERCE T	OTP-AM ONTP	S-128 S-533 BREEN C

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires the Commissioner of Education to implement, beginning September 1, 2019, a statewide voluntary early childhood consultation program to provide support and guidance to early care and education teachers and to providers working in public preschools, child care centers, family child care settings and Head Start programs serving infants and young children who are experiencing challenging behaviors that put them at risk of learning difficulties and removal from early learning settings. The bill authorizes the Department of Education to designate an entity to design and implement an early childhood consultation program as a pilot project, and to report back to the joint standing committee of the Legislature having jurisdiction over education matters with its recommendations concerning the amendment of the statewide voluntary early childhood consultation program.

*Joint Standing Committee on Education and Cultural Affairs*

**Committee Amendment "A" (S-128)**

This amendment, which is the majority report of the committee, provides funding to the Department of Education for personnel necessary to carry out the purpose of the bill and costs associated with the development and implementation of a pilot project to establish an early childhood consultation program.

**Senate Amendment "B" To Committee Amendment "A" (S-533)**

This amendment removes the requirement that the Department of Education designate an entity to participate with the department to develop a pilot project to establish an early childhood consultation program. The amendment removes the funding proposed in fiscal year 2017-18 and instead provides that funding in fiscal year 2018-19. The amendment also allows the Department of Education to carry forward any remaining balance of funds provided to the department for the pilot project in fiscal year 2018-19 into fiscal year 2019-20.

**LD 1336 An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P	OTP-AM	H-605

This bill was reported out by the Committee during the First Regular Session of the 128th Legislature and then recommitted to the Committee. The bill was carried over to the Second Regular Session of the 128th Legislature.

This bill allows the withdrawal committee for a single municipality seeking to withdraw from a regional school unit to request an extension of time to submit an agreement to the Commissioner of Education for a period not to exceed 180 days after the formation of the withdrawal committee. The withdrawal committee by unanimous vote may request an extension from the commissioner beyond 180 days after the formation of the withdrawal committee.

It allows the withdrawal committee to petition the commissioner to order binding mediation between the parties if they fail to enter into an agreement within 180 days after the formation of the withdrawal committee. The agreement reached through mediation must be submitted to the commissioner for approval.

It requires the agreement for the withdrawal of a single municipality from a regional school unit to include a plan for providing child nutrition services in compliance with state and federal laws at schools operated by the withdrawing municipality and an anticipated budget for the schools operated by the withdrawing municipality for the first year of operation.

**Committee Amendment "A" (H-443)**

This amendment was the unanimous report of the Committee during the First Regular Session. It changes the bill's proposal to allow the withdrawal committee of a municipality petitioning to withdraw from a regional school unit to petition the Commissioner of Education to order binding mediation between the parties if they fail to enter into an agreement within 180 days after the formation of the withdrawal committee. The amendment instead allows the withdrawal committee to petition the commissioner to order mediation between the parties if they fail to enter into an agreement within 180 days. If the parties fail to enter into an agreement within 90 days after the commissioner orders mediation, the withdrawal committee may petition the commissioner to order binding mediation between the parties.

The amendment also provides that the referendum vote to approve the proposed agreement of withdrawal must be held before November 30th of the year prior to the proposed first year of operation of the schools of the petitioning municipality.

***Joint Standing Committee on Education and Cultural Affairs***

**Committee Amendment "B" (H-605)**

This amendment was the unanimous report of the Committee during the Second Regular Session. It changes the bill's proposal to allow the withdrawal committee of a municipality petitioning to withdraw from a regional school unit to petition the Commissioner of Education to order binding mediation between the parties if they fail to enter into an agreement within 180 days after the formation of the withdrawal committee. The amendment instead allows the withdrawal committee to petition the commissioner to order mediation between the parties if they fail to enter into an agreement within 180 days. If the parties fail to enter into an agreement within 90 days after the commissioner orders mediation, the withdrawal committee may petition the commissioner to order binding mediation between the parties.

The amendment also provides that the referendum vote to approve the proposed agreement of withdrawal must be held before November 30th of the year prior to the proposed first year of operation of the schools of the petitioning municipality.

**House Amendment "A" To Committee Amendment "B" (H-637)**

This amendment exempts from the authorization to petition for mediation or binding mediation withdrawal committees from member municipalities in School Administrative District No. 6 and School Administrative District No. 44.

This amendment was not adopted.

**LD 1492     An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R STEWART H	OTP-AM ONTP	S-368

This bill was reported out of committee and then recommitted to the committee in the First Regular Session of the 128th Legislature; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P 1138. This bill was reported out of committee in the Second Regular Session, placed on the Special Appropriations Table, and then carried over on the Special Appropriations Table by joint order S.P. 748.

This bill creates various programs to attract, educate and retain in the State's workforce immigrant populations in the following ways.

1. It creates the Office of New Mainers and the Office of New Mainers Advisory Committee to coordinate among various departments by developing a comprehensive plan to educate and train immigrant populations to fill needed positions of employers throughout the State.
2. It establishes the Welcome Center Initiative to operate welcome centers in adult education programs to attract, educate and retain in employment foreign-trained workers in municipalities or regions of the State that have immigrant populations or that have industries that are experiencing a shortage of trained workers, patterned after the New Mainers Welcome Center operated by the City of Portland adult education program through a pilot program created by the 126th Legislature.
3. It establishes three grant programs to:
  - A. Contract with service providers to provide English-language instruction, vocational training and placement of

## *Joint Standing Committee on Education and Cultural Affairs*

immigrants in the State with employers of the State;

B. Assist counties, municipalities and school administrative units in managing new immigrant populations that have settled within the counties, municipalities and school administrative units or in attracting immigrant populations to address depopulation or workforce shortages within the counties, municipalities and school administrative units; and

C. Award grants to adult education programs to increase English-language acquisition instruction in communities experiencing an increase in immigrant populations.

4. It expands the Welcome Center Initiative to the City of Lewiston's adult education program to attract, educate and retain in employment foreign-trained workers residing in Androscoggin County, patterned after the New Mainers Welcome Center in Portland.

### **Committee Amendment "A" (S-195)**

This amendment was the majority report of the committee for the First Regular Session of the 128th Legislature.

This amendment removes the Office of New Mainers and the Office of New Mainers Advisory Committee from the bill and removes all references to both offices. It adds proposed welcome centers to the purpose for which adult education program grants may be given. The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-225)**

This amendment replaces the appropriations and allocations section in Committee Amendment "A."

This amendment reduces the appropriations in the bill from \$745,000 in fiscal year 2017-18 and \$285,000 in fiscal year 2018-19 to \$340,000 and \$410,000, respectively.

This amendment was not adopted.

### **Committee Amendment "B" (S-368)**

This amendment is the majority report of the committee to the Second Regular Session and is substantially similar to Committee Amendment "A" as amended by Senate Amendment "A."

This amendment removes the Office of New Mainers and the Office of New Mainers Advisory Committee from the bill and removes all references to both offices. It adds proposed welcome centers to the purpose for which adult education program grants may be given. The amendment also adds an appropriations and allocations section and clarifies that the newly created local community planning support program and the newly created vocation-specific English-language acquisition and workforce training program are intended to be two-year programs. Because the second year of each program is in the next biennium, the intent of the majority of the Joint Standing Committee on Education and Cultural Affairs is that the following funding be provided in fiscal year 2019-20: \$75,000 in ongoing funds to the adult education program for the expansion of the Welcome Center Initiative within the City of Lewiston's adult education program; \$85,000 for grants to adult education programs to increase English-language acquisition instruction in communities experiencing an increase in immigrant populations; \$40,000 for the local community planning support program to manage newly settled immigrant populations or to attract immigrant populations; and \$160,000 for grants to service providers to provide English-language instruction and vocational training for 200 participants.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1656 An Act To Allow Veterans Free Admission to the Maine State Museum**

**PUBLIC 370**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THIBODEAU M	OTP-AM ONTP OTP-AM	H-606

This bill provides for free admission to the Maine State Museum for veterans by directing the Commissioner of Defense, Veterans and Emergency Management to issue a free admission pass to any eligible veteran in accordance with a memorandum of agreement with the Maine State Museum.

**Committee Amendment "B" (H-607)**

This amendment is the minority report of the committee and strikes and replaces the bill. This amendment directs the Maine State Museum Commission to ensure that all fees for admission to the Maine State Museum are waived for residents of this State who have served on active duty in the United States Armed Forces or have served in the National Guard, Reserves of the United States Armed Forces or merchant marine of the United States.

**Committee Amendment "A" (H-606)**

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

**Enacted Law Summary**

Public Law 2017, chapter 370 establishes a free admission pass for eligible veterans to the Maine State Museum. Eligibility is determined by the Commissioner of Defense, Veterans and Emergency Management in accordance with a memorandum of agreement with the Maine State Museum. A veteran is eligible if the person is a resident of this State and received an honorable discharge or general discharge under honorable conditions.

**LD 1666 An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation**

**PUBLIC 466**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD T	OTP-AM OTP-AM	H-777 H-797 KORNFIELD T

This bill was carried over from the Second Regular Session of the 128th Legislature to the First Special Session by joint order S.P. 748.

This bill delays by one year the timeline for the implementation of proficiency-based diplomas.

**Committee Amendment "A" (H-777)**

This amendment is the majority report of the committee. The amendment replaces the bill to provide that the statutes related to the proficiency-based diploma standard and transcript provisions in the Maine Revised Statutes, Title 20-A, section 4722-A may be implemented by schools. The amendment also provides that the proficiency-based diploma standard and transcript rules adopted by the Commissioner of Education pursuant to Title 20-A, section 4722-A are changed from routine technical rules to major substantive rules. This amendment also adds an appropriations and allocations section.

**Committee Amendment "B" (H-778)**

## *Joint Standing Committee on Education and Cultural Affairs*

This amendment is the minority report of the committee. The amendment retains the bill's provisions to delay by one year the timeline for the implementation of proficiency-based diplomas. The amendment makes several changes to the implementation of the proficiency-based system, including:

1. Refining the provisions regarding the exceptions for students with disabilities to be awarded a proficiency-based diploma; and
2. Strengthening the provisions for career and technical education students to meet the proficiency-based diploma requirements within the context of the career and technical education curriculum, including career and technical education programs and courses as defined in the Department of Education's rules.

The amendment also requires that the Department of Education provide technical assistance to school administrative units in implementing proficiency-based systems, including providing definitions of proficiency, establishing criteria for ensuring that the intents and purposes of a proficiency-based system are achieved, developing model course descriptions and developing training resources for use in training educators.

### **House Amendment "A" To Committee Amendment "A" (H-797)**

This amendment strikes the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2017, chapter 466 amends the statutes related to the proficiency-based diploma standard and transcript provisions in the Maine Revised Statutes, Title 20-A, section 4722-A to provide that the proficiency-based diploma standard and transcript provisions may be implemented by schools. The law also provides that the proficiency-based diploma standard and transcript rules adopted by the Commissioner of Education pursuant to Title 20-A, section 4722-A are changed from routine technical rules to major substantive rules.

### **LD 1684      An Act Regarding Meals in Public Schools**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	OTP-AM ONTP	S-413

This bill was carried over on the Special Appropriations Table from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748.

The bill does the following.

1. It requires a public school that provides free and reduced-price meals or other meals to students pursuant to the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture to provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's inability to pay for the school meal or failure in the past to pay for school meals. It also requires the school to take certain actions to assist the parent or guardian of a student who requests such a meal.
2. It prohibits a public school from punishing a student in certain ways solely because of the student's inability to pay for a meal or because of any payments due for previous meals. It also prohibits a public school from refusing a meal to a student as a form of or as part of a disciplinary action.
3. It prohibits a public school from openly identifying or stigmatizing a student who cannot pay for a meal or who

***Joint Standing Committee on Education and Cultural Affairs***

has payments due for previous meals by requiring the student to wear a wristband, hand stamp or other identifying mark or sign noticeable by others.

4. It requires a public school to communicate about a student's meal debts directly to the parent or guardian of the student rather than to the student. A public school may ask a student to carry to the student's parent or guardian a letter regarding a student's meal debt.

**Committee Amendment "A" (S-413)**

This amendment is the majority report of the committee. The amendment changes the title and strikes the bill. The amendment:

- 1. Requires a public school that provides National School Lunch Program meals to students pursuant to the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture to provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's ability to pay for the meal or failure in the past to pay for meals;
- 2. Prohibits a public school from openly identifying or stigmatizing a student who cannot pay for a meal or who has payments due for previous meals;
- 3. Requires a public school to communicate about a student's meal debts directly to the parent or guardian of the student rather than to the student; and
- 4. Requires the school board of a public school to establish a policy for collection of debts owed to the school lunch program.

The fiscal note on the amendment identifies a requirement in this amendment as a potential significant state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds that the provisions identified as a potential mandate do not require a local school administrative unit to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The committee has determined that the potential state mandate provision prepared by the Office of Fiscal and Program Review is not in fact a mandate for public schools. The amendment does not require the public school to pay for the school meal debts, since the amendment requires the public school to directly communicate with a parent or guardian about the student's meal debts and requires the school board of the public school to establish a policy for the collection of debts owed to the school lunch program.

**LD 1689    An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN D	OTP-AM ONTP OTP-AM	S-415

This bill was carried over on the Special Appropriations Table from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748.

Current law requires that, beginning in fiscal year 2018-19, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. This bill



***Joint Standing Committee on Education and Cultural Affairs***

retains the portion of the law that establishes the system administration allocation at \$135 per pupil for fiscal year 2017-18 and repeals provisions that increase for future fiscal years the per-pupil amount and restrict allocation of portions of the funds to school administrative units that have established regionalized administrative services.

**Committee Amendment "A" (S-414)**

This amendment, which is the majority report of the committee, strikes and replaces the bill. The amendment retains the portion of law that establishes the system administration allocation at \$138 per pupil for fiscal year 2018-19. The amendment modifies the law that establishes the system administration allocation for fiscal year 2019-20 and subsequent fiscal years by continuing the same per pupil allocation as the 2018-19 allocation and by revising the eligibility for receiving a portion of the system administration allocation to also include school administrative units that are identified as high-performing, efficient school administrative units by a statewide education policy research institute due to their percentage of system administration expenditures.

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

This amendment, which is the minority report of the committee, strikes and replaces the bill. Like the bill, the amendment amends the system administration allocation law by striking the requirement that, beginning in fiscal year 2019-20, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. Instead, the amendment provides that only school administrative units that have established regionalized administrative services and school administrative units that are identified as high-performing, efficient school administrative units by a statewide education policy research institute due to their percentage of system administration expenditures are eligible for the allocation. The amendment also retains the portion of the law that establishes the system administration allocations for fiscal year 2018-19, which is repealed in the bill.

**LD 1694      Resolve, Directing the Department of Education To Adopt Protocols  
Designed To Prevent Youth Suicide**

**RESOLVE 38**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N	OTP-AM ONTP	H-621

This resolve directs the Department of Education to adopt for schools protocols designed to help prevent youth suicide. It authorizes the department to report any recommended legislation relating to the protocols to the joint standing committee of the Legislature having jurisdiction over education matters and authorizes the joint standing committee to report out a bill to the First Regular Session of the 129th Legislature based on the report.

**Committee Amendment "A" (H-621)**

This amendment is the majority report of the committee. The amendment strikes and replaces the resolve and requires the Commissioner of Education to provisionally adopt amended rules on or before December 31, 2018, that require school administrative units, to have protocols for suicide prevention and intervention and counseling services after an incident of youth suicide in place beginning with the 2019-2020 school year.

**Enacted Law Summary**

Resolve 2017, chapter 38 requires the Commissioner of Education to provisionally adopt amended rules on or before December 31, 2018, that require school administrative units to have protocols for suicide prevention and intervention and counseling services after an incident of youth suicide in place beginning with the 2019-2020 school year.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1696     An Act To Provide Funding for the Maine Bicentennial Commission**

**PUBLIC 463**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G BELLOWS S	OTP-AM ONTP	H-586

This bill was carried over on the Special Appropriations Table from the Second Regular Session of the 128th Legislature to the next Special Session by joint order S.P. 748.

This bill provides funding for the Maine Bicentennial Commission, which was enacted in Resolve 2017, chapter 25. The bill provides a one-time General Fund appropriation of \$75,000 in fiscal year 2018-19 to the Maine State Cultural Affairs Council for staff support and other expenses associated with the planning of the State of Maine bicentennial celebration.

**Committee Amendment "A" (H-586)**

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

**Enacted Law Summary**

Public Law 2017, chapter 463 provides funding for the Maine Bicentennial Commission, which was enacted in Resolve 2017, chapter 25. The law provides a one-time General Fund appropriation of \$75,000 in fiscal year 2018-19 to the Maine State Cultural Affairs Council for staff support and other expenses associated with the planning of the State of Maine bicentennial celebration.

**LD 1697     Resolve, To Create the Task Force on Mathematics Success in School**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD T LANGLEY B	OTP-AM ONTP	H-731

This bill, amended as a resolve, was carried over on the Special Appropriations Table from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748.

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

The bill proposes to establish alternative pathways to the successful completion of certain secondary school mathematics requirements.

**Committee Amendment "A" (H-731)**

This amendment replaces the bill, which is a concept draft, with a resolve establishing the Task Force on Mathematics Success in School to examine the factors and forces relating to student success or lack of success in learning mathematics.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1698 An Act To Promote Innovation and Growth in Maine's Traditional Industries**

**ONTP**

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

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

The bill proposes to promote innovation and growth in Maine's traditional industries.

**LD 1731 An Act To Recognize the Accreditation of Certain Private Schools**

**PUBLIC 342**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B KORNFIELD T	OTP-AM	S-371

This bill allows a private school that enrolls fewer than 60% publicly funded students to operate as an approved private school if it is accredited by a commission on independent schools of a New England association of schools and colleges; in current law, such a private school is subject to the Department of Education's basic school approval process.

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

This amendment replaces the bill. The amendment provides that private schools, including private schools that do not enroll at least 60% publicly funded students, may operate as approved private schools without undergoing the Department of Education's basic school approval process or meeting the requirements of the system of learning results if they are accredited by a New England association of schools and colleges. The amendment also requires a private school that enrolls 60% or more publicly funded students to meet the requirements of the system of learning results before being approved for receipt of public funds for tuition purposes.

**Enacted Law Summary**

Public Law 2017, chapter 342 provides that private schools, including private schools that do not enroll at least 60% publicly funded students, may operate as approved private schools without undergoing the Department of Education's basic school approval process or meeting the requirements of the system of learning results if they are accredited by a New England association of schools and colleges. The law also requires a private school that enrolls 60% or more publicly funded students to meet the requirements of the system of learning results before being approved for receipt of public funds for tuition purposes.

**LD 1733 An Act Concerning Locations for Career and Technical Education Regions and Centers**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B KORNFIELD T		

**Joint Standing Committee on Education and Cultural Affairs**

This bill strikes the provisions in current law that define the organizational makeup of career and technical education centers and regions and instead authorizes the Department of Education to adopt rules that define the organizational makeup of career and technical education centers and regions. The bill clarifies that a satellite program may be affiliated with a region.

**LD 1749      An Act To Shorten the Residency Requirements for In-state Tuition      ONTP**

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

This bill provides that the University of Maine System, Maine Community College System and Maine Maritime Academy may not require a student to have been a resident of this State for longer than one year to be eligible for in-state tuition.

**LD 1756      An Act To Allow The Maine Educational Center for the Deaf and Hard of Hearing and Governor Baxter School for the Deaf To Lease Space to Maine's Protection and Advocacy Agency for Persons with Disabilities      PUBLIC 413 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T	OTP-AM ONTP	H-577

This bill allows the Department of Administrative and Financial Services to enter into lease agreements to lease school property at the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf on Mackworth Island to the State's protection and advocacy agency for persons with disabilities.

**Committee Amendment "A" (H-577)**

This amendment is the majority report of the committee. This amendment clarifies in the emergency preamble that the bill is consistent with the Governor Baxter deed of gift and clarifies that any funds received pursuant to the provision of law that allows the Department of Administrative and Financial Services to lease facilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to the State's protection and advocacy agency for persons with disabilities must be treated in accordance with this section.

**Enacted Law Summary**

Public Law 2017, Chapter 413, permits the Department of Administrative and Financial Affairs to enter into lease agreements to lease school property at the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf on Mackworth Island to the State's protection and advocacy agency for persons with disabilities.

Public Law 2017, Chapter 413 was enacted as an emergency measure effective May 2, 2018.

**LD 1761      An Act Regarding the Prohibition on the Possession of a Firearm on School Property      Accepted Majority (ONTP) Report**

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

## *Joint Standing Committee on Education and Cultural Affairs*

This bill provides that the prohibition in current law on the possession of a firearm on public school property or the property of an approved private school does not apply to a person who possesses a firearm in a motor vehicle as long as the person is dropping off or picking up a student and remains in the vehicle and, in accordance with the federal Gun-Free School Zones Act of 1990, the firearm is not loaded and is in either a locked container or a locked firearms rack.

**LD 1829     An Act To Amend the Laws Governing Education**

**PUBLIC 381**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H	OTP-AM	H-694 S-427    LANGLEY B

This bill makes the following changes to the laws governing education.

1. It changes the procedure and date for reporting adult education funding levels.
2. It changes the duties of teachers and parents when a student is a public health threat. It allows a superintendent to consult with the school nurse upon being informed by a teacher that a student is a public health threat.
3. It eliminates the Maine Online Learning Program.
4. It directs the Commissioner of Education to collaborate with the school nurse consultant to adopt rules and provide school administrative units with a copy of these rules and guidance regarding the screening of students for sight and hearing defects. It removes the requirement that the commissioner furnish to administrators of school administrative units the prescribed directions for the sight and hearing tests of students. It requires the commissioner to furnish guidance, training and sample report and referral forms in connection with these tests. It removes a reference to religious grounds from the provision governing exempt students to provide that a student whose parent objects in writing to screening may not be screened unless a sight or hearing defect is reasonably apparent.
5. It removes the requirement that a school nurse or trained screener collect body mass index data from students and report this data in the aggregate to the Department of Health and Human Services, Maine Center for Disease Control and Prevention.
6. It requires a school board to appoint appropriate school staff to inform a parent of a student suffering from a suspected disease or defect based on results of a screening.
7. It removes enrichment courses from the definition of "adult education."
8. It changes the provisions for issuance of high school equivalency diplomas.
9. It specifies criteria that must be met in order for the Commissioner of Education to grant a waiver to allow a student who has reached 20 years of age before the start of the school year to be enrolled as a public secondary school student. It repeals the provisions of law that allow a person to obtain such a waiver effective July 1, 2020.
10. It amends the laws governing the employment of conditionally certified persons to provide that the requirement that a school administrative unit provide professional development and intensive supervision applies only to teachers and not to educational specialists.
11. It amends the laws governing qualifications for a professional teacher certificate to require that a person who

## *Joint Standing Committee on Education and Cultural Affairs*

has successfully completed a preparation program in a state with which the State is participating in an interstate compact must complete an approved preparation program with a formal recommendation for certification from the institution and must meet the specified teaching experience requirement.

### **Committee Amendment "A" (H-694)**

This amendment amends the definition of "adult education." Current law includes enrichment courses in the list of options that comprise an adult education program. This amendment removes enrichment courses from that list, but keeps enrichment courses as a part of "adult education." The amendment clarifies that enrichment courses are not subject to requirements placed on other types of courses included in adult education. The amendment retains the definition in current law of "enrichment course" in order to keep enrichment courses in the adult education laws.

The amendment also stabilizes state funding for education in fiscal year 2019-20 and each subsequent fiscal year by requiring the property fiscal capacity component of the essential programs and services funding formula to be based on the average of the three most recent years of the property values of the municipalities included in a school administrative unit or of the most recent prior year, whichever is lower.

### **Senate Amendment "A" (S-427)**

This amendment allows the Department of Education to provide a copy of the confidential version of the report, "School Safety, Security and Emergency Management Assessment" to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency.

### **Enacted Law Summary**

Public Law 2017, chapter 381 makes the following changes to the laws governing education.

1. It changes the procedure and date for reporting adult education funding levels.
2. It changes the duties of teachers and parents when a student is a public health threat. It allows a superintendent to consult with the school nurse upon being informed by a teacher that a student is a public health threat.
3. It eliminates the Maine Online Learning Program.
4. It directs the Commissioner of Education to collaborate with the school nurse consultant to adopt rules and provide school administrative units with a copy of these rules and guidance regarding the screening of students for sight and hearing defects. It removes the requirement that the commissioner furnish to administrators of school administrative units the prescribed directions for the sight and hearing tests of students. It requires the commissioner to furnish guidance, training and sample report and referral forms in connection with these tests. It removes a reference to religious grounds from the provision governing exempt students to provide that a student whose parent objects in writing to screening may not be screened unless a sight or hearing defect is reasonably apparent.
5. It removes the requirement that a school nurse or trained screener collect body mass index data from students and report this data in the aggregate to the Department of Health and Human Services, Maine Center for Disease Control and Prevention.
6. It requires a school board to appoint appropriate school staff to inform a parent of a student suffering from a suspected disease or defect based on results of a screening.
7. It removes enrichment courses from the list of options that comprise an adult education program, but keeps enrichment courses as part of the adult education laws by clarifying that enrichment courses are not subject to requirements placed on other types of adult education courses.
8. It changes the provisions for issuance of high school equivalency diplomas.

*Joint Standing Committee on Education and Cultural Affairs*

- 9. It specifies criteria that must be met in order for the Commissioner of Education to grant a waiver to allow a student who has reached 20 years of age before the start of the school year to be enrolled as a public secondary school student. It repeals the provisions of law that allow a person to obtain such a waiver effective July 1, 2020.
- 10. It amends the laws governing the employment of conditionally certified persons to provide that the requirement that a school administrative unit provide professional development and intensive supervision applies only to teachers and not to educational specialists.
- 11. It amends the laws governing qualifications for a professional teacher certificate to require that a person who has successfully completed a preparation program in a state with which the State is participating in an interstate compact must complete an approved preparation program with a formal recommendation for certification from the institution and must meet the specified teaching experience requirement.
- 12. It stabilizes state funding for education in fiscal year 2019-20 and each subsequent fiscal year by requiring the property fiscal capacity component of the essential programs and services funding formula to be based on the average of the three most recent years of the property values of the municipalities included in a school administrative unit or of the most recent prior year, whichever is lower.

The law also allows the Department of Education to provide a copy of the confidential version of the March 17, 2014 report, "School Safety, Security and Emergency Management Assessment" to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency.

**LD 1843     An Act To Amend Career and Technical Education Statutes**

**PUBLIC 420**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B TUELL W	OTP-AM	S-466

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill amends the current calculation of state subsidy for career and technical education from an expenditure-driven model to a cost model to recognize current costs of direct instruction, operation of facilities and student and administrative support. The bill also changes the subsidy payment for satellite programs and career and technical education regions and establishes funding provisions for the operation of career and technical education middle school programs through authorization of pilot programs.

**Committee Amendment "A" (S-466)**

This amendment does the following:

- 1. Removes the section in the bill delaying implementation of the exclusion of career and technical education costs in the base year for purposes of the school funding formula;
- 2. Establishes that any affiliated school administrative unit that wishes to operate a career and technical education region satellite program must follow the same authorization procedure as career and technical education centers and amends the definition of "satellite program" to include programs affiliated with career and technical education regions;
- 3. Requires personnel working for a satellite program to be supervised by the career and technical education director in consultation with the school administrative unit superintendent or high school principal;

## *Joint Standing Committee on Education and Cultural Affairs*

4. Specifies that the middle school pilot projects established in the bill are for career and technical education exploration;
5. Requires the Commissioner of Education to collaborate with career and technical education directors when the commissioner contracts for services for middle school career and technical education exploration programs; and
6. Directs the Commissioner of Education to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2019, on the progress in formalizing the components of the career and technical education funding model and the evaluation criteria for the middle school career and technical education exploration pilot projects, including a definition for "career and technical education exploration."

### **Enacted Law Summary**

Public Law 2017, chapter 420 does the following:

1. Amends the current calculation of state subsidy for career and technical education from an expenditure-driven model to a cost model. Included in the cost model are components for direct instruction, central administration, supplies and other expenditures, plant operation and maintenance, equipment and student enrollment;
2. Establishes that any affiliated school administrative unit that wishes to operate a career and technical education region satellite program must follow the same authorization procedure as career and technical education centers and requires personnel working for a satellite program to be supervised by the career and technical education director in consultation with the school administrative unit superintendent or high school principal;
3. Establishes middle school pilot projects for career and technical education exploration and requires the Commissioner of Education to collaborate with career and technical education directors when the commissioner contracts for services for middle school career and technical education exploration programs; and
4. Directs the Commissioner of Education to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2019, on the progress in formalizing the components of the career and technical education funding model and the evaluation of criteria for the middle school career and technical education exploration pilot projects, including a definition for "career and technical education exploration."

**LD 1845      *An Act To Provide Incentives To Attract Trained Firefighters to Maine  
and To Retain Trained Firefighters by Expanding the Provision of Live  
Fire Service Training***

**PUBLIC 444**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THIBODEAU M	OTP-AM	H-695 S-525    HAMPER J

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill requires the President of the Maine Community College System to establish a grant program as part of its Maine Fire Service Institute to provide funds for the design, engineering, construction and repair or replacement of regional live fire service training facilities in the State.

### **Committee Amendment "A" (H-695)**



## *Joint Standing Committee on Education and Cultural Affairs*

This amendment strikes and replaces the bill. The amendment establishes the Live Fire Service Training Facilities Fund to provide funds for the construction and repair or replacement of regional live fire service training facilities in the State. The Maine Fire Protection Services Commission is required to develop criteria, award grants to municipalities and direct the Maine Fire Service Institute, housed within the Maine Community College System, to make payments to the municipalities.

The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-525)**

This amendment adds a sunset provision that provides that funding provided to the Board of Trustees of the Maine Community College System related to expenditures for the construction and repair or replacement of live fire service training facilities may not be provided beyond fiscal year 2020-21 without explicit legislative approval and reduces the appropriation from \$1,000,000 to \$500,000.

### **Enacted Law Summary**

Public Law 2017, chapter 444 establishes the Live Fire Service Training Facilities Fund to provide funds for the construction and repair or replacement of regional live fire service training facilities in the State. Public Law 2017, chapter 444 requires the Maine Fire Protection Services Commission to develop criteria and to award grants to municipalities and directs the Maine Fire Service Institute, housed within the Maine Community College System, to make the payments to the municipalities. Funding provided to the Maine Community College System relating to expenditures for the construction and repair or replacement of live fire service training facilities may not be provided beyond fiscal year 2020-21 without explicit legislative approval.

**LD 1851      Resolve, Regarding Legislative Review of Portions of Chapter 180:  
Performance Evaluation and Professional Growth Systems, a Late-filed  
Major Substantive Rule of the Department of Education**

**RESOLVE 53  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-722

This resolve provides for legislative review of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education that was filed outside the legislative rule acceptance period.

### **Committee Amendment "A" (H-722)**

This amendment provides that final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a provisionally adopted major substantive rule of the Department of Education, is authorized only if the department incorporates certain specific amendments to the rule prior to final adoption.

### **Enacted Law Summary**

Resolve 2017, chapter 53 authorizes final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a provisionally adopted major substantive rule of the Department of Education, contingent upon the department making specified changes to the proposed rule.

Resolve 2017, chapter 53 was finally passed as an emergency measure effective April 24, 2018.

*Joint Standing Committee on Education and Cultural Affairs*

**LD 1852      Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education**

**RESOLVE 54  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-739

This resolve provides for legislative review of portions of Chapter 115: The Credentialing of Educational Personnel, a major substantive rule of the Department of Education that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-739)**

This amendment provides that final adoption of portions of Chapter 115: The Credentialing of Educational Personnel, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule.

**Enacted Law Summary**

Resolve 2017, chapter 54 authorizes final adoption of portions of Chapter 115: The Credentialing of Educational Personnel, a provisionally adopted major substantive rule of the Department of Education, contingent upon the department making specified changes to the proposed rule.

Resolve 2017, chapter 54 was finally passed as an emergency measure effective April 26, 2018.

**LD 1858      An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund**

**PUBLIC 389**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R PIERCE T	OTP	

This bill amends the law governing the School Revolving Renovation Fund to specify that Priority 1 status loans made to school administrative units for school repair and renovation include loans for the installations or improvements necessary to increase school facility security.

**Enacted Law Summary**

Public Law 2017, chapter 389 specifies that Priority 1 status loans made from the School Revolving Renovation Fund to school administrative units for school repair and renovation include loans for the installations or improvements necessary to increase school facility security.

**LD 1860      An Act To Prepare All Students for Work and Life by Requiring that Students Receive Instruction in Vocational Preparation and Practical Life Skills**

**ONTP**

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

## *Joint Standing Committee on Education and Cultural Affairs*

This bill changes the requirement in the system of learning results, which is the foundation for Maine's proficiency-based diploma, from "career and education development" to "vocational preparation and practical life skills," which is defined as experiential instruction of students, regardless of career choice or pathway, that develops their understanding of interests, aptitudes and options related to work and study; develops core workplace skills in areas such as planning, communication, problem solving, teamwork and computer applications; and includes practical workplace and home economics experiences that maximize learning through hands-on application.

**LD 1861      Resolve, To Implement Certain Recommendations of the Computer Science Education Task Force and To Update and Implement the Department of Education's Statewide Strategic Plan for Science, Technology, Engineering and Mathematics**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-757 S-475    LANGLEY B

This resolve was carried over on the Special Appropriations Table from the Second Regular Session of the 128th Legislature to the next special session by joint order S.P. 748.

The resolve is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2017, chapter 21, section 4. This resolve includes certain recommendations relating to the creation of a statewide plan for computer science education proposed in the report submitted by the computer science education task force for consideration by the 128th Legislature. The resolve was referred to committee for the usual processing of a resolve by committee.

### **Committee Amendment "A" (H-757)**

This amendment is the majority report of the committee. The amendment strikes and replaces the resolve to include provisions directing the Department of Education to update and implement the strategies for enhancing science, technology, engineering and mathematics education and requires the department to present its statewide plan regarding computer science education across the State's schools and the strategies for science, technology, engineering and mathematics education by April 15, 2019. The amendment directs the Department of Education to assign a full-time staff member to dedicate at least 50% of that staff member's time to supporting computer science education in the State and the statewide strategic plan for science, technology, engineering and mathematics education.

The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-475)**

This amendment requires the Science, Technology, Engineering and Mathematics Council, in consultation with other supportive partners, to host the meetings and provide other services associated with creating the statewide plan for computer science. This amendment also eliminates the one-time funds appropriated to the Department of Education for costs associated with developing the statewide plan.

**LD 1866      An Act To Increase Youth Mental Health Awareness in Schools**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J MAKER J	OTP-AM ONTP	H-740

## *Joint Standing Committee on Education and Cultural Affairs*

This bill requires that, beginning in the 2019-2020 school year, at least two personnel in each school within a school administrative unit and in each island, charter and public school that is not in a school administrative unit must be certified in youth mental health first aid.

### **Committee Amendment "A" (H-740)**

This amendment, which is the majority report of the committee, strikes and replaces the bill. The amendment requires school administrative units to schedule and ensure training in youth mental health first aid for educators providing health instruction in addition to the current requirement to schedule and ensure training for health educators. It also requires school administrative units to ensure that training is provided to those educators in middle schools and high schools instead of only in high schools.

The amendment also requires a school administrative unit to meet the training requirements if it has access to free training that meets national standards. Currently, a school administrative unit is required to meet the training requirements only if it received federal funding, private funding or other funding for the purpose of establishing such a program.

**LD 1869     An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System**

**PUBLIC 446  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B	OTP-AM OTP-AM	S-469 S-528    LANGLEY B H-805    KORNFIELD T

This bill was reported out of Committee in the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the First Special Session by joint order S.P. 748.

This bill establishes the total cost of funding public education from kindergarten to grade 12, the state contribution and the local contribution for fiscal year 2018-19. The bill also provides that employees of school management and leadership centers established under the Maine Revised Statutes, Title 20-A, chapter 123 are eligible to participate in the Maine Public Employees Retirement System.

### **Committee Amendment "A" (S-468)**

This amendment is the majority report of the committee. The amendment includes provisions regarding dissolution for a school administrative unit to withdraw from a school management and leadership center and includes provisions for the merging of bargaining units of employees of a school administrative unit that also are employed by a school management and leadership center. The amendment also makes several changes to the total cost of funding public education from kindergarten to grade 12, the state contribution and the local contribution for fiscal year 2018-19, including:

1. Reducing the mill expectation rate for municipalities from 8.51 to 8.46 for fiscal year 2018-19 since the proposed allocation for career and technical education middle school programs for fiscal year 2018-19 is reduced by \$5,000,000 and \$5,000,000 is also reduced from the local costs for funding public education from kindergarten to grade 12;
2. Transferring the provision of the adjustments from the state share of the total allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15689 to the audit adjustment pursuant to Title 20-A, section 15689,

## *Joint Standing Committee on Education and Cultural Affairs*

subsection 4; and

3. Amending the provisions regarding:

A. The state contribution to the total cost of teacher retirement by indicating that the total costs include the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, the total costs exclude the normal cost of teacher retirement; and

B. The state contribution to the total cost of funding public education from kindergarten to grade 12 by indicating that the total costs include the state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance.

### **Committee Amendment "B" (S-469)**

This amendment is the minority report of the Committee. The amendment makes several changes to the total cost of funding public education from kindergarten to grade 12, the state contribution and the local contribution for fiscal year 2018-19, including:

1. Reducing the mill expectation rate for municipalities from 8.51 to 8.49 for fiscal year 2018-19 since the proposed allocation for career and technical education middle school programs for fiscal year 2018-19 is reduced by \$2,500,000 overall since:

A. The proposed allocation for career and technical education middle school programs is reduced from \$5,000,000 to \$500,000 for fiscal year 2018-19; and

B. The allocation for the national industry standards for career and technical education programs for fiscal year 2018-19 is upgraded from \$2,000,000 to \$4,000,000;

2. Transferring the provision of the adjustments from the state share of the total allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15689 to the audit adjustment pursuant to Title 20-A, section 15689, subsection 4; and

3. Amending the provisions regarding:

A. The state contribution to the total cost of teacher retirement by indicating that the total costs include the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers and the total costs exclude the normal cost of teacher retirement; and

B. The state contribution to the total cost of funding public education from kindergarten to grade 12 by indicating that the total costs include the state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance.

### **Senate Amendment "A" (S-528)**

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

### **House Amendment "A" To Committee Amendment "B" (H-805)**

This amendment makes the following changes to the bill as amended by Committee Amendment "B."

1. It strikes language from the bill that provides that employees of school management and leadership centers are eligible to participate in the Maine Public Employees Retirement System.

***Joint Standing Committee on Education and Cultural Affairs***

2. It does not incorporate language proposed in Senate Amendment "B" regarding the dissolution for a school administrative unit to withdraw from a school management and leadership center, or provisions for the merging of bargaining units.
3. It changes the mill expectation from 8.49 to 8.48.
4. It increases the allocation for career and technical education costs by \$2,000,000.
5. It decreases the allocation for alignment of career and technical education programs with national industry standards by \$2,000,000.
6. It makes changes to the total cost of funding public education from kindergarten to grade 12 and to the local contribution to the total cost of funding public education from kindergarten to grade 12.
7. It provides that for the purposes of calculating the total allocation for a career and technical education center or career and technical education region, to the extent that funding under the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1 allows, any cap on the total allocation does not apply for the fiscal year beginning July 1, 2018 and ending June 30, 2019 only.

**Enacted Law Summary**

Public Law 2017, chapter 446 establishes the total cost of funding public education from kindergarten to grade 12, the state contribution and the local contribution for fiscal year 2018-19. The bill makes several changes to the total cost of funding public education from kindergarten to grade 12, the state contribution and the local contribution for fiscal year 2018-19, including:

1. It changes the mill expectation from 8.49 to 8.48.
2. It increases the allocation for career and technical education costs by \$2,000,000.
3. It decreases the allocation for alignment of career and technical education programs with national industry standards by \$2,000,000.
4. It makes changes to the total cost of funding public education from kindergarten to grade 12 and to the local contribution to the total cost of funding public education from kindergarten to grade 12.
5. It provides that for the purposes of calculating the total allocation for a career and technical education center or career and technical education region, to the extent that funding under the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1 allows, any cap on the total allocation does not apply for the fiscal year beginning July 1, 2018 and ending June 30, 2019 only.

Public Law 2017, chapter 446 was enacted as an emergency measure effective July 8, 2018.

**LD 1870      **Resolve, To Create the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services**      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B	OTP-AM OTP-AM	S-457 S-479   MILLETT R

This bill was reported out of committee in the Second Regular Session of the 128th Legislature as a resolve then carried over on the Special Appropriations Table from the Second Regular Session to the next special session by

## *Joint Standing Committee on Education and Cultural Affairs*

joint order S.P. 748.

This bill moves responsibility for providing special education and related services for children who are at least three years of age and under six years of age, over a two-year transition period, from the Child Development Services System, state intermediate educational unit to the school administrative units of residence of the children. Under the bill, beginning July 1, 2018, a school administrative unit that is the unit of residence for a child with a disability who is at least three years of age and under six years of age may become responsible for providing special education and related services to that child through the implementation of an early adopter program. The bill amends several sections of law by removing references to the Child Development Services System.

The bill eliminates the Child Development Services System and moves the entire responsibility for providing services to children from birth to under three years of age to the Department of Education's office of special services. The funding plan continues the present arrangement of full responsibility for costs being shared by state funds, federal funds, the MaineCare program and private insurers.

The intent of the changes to the Child Development Services System statutes are based on the belief that children with disabilities are best served by their local communities; children do better when there are fewer transition points; there are efficiencies that can be achieved by eliminating duplicative state functions and by maximizing existing services and facilities at the local level; and the State should continue its current practice of funding all services for preschool children with disabilities that are not paid for with federal funds, through the MaineCare program or from private sources.

### **Committee Amendment "A" (S-457)**

This amendment, which is the majority report of the committee, strikes and replaces the bill with a resolve establishing the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services to examine the national trends and relevant models of governing and delivering early childhood special education systems and the short-term and long-term costs and benefits to the Department of Education's proposed plan to restructure the Child Development Services System and to make recommendations for an early childhood special education services program plan. The amendment also adds an appropriations and allocations section to provide \$3,700,000 in the second year of the biennium to address the Child Development Services System budgetary shortfall.

### **Committee Amendment "B" (S-458)**

This amendment, which is the minority report of the committee, strikes and replaces the bill with a \$3,700,000 appropriation in the second year of the biennium to address the Child Development Services System budgetary shortfall.

### **Senate Amendment "A" To Committee Amendment "A" (S-479)**

This amendment reduces the number of members on the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services from 23 to 20 and changes the appointing authority for one of the members.

The contents of this resolve as amended by Committee Amendment "A" and Senate Amendment "A" were incorporated by the Appropriations and Financial Affairs Committee as "Part L" of its amendment to LD 925, which was enacted as Public Law 2017, chapter 460.

***Joint Standing Committee on Education and Cultural Affairs***

**LD 1898      An Act To Amend Maine's High School Diploma Standards and Ensure  
Maine Students Meet State Standards upon Graduation      ONTP**

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

This bill repeals the provisions of law relating to proficiency-based high school diploma standards and replaces those provisions with a requirement that the issuance of a high school diploma be based on a student's meeting state standards.

**LD 1900      An Act To Repeal Proficiency-based Diplomas      Accepted Majority  
(ONTP) Report**

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

This bill was reported out of Committee in the Second Regular Session of the 128th Legislature and then carried over to the next Special Session by joint order S.P. 748.

This bill repeals the provisions of law relating to proficiency-based high school diploma standards.

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

This amendment is the minority report of the committee. The amendment strikes and replaces the bill to retain the proficiency-based diplomas and to delay by one year the timeline for the implementation of proficiency-based diplomas. The amendment makes several changes to the implementation of the proficiency-based system, including:

1. Refining the provisions regarding the exceptions for students with disabilities to be awarded a proficiency-based diploma; and
2. Strengthening the provisions for career and technical education students to meet the proficiency-based diploma requirements within the context of the career and technical education curriculum, including career and technical education programs and courses as defined in the Department of Education's rules.

The amendment also requires that the Department of Education provide technical assistance to school administrative units in implementing proficiency-based systems, including providing definitions of proficiency, establishing criteria for ensuring that the intents and purposes of a proficiency-based system are achieved, developing model course descriptions and developing training resources for use in training educators.

**LD 1902      An Act To Implement Certain Recommendations of the Task Force To  
Identify Special Education Cost Drivers and Innovative Approaches to  
Services      Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM OTP-AM	H-779



## *Joint Standing Committee on Education and Cultural Affairs*

This bill was reported by the committee pursuant to Resolve 2017, chapter 26, section 7 in the Second Regular Session of the 128th Legislature and then referred back to the committee for processing in the normal course. The bill was reported out of committee in the Second Regular Session and carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

The bill includes certain recommendations proposed in the report submitted by the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services established for consideration by the 128th Legislature.

### **Committee Amendment "A" (H-779)**

This amendment is the majority report of the committee. This amendment narrows the focus of the bill to the following provisions:

1. The addition of response to intervention systems to ensure an all-encompassing, tiered system of support for general and special education students;
2. Collaboration between general education and special education, including a clarification that the Department of Education is required to facilitate a process to help schools apply for schoolwide status with respect to federal Title I funds;
3. Promotion of dual certification programs by the Department of Education and the State Board of Education;
4. Recodification of the Maine Revised Statutes, Title 20-A, Part 4, subpart 1, concerning special education, by the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes;
5. A review of the purpose of the maintenance of effort component of the essential programs and services funding formula and whether it is accomplishing this purpose and how to increase equity among all school administrative units; and
6. A review and improvement of MaineCare billing systems and procedures through a pilot program through the Department of Education in collaboration with the Department of Health and Human Services.

The amendment also adds four provisions to the statute regarding nontraditional limited purpose schools that were part of Department of Education rule, Chapter 250, which has been repealed, delays the reporting dates to ensure adequate time for review and adds an appropriations and allocations section.

### **Committee Amendment "B" (H-780)**

This amendment is one of two minority reports of the committee. This amendment narrows the focus of the bill to the following:

1. The addition of response to intervention systems to ensure an all-encompassing, tiered system of support for general and special education students;
2. A review of the purpose of the maintenance of effort component of the essential programs and services funding formula and whether it is accomplishing this purpose and how to increase equity among all school administrative units;
3. A review and improvement of MaineCare billing systems and procedures through a pilot program through the Department of Education in collaboration with the Department of Health and Human Services; and
4. A requirement that the joint standing committee of the Legislature having jurisdiction over education and

***Joint Standing Committee on Education and Cultural Affairs***

cultural affairs submit a request for consideration by the steering committee of the Maine Education Policy Research Institute to include a research project to investigate and address the costs associated with special education litigation and educational program materials.

The amendment also delays the reporting dates to ensure adequate time for review and adds an appropriations and allocations section.

**Committee Amendment "C" (H-781)**

This amendment is one of two minority reports of the committee. This amendment is the same as Committee Amendment "A" (H-779), except that it does not include the section regarding nontraditional limited purpose schools.

**LD 1924      An Act To Improve Information Sharing Relating to Investigations of Educators      PUBLIC 477**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P	OTP-AM	H-813

This bill requires that a school entity notify the Department of Education when it opens an investigation into a holder of a department-issued credential and provide all final reports on that investigation to the department. It requires that the department notify a school entity when it is investigating a holder of a department-issued credential who works for the school entity and requires the department to provide all final reports on the outcome of that investigation to all school entities for which that credential holder works. When a school entity notifies the department of an investigation into a credential holder, the department must then notify all the school entities for which that credential holder works of the investigation and provide to them all final reports the department receives. The bill defines "school entity."

**Committee Amendment "A" (H-813)**

This amendment strikes and replaces the bill and does the following:

1. Adds a mandate preamble;
2. Adds a definition section to define "boundaries," "covered investigation" and "school entity";
3. Narrows the types of investigations that a school entity must notify the department of to a "covered investigation," which means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, violating boundaries, inappropriate contact between a credential holder and a student, stalking, or similar behavior that may endanger the health, safety or welfare of a student;
4. Specifies that a school entity must notify the Department of Education and the department must notify a school entity within 15 business days of the initiation of a covered investigation, and clarifies that the department must notify the superintendent or chief administrative officer of the school entity;
5. Clarifies that the department may share confidential information pertaining to credentialing and employee records with a school entity pursuant to this section and requires that a school entity that receives confidential information must maintain and ensure the confidentiality of that information; and
6. Directs the Commissioner of Education to adopt major substantive rules to identify the types of conduct for which the school entity must notify the department and develop procedures for maintaining and ensuring

## *Joint Standing Committee on Education and Cultural Affairs*

confidentiality.

### **Enacted Law Summary**

Public Law 2017, chapter 477 does the following:

1. Requires a school entity to notify the Department of Education within 15 business days of initiating a covered investigation, immediately if the school entity puts a credential-holder on administrative leave, or suspends or terminates a credential-holder as part of the investigation, and within five business days, and in writing, of any final outcome of the investigation, and to provide any final report produced;
2. Requires the Department of Education to notify a school entity within 15 business days of initiating its own investigation into a credential-holder, immediately if the department takes action on the credential, and within five business days, in writing, of the final outcome of the investigation, and to provide any final written decision. The department is also required, upon receipt of notification from a school entity relating to a covered investigation, to immediately notify any other school entity where the credential-holder under investigation works of the investigation;
3. Permits the department to share confidential information that it receives pursuant to this law with a school entity and requires the school entity to maintain the confidentiality of that information; and
4. Directs the Commissioner of Education to adopt major substantive rules to include the identification of the types of conduct that a school entity must notify the department it is investigating and developing procedures for school entities to ensure the confidentiality of information received from the department.



*Joint Standing Committee on Education and Cultural Affairs*

**SUBJECT INDEX**

**Administration, Department of Education, State Board, and School Governance**

**Enacted**

LD 1829 An Act To Amend the Laws Governing Education PUBLIC 381

**Career and Technical Education**

**Enacted**

LD 1843 An Act To Amend Career and Technical Education Statutes PUBLIC 420

**Not Enacted**

LD 1016 An Act To Provide Funding for Career and Technical Education Based on Projected Enrollment ONTP

LD 1733 An Act Concerning Locations for Career and Technical Education Regions and Centers Leave to Withdraw Pursuant to Joint Rule 310

**Cultural Affairs**

**Enacted**

LD 1656 An Act To Allow Veterans Free Admission to the Maine State Museum PUBLIC 370

LD 1696 An Act To Provide Funding for the Maine Bicentennial Commission PUBLIC 463

**Curriculum, Instruction, Textbooks and Testing**

**Enacted**

LD 1666 An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation PUBLIC 466

LD 1731 An Act To Recognize the Accreditation of Certain Private Schools PUBLIC 342

**Not Enacted**

LD 49 An Act To Improve Science and Engineering Education for Maine's Students Died On Adjournment

LD 228 An Act To Amend the Mathematics Requirements for High School Graduation ONTP

LD 1697 Resolve, To Create the Task Force on Mathematics Success in School Died On Adjournment

LD 1860 An Act To Prepare All Students for Work and Life by Requiring that Students Receive Instruction in Vocational Preparation and Practical Life Skills ONTP

LD 1861 Resolve, To Implement Certain Recommendations of the Computer Science Education Task Force and To Update and Implement the Department of Education's Statewide Strategic Plan for Science, Technology, Engineering and Mathematics. Died On Adjournment

LD 1898	An Act To Amend Maine's High School Diploma Standards and Ensure Maine Students Meet State Standards upon Graduation	ONTP
LD 1900	An Act To Repeal Proficiency-based Diplomas	Majority (ONTP) Report

**Education - Other**

**Enacted**

LD 1756	An Act To Allow The Maine Educational Center for the Deaf and Hard of Hearing and Governor Baxter School for the Deaf To Lease Space to Maine's Protection and Advocacy Agency for Persons with Disabilities	PUBLIC 413 EMERGENCY
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**Not Enacted**

LD 1492	An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce	Died On Adjournment
LD 1698	An Act To Promote Innovation and Growth in Maine's Traditional Industries	ONTP

**Health, Nutrition and Safety**

**Enacted**

LD 1694	Resolve, Directing the Department of Education To Adopt Protocols Designed To Prevent Youth Suicide	RESOLVE 38
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**Not Enacted**

LD 816	An Act To Promote Academic Achievement through Hunger Relief for Maine Children	Died On Adjournment
LD 1321	An Act To Promote Social and Emotional Learning and Development in Early Childhood	Veto Sustained
LD 1684	An Act Regarding Meals in Public Schools	Died On Adjournment
LD 1866	An Act To Increase Youth Mental Health Awareness in Schools	Veto Sustained

***Postsecondary Education Finance and Student Aid***

**Enacted**

LD 1845	An Act To Provide Incentives To Attract Trained Firefighters to Maine and To Retain Trained Firefighters by Expanding the Provision of Live Fire Service Training	PUBLIC 444
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**Not Enacted**

LD 1749	An Act To Shorten the Residency Requirements for In-state Tuition	ONTP
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***Safe Schools and Student Conduct***

**Enacted**

LD 1286	An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements	PUBLIC 426
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LD 681	An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions	Died On Adjournment
LD 1130	An Act To Provide Traffic Safety Education in Schools	Died On Adjournment
LD 1761	An Act Regarding the Prohibition on the Possession of a Firearm on School Property	Majority (ONTP) Report

### **School Construction, Facilities and Buses**

**Enacted**

LD 1858	An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund	PUBLIC 389
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### **School District Reorganization**

**Enacted**

LD 51	An Act To Amend the Process for a Single Municipality To Withdraw from a Regional School Unit	PUBLIC 385
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**Not Enacted**

LD 1336	An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit	Died Between Houses
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### **School Finance**

**Enacted**

LD 1869	An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System	PUBLIC 446 EMERGENCY
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**Not Enacted**

LD 334	An Act To Clarify the Uses of the Fund To Advance Public Kindergarten to Grade 12 Education	ONTP
LD 1689	An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget	Died On Adjournment

### **Special Education Programs and Finance**

**Not Enacted**

LD 1870	Resolve, To Create the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services	Died on Adjournment
LD 1902	An Act To Implements Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services	Died on Adjournment

**Teachers and Administrators**

**Enacted**

LD 1851	Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education	RESOLVE 53 EMERGENCY
LD 1852	Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education	RESOLVE 54 EMERGENCY
LD 1924	An Act To Improve Information Sharing Relating to Investigations of Educators	PUBLIC 477

**Not Enacted**

LD 526	An Act To Remove the Cap on an Increase in the State Share of the Cost of Health Insurance for Retired Teachers	Died On Adjournment
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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND  
NATURAL RESOURCES**

October 2018

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REP. SCOTT WALTER STROM



*Joint Standing Committee on Environment and Natural Resources*

**LD 399 An Act Regarding Municipal Satellite Wastewater Collection Systems**

**PUBLIC 353**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-613

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to revise laws governing environmental protection.

**Committee Amendment "A" (H-613)**

This amendment changes the title and replaces the bill. It requires the owner of a municipal satellite collection system to register the system with the Department of Environmental Protection and requires the owner or operator of the system to report to the department any unauthorized discharges of wastewater from the system.

**Enacted Law Summary**

Public Law 2017, chapter 353 requires the owner of a municipal satellite collection system to register the system with the Department of Environmental Protection and requires the owner or operator of the system to report to the department any unauthorized discharges of wastewater from the system.

**LD 1095 An Act To Establish the Maine Coastal Risks and Hazards Commission**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	OTP-AM ONTP	H-625

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was reported out of committee during the Second Regular Session and then carried over to the Second Special Session on the Special Appropriations Table by joint order S.P. 748.

The bill establishes the Maine Coastal Risks and Hazards Commission, the purpose of which is to make findings and develop and submit to the Legislature recommendations regarding the actions to be taken by the State to address and prepare for coastal and coastal watershed hazards identified by the commission, including, but not limited to, increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff. On or before November 1, 2019, and every five years thereafter, the commission must submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its findings and recommendations, including any draft legislation to address identified coastal and coastal watershed hazards.

**Committee Amendment "A" (H-625)**

This amendment is the majority report of the committee. Like the bill, the amendment establishes the Maine Coastal Risks and Hazards Commission but makes the following changes.

1. It reduces the membership of the commission from 36 members to 21 members.
2. It clarifies the duties of the commission.

*Joint Standing Committee on Environment and Natural Resources*

3. It amends provisions regarding the administration of the commission, including providing authorization for Legislative Council staffing when the Legislature is not in session and clarifying member compensation and outside funding provisions.

The amendment also adds an appropriations and allocations section.

**LD 1298 An Act To Update Maine's Water Quality Standards**

**PUBLIC 319**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW D	OTP-AM	H-574

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill updates Maine's water quality standards by aligning state law with the federal Clean Water Act regarding pesticide application to control invasive plants and mosquito-borne disease and authorizing the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

**Committee Amendment "A" (H-574)**

This amendment amends the provisions of the bill that update Maine's water quality standards by aligning state law with federal Clean Water Act requirements for pesticide application to control invasive plants and mosquito-borne disease and adds provisions to align state law with such requirements for dissolved oxygen. The amendment further updates Maine's water quality standards to be consistent with guidance issued by the United States Environmental Protection Agency regarding recreational water quality criteria for bacteria. The amendment retains the provision of the bill that authorizes the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

**Enacted Law Summary**

Public Law 2017, chapter 319 updates Maine's water quality standards by aligning state law with the federal Clean Water Act regarding pesticide application to control invasive plants and mosquito-borne disease. It further updates Maine's water quality standards in a manner consistent with guidance issued by the United States Environmental Protection Agency regarding recreational water quality criteria for bacteria. It also authorizes the Department of Environmental Protection to use an alternative low-flow requirement when assessing the impact of nutrients on water quality, contingent upon the department's adopting nutrient rules.

**LD 1534 An Act To Reduce Food Waste in Maine**

**PUBLIC 369**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C SAVIELLO T	OTP-AM	H-634

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill creates the Maine food producers donation tax credit. The tax credit program allows food producers to apply for a tax credit equal to 50% of the fair market value of the donated food when they donate such food to a nonprofit food assistance organization or school. The Department of Administrative and Financial Services, Bureau of Revenue Services may not authorize more than \$150,000 in tax credits per fiscal year. The bill directs the bureau

## *Joint Standing Committee on Environment and Natural Resources*

to adopt rules to implement the Maine food producers donation tax credit.

The bill also includes immunity from civil liability in regards to injury, illness or death due to the condition of the donated food for a charitable or nonprofit organization and its employees who distribute food without charge or at less than fair market value. The immunity also applies to a hospital or health care facility or eating establishment that donates food. The bill directs the Department of Health and Human Services to develop and publish a summary of liability protections for food donors and distributors of donated food.

The bill also creates the Maine Food Recovery Commission, consisting of 13 members, five of whom are Legislators. The commission must meet four times to review and evaluate the economic, environmental and human costs of food waste in Maine and assess current systems of food production, distribution and waste to determine where and how food is wasted in a manner inconsistent with Maine's food recovery hierarchy as well as to develop a strategy to address any inconsistencies with the food recover hierarchy. The commission is required to submit a report by December 6, 2017 to the Joint Standing Committee on Environment and Natural Resources with its findings and recommendations, including suggested legislation.

### **Committee Amendment "A" (H-634)**

This amendment changes the title, replaces the bill and directs the Department of Environmental Protection, as resources allow, to develop and maintain on its publicly accessible website a food recovery database of guidance documents, model policies, program resources and other educational and technical materials relevant to food recovery and food waste reduction efforts that may be implemented by government entities, counties, municipalities, educational institutions, businesses and members of the public.

The amendment also removes the emergency preamble and emergency clause from the bill.

### **Enacted Law Summary**

Public Law 2017, chapter 369 directs the Department of Environmental Protection, as resources allow, to develop and maintain on its publicly accessible website a food recovery database of guidance documents, model policies, program resources and other educational and technical materials relevant to food recovery and food waste reduction efforts that may be implemented by government entities, counties, municipalities, educational institutions, businesses and members of the public.

### **LD 1657 An Act To Update the Allowance Budget for the Regional Greenhouse Gas Initiative**

**PUBLIC 323**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-575

This bill establishes for each year from 2021 to 2030 the amount of allowances the State can auction as a participant in the regional greenhouse gas initiative. It also establishes the adjustments for banked allowances that must be made to the base annual carbon dioxide emissions budgets for 2021 to 2025.

### **Committee Amendment "A" (H-575)**

This amendment incorporates a fiscal note.

### **Enacted Law Summary**

Public Law 2017, chapter 323 establishes for each year from 2021 to 2030 the amount of allowances the State can auction as a participant in the regional greenhouse gas initiative. It also establishes the adjustments for banked allowances that must be made to the base annual carbon dioxide emissions budgets for 2021 to 2025.

**Joint Standing Committee on Environment and Natural Resources**

**LD 1674      Resolve, Regarding Legislative Review of Portions of Chapter 502:  
Direct Watersheds of Lakes Most at Risk from New Development,  
Urban Impaired Streams, a Major Substantive Rule of the Department  
of Environmental Protection**

**RESOLVE 30  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a major substantive rule of the Department of Environmental Protection.

**Enacted Law Summary**

Resolve 2017, chapter 30 authorizes final adoption of portions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a major substantive rule of the Department of Environmental Protection that was submitted for legislative review.

Resolve 2017, chapter 30 was finally passed as an emergency measure effective February 18, 2018.

**LD 1703      An Act To Create Equity for Wine and Spirits Container Deposits**

**Accepted Report A  
(ONTP)**

Sponsor(s)

Committee Report

Amendments Adopted

ESPLING E

ONTP  
OTP-AM  
OTP-AM

This bill creates a uniform refund value for all wine and spirits bottles in the laws governing returnable beverage containers.

**Committee Amendment "A" (H-626)**

This amendment is a minority report of the committee. It provides that the uniform refund value of not more than 5¢ for all wine and spirits containers does not take effect until March 1, 2019. It also adds an appropriations and allocations section to the bill.

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

This amendment is a minority report of the committee. It amends the bill as follows.

1. It retains the provision of the bill that creates a uniform refund value of not more than 5¢ for all wine and spirits containers but provides that this uniform refund value does not take effect until March 1, 2019.
2. Effective March 1, 2019, it increases by 1/2¢ the per container handling fee to be paid by an initiator of deposit to a dealer or local redemption center.
3. It adds an appropriations and allocations section.



*Joint Standing Committee on Environment and Natural Resources*

**LD 1784    An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations**

**PUBLIC 333  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY J	OTP-AM	H-582

This bill amends the laws governing the Department of Environmental Protection's rule-making authority pertaining to underground oil storage tanks.

**Committee Amendment "A" (H-582)**

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

**LD 1797    Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 39  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-670

This resolve provides for legislative review of portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a major substantive rule of the Department of Environmental Protection.

**Committee Amendment "A" (H-670)**

This amendment amends the resolve by authorizing final adoption of portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes only if the following amendments to the rule are incorporated prior to final adoption:

1. The rule is amended to allow the beneficial use of emulsified asphalt encapsulated contaminated soil that is produced from soils contaminated with contaminants other than oil only upon the issuance of a beneficial use license pursuant to the rule; and
2. The rule is amended to authorize the department to require a beneficial use licensee authorized pursuant to the rule to use secondary material as construction fill to implement an environmental monitoring plan, subject to review and approval by the department.

**Enacted Law Summary**

Resolve 2017, chapter 39 authorizes final adoption of portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a major substantive rule of the Department of Environmental Protection that was submitted for legislative review, only if the following amendments to the rule are incorporated prior to final adoption:

1. The rule is amended to allow the beneficial use of emulsified asphalt encapsulated contaminated soil that is produced from soils contaminated with contaminants other than oil only upon the issuance of a beneficial use license pursuant to the rule; and
2. The rule is amended to authorize the department to require a beneficial use licensee authorized pursuant to the rule to use secondary material as construction fill to implement an environmental monitoring plan, subject to review

*Joint Standing Committee on Environment and Natural Resources*

and approval by the department.

Resolve 2017, chapter 39 was finally passed as an emergency measure effective April 4, 2018.

**LD 1807      An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Board of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources      PUBLIC 334**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-600

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and then referred back to the committee for processing in the normal course. The bill implements recommendations resulting from the committee's State Government Evaluation Act review of the Board of Environmental Protection as follows.

1. It clarifies that a member of the board continues to serve until that member has been reappointed or a successor has been appointed.
2. It clarifies that the participation of the Public Utilities Commission in appeals to the board of license or permit decisions relating to expedited wind energy development, offshore wind energy demonstration projects or tidal energy demonstration projects is optional and at the discretion of the commission's chair.

**Committee Amendment "A" (H-600)**

This amendment clarifies that a member of the Board of Environmental Protection may not continue to serve for more than one year after that member's term expires if the member has not been reappointed or a successor has not been appointed by that time.

**Enacted Law Summary**

Public Law 2017, chapter 334 amends the laws governing the Board of Environmental Protection as follows.

1. It clarifies that a member of the board may not continue to serve for more than one year after that member's term expires if the member has not been reappointed or a successor has not been appointed by that time.
2. It clarifies that the participation of the Public Utilities Commission in appeals to the board of license or permit decisions relating to expedited wind energy development, offshore wind energy demonstration projects or tidal energy demonstration projects is optional and at the discretion of the commission's chair.

**LD 1808      An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Department of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources      PUBLIC 376**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-608

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 and then referred back to the committee for processing in the normal course. The bill implements recommendations

***Joint Standing Committee on Environment and Natural Resources***

resulting from the committee's State Government Evaluation Act review of the Department of Environmental Protection as follows.

1. It removes a statutory provision prohibiting a repeat violator of the same environmental law from taking advantage of a supplemental environmental project to mitigate an assessed civil penalty.
2. It allows a violator of an environmental law to offset up to 100% of an assessed civil penalty by conducting a supplemental environmental project. Under current law, such a violator may offset no more than 80% of an assessed civil penalty by conducting a supplemental environmental project.
3. It clarifies two statutory exemptions from the requirement that air contamination sources maintain continuous emission monitoring systems to mitigate a conflict between the current statutory provisions on continuous emission monitoring and existing applicable federal regulations.
4. It provides that the solid waste generation and disposal capacity report the department currently must submit annually to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters must be submitted only biennially.

**Committee Amendment "A" (H-608)**

This amendment strikes from the bill the provision that clarifies two statutory exemptions from the requirement that air contamination sources maintain continuous emission monitoring systems to mitigate a conflict between the current statutory provisions on continuous emission monitoring and existing applicable federal regulations.

**Enacted Law Summary**

Public Law 2017, chapter 376 amends the laws administered and enforced by the Department of Environmental Protection as follows.

1. It removes a statutory provision prohibiting a repeat violator of the same environmental law from taking advantage of a supplemental environmental project to mitigate an assessed civil penalty.
2. It allows a violator of an environmental law to offset up to 100% of an assessed civil penalty by conducting a supplemental environmental project. Under current law, such a violator may offset no more than 80% of an assessed civil penalty by conducting a supplemental environmental project.
3. It provides that the solid waste generation and disposal capacity report the department currently must submit annually to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters must be submitted only biennially.

**LD 1847     An Act To Amend the State's Electronic Waste Laws**

**PUBLIC 391**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-696

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 38, section 1772, subsection 5 and then referred back to the committee for processing in the normal course. The bill amends the State's electronic waste laws as follows.

1. It changes the basis on which consumer electronic device manufacturers are billed for recycling costs.
2. It changes the due date for consumer electronic device manufacturer annual registration from July 1st to April

## *Joint Standing Committee on Environment and Natural Resources*

1st.

3. It makes additional changes to align the State's electronic waste program more closely with similar programs in other states.

### **Committee Amendment "A" (H-696)**

This amendment removes the change in the definition of "covered electronic device" regarding video display devices as proposed in the bill.

### **Enacted Law Summary**

Public Law 2017, chapter 391 amends the State's electronic waste laws as follows.

1. It changes the basis on which consumer electronic device manufacturers are billed for recycling costs.
2. It changes the due date for consumer electronic device manufacturer annual registration from July 1st to April 1st.
3. It makes additional changes to align the State's electronic waste program more closely with similar programs in other states.

*Joint Standing Committee on Environment and Natural Resources*

**SUBJECT INDEX**

**Board of Environmental Protection**

**Enacted**

LD 1807	An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Board of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources	PUBLIC 334
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**Bottle Redemption Program**

**Not Enacted**

LD 1703	An Act To Create Equity for Wine and Spirits Container Deposits	Report A (ONTP)
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**Climate Change**

**Not Enacted**

LD 1095	An Act To Establish the Maine Coastal Risks and Hazards Commission	Veto Sustained
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**Department of Environmental Protection**

**Enacted**

LD 1808	An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Department of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources	PUBLIC 376
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**Electronic Waste**

**Enacted**

LD 1847	An Act To Amend the State's Electronic Waste Laws	PUBLIC 391
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**Greenhouse Gases**

**Enacted**

LD 1657	An Act To Update the Allowance Budget for the Regional Greenhouse Gas Initiative	PUBLIC 323
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**Oil/Fuel**

**Enacted**

LD 1784	An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations	PUBLIC 333 EMERGENCY
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### **Solid Waste**

**Enacted**

LD 1534	An Act To Reduce Food Waste in Maine	PUBLIC 369
LD 1797	Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 39 EMERGENCY

### **Wastewater**

**Enacted**

LD 399	An Act Regarding Municipal Satellite Wastewater Collection Systems	PUBLIC 353
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### **Water Quality**

**Enacted**

LD 1298	An Act To Update Maine's Water Quality Standards	PUBLIC 319
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### **Waterbodies**

**Enacted**

LD 1674	Resolve, Regarding Legislative Review of Portions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 30 EMERGENCY
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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES  
AND TECHNOLOGY**

October 2018

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***Joint Standing Committee on Energy, Utilities and Technology***

**LD 131 An Act To Protect the Biomass Industry**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing biomass facilities in order to help the biomass industry succeed.

**LD 140 An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N BELLOWS S	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

Part A of this bill authorizes a General Fund bond issue, in the amount of \$10,000,000, to be allocated to the Municipal Gigabit Broadband Network Access Fund and distributed by the ConnectME Authority through implementation grants in order to expand high-speed broadband Internet infrastructure in unserved and underserved areas.

Part B of the bill limits the use of the funds under Part A to implementation grants awarded from the Municipal Gigabit Broadband Network Access Fund and requires the grants to be expended on open-access nondiscriminatory broadband infrastructure in unserved or underserved areas.

Part C of the bill amends the laws establishing the Municipal Gigabit Broadband Network Access Fund to require planning grant applicants to provide a summary of how the network will be built, operated and maintained, and a postconstruction plan describing the continued operation and maintenance of newly built infrastructure. Part C specifies that an implementation grant may not exceed \$200,000 for each municipality served by an eligible project selected for funding; it no longer requires an applicant for an implementation grant to have received a planning grant from the ConnectME Authority, as long as they meet other planning grant requirements; and it allows municipally financed planning expenditures to be used towards the 25% cash match requirement for an implementation grant. The changes made in Part C are contingent on the ratification of the bond issue in Part A by the voters of the State.

**LD 257 An Act To Allow Microgrids That Are in the Public Interest**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M MIRAMANT D	OTP-AM ONTP	H-720

***Joint Standing Committee on Energy, Utilities and Technology***

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

This bill proposes to establish measures to allow municipalities, working cooperatively with electrical utilities, to create microgrids, which are electricity distribution systems consisting of distributed energy sources, including demand management, storage and generation and loads capable of operating in parallel with, or independently from, the main power grid. This bill would address the following requirements:

1. The generation of electricity from renewable sources into the microgrid;
2. Methods for adding capacity for storage and managing or enabling a utility to manage the charging of the microgrid and the use of the stored power;
3. An appropriate rate for power generation and stored power usage;
4. A credit applicable toward municipal electricity utilization or assignable to organizations or households according to municipal public service decisions; and
5. Contracts with utilities to receive compensation for scheduling or shedding of electrical load in order to lower peak demand and consequently ratepayer prices.

**Committee Amendment "A" (H-720)**

This amendment is the majority report of the committee and it replaces the bill, which is a concept draft. It directs the Public Utilities Commission to approve a petition to construct and operate a new microgrid if the commission finds the proposal to be in the public interest and the new microgrid meets other specified requirements. It provides the commission with the ability to impose such terms, conditions or requirements as, in its judgment, it considers necessary in approving a new microgrid and also gives the commission oversight to ensure reliability and security of the electrical system and consumer protections for new microgrid consumers. It specifies that a new microgrid does not become a public utility as a result of its furnishing electrical service to participating consumers. It provides that a new microgrid that has been approved by the commission may construct, maintain or operate its lines in, upon, along, over, across or under the roads and streets. The amendment directs the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by January 15, 2020, detailing its activities related to new microgrids.

**LD 260      An Act To Create the Maine Energy Office**

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was reported out of committee in the Second Regular Session and then carried over to the next special session by joint order S.P. 748.

This bill:

1. Renames the Governor's Energy Office the Maine Energy Office. It repeals the language in the Maine Revised Statutes, Title 2 that establishes the office and establishes it instead in Title 35-A, expands the headnote for Title 35-A and places the office under the control and supervision of a commissioner, rather than a director;

***Joint Standing Committee on Energy, Utilities and Technology***

2. Establishes in the Maine Energy Office a position of deputy commissioner, to be appointed by the Governor, subject to confirmation by the Senate; and
3. Specifies that an amount equal to \$300,000 from the Efficiency Maine Trust must be transferred annually to the Maine Energy Office.

**Committee Amendment "A" (H-768)**

This amendment does the following:

1. Specifies that the Commissioner of the Maine Energy Office instead of the Director of the Governor's Energy Office serves on the Efficiency Maine Trust Board;
2. Specifies that the deputy commissioner serves at the pleasure of the commissioner and not of the Governor as in the bill;
3. Removes the \$300,000 annual funding for the Maine Energy Office from the Efficiency Maine Trust, but includes from current law that the office may receive funds from the Efficiency Maine Trust for office activities that reasonably relate to programs or activities of the Efficiency Maine Trust;
4. Removes unnecessary language regarding energy infrastructure corridors;
5. Adds an appropriations and allocations section; and
6. Adds an effective date of January 1, 2019.

**LD 423      An Act To Extend Internet Availability in Rural Maine**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	OTP-AM ONTP	H-17 H-19    BERRY S

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session of the 128th Legislature on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides one-time funding to extend for two years a program that provides mobile wireless hot spot devices to libraries in Washington County.

**Committee Amendment "A" (H-17)**

This amendment incorporates a fiscal note.

**House Amendment "A" (H-19)**

This amendment removes the emergency preamble and emergency clause and provides the funding in fiscal year 2017-18.

***Joint Standing Committee on Energy, Utilities and Technology***

**LD 532      An Act To Remove the 100-megawatt Limit on Hydroelectric Generators  
under the Renewable Resources Laws**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B	ONTP OTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill, for the purpose of meeting the State's renewable resource portfolio requirement, removes the 100-megawatt maximum capacity limit for:

1. A hydroelectric generator that meets all state and federal fish passage requirements applicable to generators to qualify as a renewable capacity resource, and
2. A hydroelectric generator to qualify as a renewable resource.

**LD 822      An Act To Ensure Fairness among Large Consumers of Natural Gas**

**PUBLIC 358**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M HARVELL L	OTP-AM	S-400

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill extends the existing ineligibility for participation in and the exemption from assessment for natural gas conservation programs to large-volume customers that do not purchase their natural gas from a Maine gas utility. Large-volume customers are defined as those purchasing at least 1,000,000 centum cubic feet of natural gas per year.

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

This amendment replaces the bill. It limits the assessment under the natural gas conservation program on a large-volume agricultural business to only the first 1,000,000 centum cubic feet of natural gas used by that agricultural business in each year, but specifies that this limitation does not limit the ability of a large-volume agricultural business from participating in a natural gas conservation program and it does not affect the determination of the Efficiency Maine Trust on the total amount necessary to capture all cost-effective energy efficiency that is achievable and reliable.

**Enacted Law Summary**

Public Law 2017, chapter 358 limits the assessment under the natural gas conservation program on a large-volume agricultural business to only the first 1,000,000 centum cubic feet of natural gas used by that agricultural business in each year, but specifies that this limitation does not limit the ability of a large-volume agricultural business from participating in a natural gas conservation program and it does not affect the determination of the Efficiency Maine Trust on the total amount necessary to capture all cost-effective energy efficiency that is achievable and reliable.

***Joint Standing Committee on Energy, Utilities and Technology***

**LD 1176      An Act To Ensure the Safety of Low-income Persons Who Are Deaf and Who Use Video and Captioned Phones by Providing Equitable Access to the Internet      ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill requires communications service providers to provide a 70% price reduction on all broadband services provided to a low-income person who is deaf.

**LD 1224      An Act To Allow for Greater Energy Competition in Maine by Amending the Law Governing Electric Generation or Generation-related Assets by Affiliates      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M O'CONNOR B	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill would allow an investor-owned transmission and distribution utility to have a generation affiliate that owns, has a financial interest in or otherwise controls generation or generation-related assets. It requires that the Public Utilities Commission adopt major substantive rules to establish terms, conditions and standards of conduct that govern the relationship between the utility and the generation affiliate in order to ensure the separation and independence of the generation affiliate. Specifically, it requires that standards of conduct adopted by commission rule ensure at a minimum that a generation affiliate is not given preference over nonaffiliated competitive generators; costs of the generation affiliate are not recovered from ratepayers; employees of an investor-owned transmission and distribution utility are physically separate from and not shared with those of a generation affiliate; and the accounts and records of an investor-owned transmission and distribution utility and a generation affiliate are separate.

This bill defines "generation affiliate" as an affiliated interest that owns, has a financial interest in or controls generation or generation-related assets.

This bill defines "financial interest" as any voting or nonvoting equity interest, partnership interest, whether limited or general, trust interest or joint venture in an entity and specifies that a financial interest is not created between an investor-owned transmission and distribution utility and a generation affiliate solely by virtue of their relationship with a common parent company.

This bill establishes penalties for violations of rules adopted pursuant to this bill, and provides that the commission may require an investor-owned transmission and distribution utility to divest from its generation affiliate as a result of any violations of the rules.

It requires rules be provisionally adopted within 180 days of the effective date of the Act.

***Joint Standing Committee on Energy, Utilities and Technology***

**LD 1372      Resolve, To Increase Digital Literacy Education in Rural Communities**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E MAKER J	OTP-AM	H-703

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out of committee in the Second Regular Session and carried over to the next special session on the Special Appropriations Table by joint order S.P. 748.

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

This bill proposes to enact measures designed to increase broadband access for rural communities. Specifically, this bill proposes to:

1. Direct the ConnectME Authority to create an accurate map of broadband coverage in the State. The mapping project should delineate, at a minimum:
  - A. Those areas of the State that do not have access to broadband coverage;
  - B. For those areas of the State without access to broadband coverage, the infrastructure in place that might be used to expand access, including, but not limited to, poles, nodes, and fiber optic cable; and
  - C. For those areas of the State with access to broadband coverage, the type or types of available broadband coverage and the associated connection speeds; and
2. Direct the ConnectME Authority to provide funding for the provision of digital literacy programs, particularly in rural areas of the State. A digital literacy program funded pursuant to this requirement must have a history of success in increasing fluency in the use and security of interactive digital tools and searchable networks, including the ability to use digital tools safely and effectively for learning, collaborating and producing.

**Committee Amendment "A" (H-703)**

This amendment replaces the bill with a resolve that directs the ConnectME Authority to establish digital literacy education pilot programs in rural areas. It specifies that programs may not be established for more than three years, except that the authority may extend a program by up to one year. It requires the authority to report, by January 1, 2022, on the success of the pilot programs and include in the report recommendations for a permanent, statewide program and the cost of such a program. It allows the committee of jurisdiction to report out a bill based on the report to the Second Regular Session of the 130th Legislature. It adds an appropriations and allocations section.

**LD 1373      An Act To Protect and Expand Access to Solar Power in Maine**

**ONTP**

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

This bill was delivered to the House pursuant to Joint Rule 309 without a committee report and then recommitted to the committee in the First Regular Session of the 128th Legislature; it was then carried over from the First Regular



***Joint Standing Committee on Energy, Utilities and Technology***

Session to the Second Regular Session of the 128th Legislature.

This bill amends the laws governing net energy billing. It prohibits a charge to a customer that elects to use net energy billing. It includes the following specific provisions related to net energy billing.

1. It provides that customers using net energy billing receive bill credits netted against delivery and supply charges on a one-to-one basis.
2. It provides that unused bill credits accumulate on a 12-month rolling basis.
3. It limits the installed capacity of an eligible facility to two megawatts in the territory of an investor-owned transmission and distribution utility and to 100 kilowatts in the territory of a consumer-owned transmission and distribution utility, except that the consumer-owned transmission and distribution utility may elect to allow an eligible facility with installed capacity up to two megawatts.
4. It allows an eligible facility with shared ownership or third-party ownership to be eligible for net energy billing and prohibits the Public Utilities Commission from limiting the number of participants in a shared ownership project, but allows the commission to set a minimum share size.
5. It requires a comprehensive review of ratepayer benefits and costs from net energy billing when any investor-owned transmission and distribution utility in the State enters into net energy billing agreements for a total generating capacity equal to 5% of the annual peak demand and again for every additional 3% of the utility's annual peak demand thereafter.

This bill also establishes a solar energy rebate program to be administered by the Efficiency Maine Trust. The program is to be funded through an assessment collected by the Public Utilities Commission from transmission and distribution utilities. Available funds are to be distributed in the following manner: 40% to eligible commercial customers, 20% to low-income or moderate-income residents and 40% to other eligible residents.

This bill requires the trust to adopt routine technical rules to administer the program and requires the trust to submit an annual report to the Legislature that describes the actions of the trust related to the rebate program.

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

This amendment strikes the bill, adds a new title and specifies that the rules adopted by the Public Utilities Commission regarding net energy billing relating to determining the reduction of the percentage of net energy included in determining a customer's transmission and distribution bill must allow that percentage to be applied only to the excess energy generation subject to the net energy billing arrangement.

This amendment was not adopted.

**LD 1399     An Act To Encourage Broadband Coverage in Rural Maine**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S BERRY S	OTP-AM ONTP	S-223

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

***Joint Standing Committee on Energy, Utilities and Technology***

This bill repeals the provisions of law establishing and governing the ConnectME Authority and establishes the Maine Broadband Initiative as a nonprofit corporation with public and charitable purposes to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved and underserved areas of the State. The initiative is governed by a board of directors. The bill establishes the Maine Broadband Initiative Fund, which is funded by assessments on communications service providers and tax assessments on qualified telecommunications equipment of telecommunications businesses. The bill provides for a transition from the ConnectME Authority to the new Maine Broadband Initiative.

**Committee Amendment "A" (S-223)**

This amendment makes the following changes to the bill.

1. It clarifies the process for the appointment and confirmation of the Maine Broadband Initiative director by requiring that the Governor appoint a person who has experience in the management of organizations that maximize partnerships and collaborations. The amendment also provides that the appointee is subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities and technology matters rather than telecommunications and broadband matters and must be confirmed by the Legislature rather than the Board of Directors of the Maine Broadband Initiative.
2. It changes the definition of "unserved area" to mean an area within the State that has an actual broadband speed that is slower than ten megabits per second, rather than 25 megabits as in the bill.
3. It removes a policy and goal of the Maine Broadband Initiative from the bill.
4. It changes the criteria that the Governor must consider when making an appointment to the Board of Directors of the Maine Broadband Initiative.
5. It removes the provision in the bill that allows appointment of directors of the Board of Directors of the Maine Broadband Initiative by the Speaker of the House of Representatives and the President of the Senate.
6. It further changes the composition of the membership of the Board of Directors of the Maine Broadband Initiative.
7. It limits administrative costs of the Maine Broadband Initiative to no more than 10% of the annual funds received from the Maine Broadband Initiative Fund.
8. It changes the date from July 1st to September 1st as it relates to the crediting of the tax assessment by the State Tax Assessor to the Maine Broadband Initiative Fund.
9. It adds an appropriations and allocations section.

**LD 1444     An Act To Prohibit Gross Metering**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	OTP-AM OTP-AM	S-359

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill directs the Public Utilities Commission to enter into long-term contracts with a duration of 20 years for the procurement of 120 megawatts of large-scale community solar distributed generation resources by 2022.

## *Joint Standing Committee on Energy, Utilities and Technology*

The bill designates a standard buyer, which the bill specifies is the investor-owned transmission and distribution utility in its service territory. The bill allows the commission to designate another entity as the standard buyer if the commission determines it is in the best interest of ratepayers to do so. The purpose of the standard buyer is to purchase the output of large-scale community solar distributed generation resources, aggregate the portfolio of distributed generation resources procured and sell or use the output of these resources in a manner that maximizes the value of this portfolio of resources to all ratepayers.

The bill directs the commission to conduct an initial competitive solicitation for 30 megawatts of output of large-scale community solar distributed generation by March 1, 2018. The bill directs the commission and standard buyer to develop a contract prior to a solicitation that will ensure that projects proceed to commercial operation on a reasonable timeline and commits all parties to commercially reasonable behavior.

The bill gives the commission authority to establish requirements for bidder eligibility and standards to ensure competition in the bidding process. The bill also specifies that if the solicitation is determined competitive the commission must select one or more winning bids and direct the standard buyer to negotiate and enter into a contract with the winning bidder or bidders. If the commission concludes the solicitation is not competitive, no bidders may be selected and the capacity available in that solicitation must be deferred to a subsequent solicitation. The bill requires the commission to select bids that maximize the benefits or minimize the costs to all ratepayers.

The bill requires after the first solicitation that the highest bid rate awarded a contract is the standard solar rate. For each subsequent procurement for 30 megawatts of large-scale community solar distributed generation resources, the commission must establish a declining block rate by reducing the rate awarded in the previous procurement by up to 3%. Bidders in subsequent procurement must submit both a standard bid rate and a discounted bid rate. The bill specifies that if the total bids received in the aggregate is for less than 30 megawatts in subsequent solicitations, contracts will be awarded to all bidders at the applicable declining block rate; however, if the total bids received in the aggregate is for more than 30 megawatts, preference will be given to those bidders with the lowest discounted bid rate and contracts must be awarded to all selected bidders at the lowest qualified discounted bid rate. The bill requires that if there are multiple bids at the same discounted bid rate, preference will be given to the project that was submitted first, as determined by the time stamp showing when the bid was received by the commission.

The bill specifies that the bill credit allocated to a subscriber to a particular large-scale community solar distributed generation resource must be based on each subscriber's percentage interest of the total production of the large-scale community solar distributed generation resource for the previous month. The bill requires the project sponsor to provide to the transmission and distribution utility, on a monthly basis, the information required to calculate the bill credit to be provided to each subscriber. The bill includes provisions on how payments to a subscriber must be credited against the subscriber's monthly electricity bill.

The bill requires the Public Utilities Commission to adopt routine technical rules regarding the procurement of large-scale community solar distributed generation resources by January 1, 2018.

### **Committee Amendment "A" (S-359)**

This amendment is the majority report of the committee, and it replaces the bill and changes the title. It prohibits a transmission and distribution utility from requiring a customer to meter the gross output of a facility used for net energy billing purposes in order to participate in net energy billing. It specifies that net energy is calculated based on the difference between the kilowatt-hours delivered by a transmission and distribution utility to a customer over a single billing period and the kilowatt-hours exported by that customer to the transmission and distribution utility over the same billing period, taking into account unused kilowatt-hour credits. In the service territory of an investor-owned transmission and distribution utility, it limits the number of net energy billing customers that may participate in net energy billing through a shared interest or the number of meters associated with a shared interest to 50 until July 1, 2020. It requires the Public Utilities Commission to amend its net energy billing rules by October 1, 2018 to conform with these provisions. It prohibits the commission from making any other changes to its net energy billing rules until July 1, 2020.

*Joint Standing Committee on Energy, Utilities and Technology*

**Committee Amendment "B" (S-360)**

This amendment is the minority report of the committee, and it replaces the bill and changes the title. It does the following regarding net energy billing.

1. It allows an eligible customer to elect net energy billing until December 31, 2018, after which time no new net energy billing arrangements may be allowed.
2. It allows net energy billing arrangements entered into prior to January 1, 2019, to remain in effect until December 31, 2033.
3. It prohibits a transmission and distribution utility from requiring a customer to meter the gross output of an eligible facility in order to participate in net energy billing.
4. It limits to 50 the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared interest, except in the service territory of a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine.

The amendment establishes a market-based crediting system for energy generated by eligible facilities. It requires the Public Utilities Commission to adopt rules to allow an eligible customer to receive a monetary credit for energy generated by an eligible facility in excess of the customer's usage and exported to the grid at the real-time wholesale market price of that energy. As in the provisions relating to net energy billing, a transmission and distribution utility is prohibited from requiring a customer to meter the gross output of an eligible facility in order to participate in the crediting system, and the number of eligible customers that may participate in a single shared interest in an eligible facility, or the number of meters associated with a single shared interest, is limited to 50. The amendment exempts a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine, or any successor of the independent system administrator for northern Maine, from using this crediting system until the Public Utilities Commission determines the utility's billing system can perform the necessary functions to implement the system. It requires the commission to consider whether an alternative system to the crediting system for northern Maine could be developed and utilized in the interim period before the utility's billing system is modified to allow a market-based crediting system.

It requires the Public Utilities Commission to procure, to the maximum extent possible, 20 megawatts of large-scale community solar distributed generation resources. It requires that the contract rate be calculated annually and that no contract may be for more than 6¢ per kilowatt-hour or the average wholesale electricity rate over the preceding 12 months, whichever is less.

Lastly, it requires the Public Utilities Commission to conduct an analysis of the costs and benefits to ratepayers for both net energy billing and the market-based crediting system in an adjudicatory proceeding and to report those findings to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than March 1, 2019.

**LD 1472     An Act To Lower the Costs of Broadband Service by Coordinating the  
Installation of Broadband Infrastructure**

**PUBLIC 344**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM	H-643

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

## ***Joint Standing Committee on Energy, Utilities and Technology***

This bill requires public entities constructing or causing to be constructed certain construction projects to install or cause to be installed broadband conduit as part of the construction project. Construction projects covered include projects to construct new or replace existing water or sewer lines in the right-of-way of a highway or public road; to construct a new highway or public road; or to construct or relocate an additional lane or shoulder for an existing highway or public road. The bill authorizes public entities to lease the installed broadband conduit to broadband providers to install fiber-optic or other cables that support broadband and wireless facilities for broadband service. The bill directs the ConnectME Authority, in collaboration with the Department of Transportation, to provide technical and educational assistance and requires the ConnectME Authority to maintain a map of broadband conduit installation in the State.

### **Committee Amendment "A" (H-643)**

This amendment replaces the bill. It requires an applicant for a permit for a proposed underground facility in excess of 500 feet in length to provide notice to the ConnectME Authority. Notice must include a description and the location of the proposed project and must be provided within five business days of submitting an application with the applicable licensing authority. The ConnectME Authority is required to disseminate the information it receives regarding the underground facility in a manner that ensures all parties that may be interested in installing a broadband conduit have access to that information.

### **Enacted Law Summary**

Public Law 2017, chapter 344 requires an applicant for a permit for a proposed underground facility in excess of 500 feet in length to provide notice to the ConnectME Authority. It specifies that notice must include a description and the location of the proposed project and must be provided within five business days of submitting an application with the applicable licensing authority. It requires the ConnectME Authority to disseminate the information it receives regarding the underground facility in a manner that ensures all parties that may be interested in installing a broadband conduit have access to that information.

### **LD 1487    An Act To Control Electricity Transmission Costs through the Development of Nontransmission Alternatives**

**Died On  
Adjournment**

Sponsor(s)

DION M

Committee Report

OTP-AM  
ONTP

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was reported out of committee in the Second Regular Session and then carried over to the next special session by joint order S.P. 748.

This bill changes the requirement regarding the development, implementation, operation and management of nontransmission alternatives for proposed transmission lines and proposed transmission projects. This bill requires that a smart grid coordinator appointed by the Public Utilities Commission develop a nontransmission alternative to a proposed transmission line or proposed transmission project.

The bill provides that a smart grid coordinator must be an entity incorporated in the State; may not be a transmission and distribution utility located in the State or an affiliate of a transmission and distribution utility located in the State; and must have a demonstrated record of developing, operating and managing nontransmission alternatives.

### **Committee Amendment "A" (S-435)**

This amendment replaces the bill and changes the title. It amends the legislative findings provision of the laws regarding declaration of policy on smart grid infrastructure to state that it is in the public interest to establish a single, independent smart grid coordinator. It directs the Office of the Public Advocate to convene a stakeholder

*Joint Standing Committee on Energy, Utilities and Technology*

group to evaluate options and prepare recommendations for certain issues related to the efficient and effective implementation of smart grid policy, including addressing costs and financial incentives of transmission and distribution utilities and the smart grid coordinator and describing roles for the Public Advocate, Efficiency Maine Trust and transmission and distribution utilities with regard to nonwires alternatives and other smart grid functions. It also prohibits the Public Utilities Commission from implementing any final decisions related to rate proposals received pursuant to the commission's order of December 15, 2017 in the Public Utilities Commission's Docket No. 2016-00049 from any transmission and distribution utility until 90 days after adjournment of the First Regular Session of the 129th Legislature.

**LD 1515**     **An Act To Reduce Electric Rates for Maine Businesses by Amending the Laws Governing Spending from the Regional Greenhouse Gas Initiative Trust Fund**     **ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill establishes a ceiling on energy efficiency spending from the Regional Greenhouse Gas Initiative Trust Fund; provides for transfers from the trust fund to Maine-based energy-intensive businesses, in addition to transfers to affected customers; requires that funds over a certain amount be distributed to ratepayers; and authorizes the Public Utilities Commission to adopt implementing rules. This bill also authorizes the trust, during fiscal years 2017-18 and 2018-19, to deviate from the allocation requirements set forth in the statutes and instead allocate those funds to the programs that the trust determines.

**LD 1610**     **An Act To Protect Privacy of Online Customer Personal Information**     **Died Between Houses**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill prohibits a provider of broadband Internet access service from using, disclosing, selling or permitting access to customer personal information unless the customer expressly consents to that use, disclosure, sale or access. The bill provides other exceptions under which a provider may use, disclose, sell or permit access to customer personal information. The bill prohibits a provider from refusing to serve a customer, charging a customer a penalty or offering a customer a discount if the customer does or does not consent to the use, disclosure, sale or access. The bill requires providers to take reasonable measures to protect customer personal information from unauthorized use, disclosure, sale or access. The provisions of the bill apply to providers operating within the State when providing broadband Internet access service to customers that are billed for service received in the State and are physically located in the State.

**Committee Amendment "A" (S-453)**

This amendment is the majority report and it replaces the bill. It prohibits the Department of Administrative and Financial Services, Bureau of General Services from entering into a contract for the purchase of broadband Internet access service from any provider that engages in the inappropriate use, sale or disclosure of or access to customer personal information. It requires any provider that contracts with the State for broadband Internet access service to

***Joint Standing Committee on Energy, Utilities and Technology***

adhere to the limitations regarding the inappropriate use, sale or disclosure of or access to customer personal information for the duration of the contract.

It prohibits the ConnectME Authority from providing any grant funding to a provider of broadband Internet access service that engages in the inappropriate use, sale or disclosure of or access to customer personal information. It requires that a provider that receives grant funding from the ConnectME Authority must adhere to the limitations regarding the inappropriate use, sale or disclosure of or access to customer personal information for five years from the date grant funding is received.

Lastly, it directs the Office of the Attorney General to submit a report by January 15, 2019, to the joint standing committee of the Legislature having jurisdiction over utilities and technology matters related to the State's ability to ensure that providers of broadband Internet access service are adhering to net neutrality principles.

**LD 1632 An Act To Establish the Manufacturing Jobs Energy Program**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill establishes the manufacturing jobs energy program to encourage growth of forest products and wood manufacturing jobs tied to installed megawatt capacity from new renewable energy from combined heat and power, including biomass energy from manufacturing residues. The program is administered by the Public Utilities Commission.

**LD 1671 An Act To Create a Grant Program To Assist with Dispatch Center Consolidation**

**PUBLIC 428**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	ONTP OTP-AM	S-436 H-801 BERRY S

This bill was carried over from the First Regular Session of the 128th Legislature. It was reported out of committee and subsequently died in non-concurrence during the Second Regular Session. In the Second Special Session it was recalled from the Legislative files.

This bill requires the Public Utilities Commission to establish the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge, but limits the surcharges to no more than 45¢ per month per line or number for the statewide E-9-1-1 surcharge and 45¢ per retail transaction for the prepaid wireless E-9-1-1 surcharge, which is the same amount as in the current law.

**Committee Amendment "A" (S-436)**

This amendment is the minority report of the committee and replaces the bill. It reduces, starting October 1, 2018, the statewide E-9-1-1 surcharge and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge to 40¢. It also requires the Public Utilities Commission, Emergency Services Communication Bureau to use up to \$1,000,000 from the statewide E-9-1-1 surcharge and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge to provide grants to support the consolidation of dispatch centers into existing public safety answering points. It requires the Emergency Services Communication Bureau to adopt routine technical rules to establish the application process and allowable uses for grants.

**Joint Standing Committee on Energy, Utilities and Technology**

This amendment also adds an allocation of \$1,000,000 for the grants.

**House Amendment "A" To Committee Amendment "A" (H-801)**

This amendment removes the E-9-1-1 surcharge reductions contained in Committee Amendment "A."

**Enacted Law Summary**

Public Law 2017, chapter 428 requires the Public Utilities Commission, Emergency Services Communication Bureau to use up to \$1,000,000 from the statewide E-9-1-1 surcharge and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge to provide grants to support the consolidation of dispatch centers into existing public safety answering points. It requires the Emergency Services Communication Bureau to adopt routine technical rules to establish the application process and allowable uses for grants.

**LD 1686      An Act To Amend the Laws Regarding Distributed Energy Generation      ONTP  
and To Eliminate Gross Metering**

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

This bill requires a net energy billing customer that applies for a net energy billing arrangement after April 30, 2018, but before May 1, 2019, to receive 90% of the excess energy generation from an eligible facility to be applied against the customer's transmission and distribution bill, a customer that applies for a net energy billing arrangement after April 30, 2019, but before May 1, 2020, to receive 80% of the excess energy generation from an eligible facility to be applied against the customer's transmission and distribution bill and a customer that applies for a net energy billing arrangement after April 30, 2020, but before May 1, 2021, to receive 70% of the excess energy generation from an eligible facility to be applied against the customer's transmission and distribution bill. It requires that in each 12-month period after April 30, 2021, the percentage of an eligible customer's excess energy generation that applies to that customer's transmission and distribution bill be reduced by no more than 10% and that any reduction applies only to customers that apply for a net energy billing arrangement in that 12-month period.

It specifies that an eligible customer that applies for a net energy billing arrangement before May 1, 2018, may continue with the net energy billing arrangement until April 30, 2033, and that an eligible customer that applies for a net energy billing arrangement after April 30, 2018, may continue with that net energy billing arrangement until April 30th of the calendar year that is 15 years from the year in which the customer applied for the net energy billing arrangement.

This bill prohibits a transmission and distribution utility from requiring a customer to meter the gross output of an eligible facility in order to participate in net energy billing. It limits to 50 the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared interest, except in the service territory of a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine. It requires the Public Utilities Commission to amend its current net energy billing rules before January 1, 2019, to be consistent with the Maine Revised Statutes, Title 35-A, section 3209-A.

This bill also requires the Public Utilities Commission to submit a report by January 1, 2020, that includes recommendations on how to transition from net energy billing to time-of-use rates, market-based rates or other rate design options. In its report, the commission must include information regarding an analysis of costs and benefits of net energy billing as well as how those costs and benefits compare to any recommendations the commission makes in this report.



***Joint Standing Committee on Energy, Utilities and Technology***

**LD 1690     An Act To Facilitate Wireless Broadband Deployment in Maine and  
Modify the Process for Issuing Utility Facility Location Permits**

**Accepted Majority  
(ONTP) Report**

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

This bill changes the process for siting small cell facilities in order to facilitate wireless broadband deployment, including:

1. Through modifications to the process for issuing utility facility location permits, including small cell facility location permits;
2. Through the establishment of standards governing local land use ordinances applicable to the siting of small cell facilities; and
3. Through the establishment of standards governing the collocation of small cell facilities on poles owned by the State, an agency, a county, a municipality or a district.

**LD 1699     An Act To Revise the Renewable Portfolio Standard Laws To Allow  
Certain Hydropower Facilities To Qualify as New Renewable Capacity  
Resources**

**ONTP**

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

This bill allows a hydropower facility licensed after January 1, 2018, with a licensed capacity of no more than 30 megawatts that is interconnected with an electric distribution system located in Maine to qualify as a new renewable capacity resource for purposes of meeting renewable energy portfolio standard requirements.

**LD 1700     An Act To Protect Maine Residents and Businesses from Rising  
Electricity Costs**

**ONTP**

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

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

This bill proposes to establish a task force to examine the cost of the delivery of electricity to homes and businesses in this State and the factors that may cause this cost to rise, including, but not limited to, requests by electric utilities for rate increases, the recovery of costs incurred by electric utilities for recent storm restoration efforts and the possibility that ratepayers in this State may be required to pay a portion of the cost for new transmission lines to meet the demand for power in Massachusetts.

The task force would include among its members representatives of consumers, producers, electric utilities, the Governor's Energy Office, the Public Utilities Commission, the Office of the Public Advocate and legislators. The task force would report its findings, including a proactive and comprehensive approach to protect residents and

**Joint Standing Committee on Energy, Utilities and Technology**

businesses in this State from rising electricity costs, to the Governor and the Legislature.

**LD 1701      An Act To Improve the Energy Efficiency of Group Homes in the Northern Part of the State      ONTP**

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

This bill provides that money in certain funds established in the Efficiency Maine Trust Act may be used to improve energy efficiency in group homes for persons with intellectual disabilities in Aroostook County. These expenditures are limited to \$3,500 per group home.

**LD 1702      An Act To Allow Certain Hydropower Facilities To Sell Electricity Directly to Rural Manufacturing and Industrial Sites      ONTP**

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

This bill allows the owner of certain hydropower facilities to offer for sale to the owner or tenant of a rural manufacturing or industrial site electricity generated by those hydropower facilities that is not under contract to be sold to another entity.

**LD 1729      An Act To Restore Confidence in Utility Billing Systems      PUBLIC 448 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L BERRY S	OTP-AM ONTP	S-467 S-505 KEIM L

This bill was reported out of committee during the Second Regular Session of the Legislature. It was carried over to the next special session of the 128th Legislature by joint order S.P. 748.

This bill establishes requirements relating to so-called electric service drops constructed by customers of large electric transmission and distribution utilities. The bill requires a utility to reimburse a customer for an aboveground or underground customer-constructed service drop at the customer's request, but limits the price to be paid to the cost the utility would have expended to construct an aboveground service drop.

**Committee Amendment "A" (S-467)**

This amendment, which is the majority report of the committee, strikes the bill and replaces it with the following.

1. It allows the Public Utilities Commission to fairly allocate the costs between ratepayers and shareholders of an investor-owned public utility when an audit of an investor-owned public utility contributes to a commission finding of imprudence that results in a cost disallowance.
2. It directs the Public Utilities Commission to adopt major substantive rules regarding the testing of a transmission and distribution utility's metering and billing systems by a transmission and distribution utility.
3. It directs the Public Utilities Commission to consider whether the rules include provisions related to periodic,

## *Joint Standing Committee on Energy, Utilities and Technology*

independent audits of an investor-owned transmission and distribution utility's metering and billing systems.

4. It requires the Public Utilities Commission to submit a report to the Legislature that addresses whether enough is being done by investor-owned transmission and distribution utilities to strengthen and protect their systems, whether it is in the ratepayers' interest to require the utilities to do more to strengthen and protect their systems, and what can be done to improve public safety in storm events, especially in light of lessons learned from recent storms.

### **Senate Amendment "A" To Committee Amendment "A" (S-505)**

This amendment makes the following changes to Committee Amendment "A."

1. It adds an emergency preamble and emergency clause.
2. It clarifies that the costs of the management audit may be allocated to ratepayers or shareholders.
3. It requires the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 15, 2019, on whether the commission has exercised the authority granted to it to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Session of the 129th Legislature that amends the provision of law governing the cost of a management audit.
4. It provides that the provision of law that authorizes the Public Utilities Commission to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility applies to a management audit concluded at any time after the effective date of the legislation.

### **Enacted Law Summary**

Public Law 2017, chapter 448 does the following.

1. It allows the Public Utilities Commission to fairly allocate the costs between ratepayers or shareholders of an investor-owned public utility when an audit of an investor-owned public utility contributes to a commission finding of imprudence that results in a cost disallowance.
2. It directs the Public Utilities Commission to adopt major substantive rules regarding the testing of a transmission and distribution utility's metering and billing systems by a transmission and distribution utility.
3. It directs the Public Utilities Commission to consider whether the rules include provisions related to periodic, independent audits of an investor-owned transmission and distribution utility's metering and billing systems. In making this determination it requires the Public Utilities Commission to consider any information it has learned from the audit of Central Maine Power Company's billing system that was initiated in Public Utilities Commission, Docket No. 2018-010052.
4. It requires the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 15, 2019 on whether the commission has exercised the authority granted to it to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Session of the 129th Legislature that amends the provision of law governing the cost of a management audit.
5. It requires the Public Utilities Commission to submit a report to the Legislature that addresses whether enough is being done by investor-owned transmission and distribution utilities to strengthen and protect their systems, whether it is in the ratepayers' interest to require the utilities to do more to strengthen and protect their systems, and what can be done to improve public safety in storm events, especially in light of lessons learned from recent storms.

**Joint Standing Committee on Energy, Utilities and Technology**

6. It provides that the provision of law that authorizes the Public Utilities Commission to allocate the cost of a management audit to ratepayers or shareholders of an investor-owned public utility applies to a management audit concluded at any time after the effective date of the legislation.

Public Law 2017, chapter 448 was enacted as an emergency measure effective July 9, 2018.

**LD 1732      An Act To Protect Maine Citizens from an Out-of-state Entity's Misleading Use of In-state Telephone Numbers      ONTP**

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

This bill prohibits a voice service provider from renting or selling telephone numbers with Maine area codes to a person unless that person has a sufficient physical presence in the State. It requires the Public Utilities Commission to adopt implementing rules.

**LD 1741      Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M GIDEON S	OTP-AM ONTP	S-373 S-402    WOODSOME D

This resolve was reported out of committee in the Second Regular Session and carried over on the Study Table to the next special session by joint order S.P. 748.

This resolve establishes the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry.

**Committee Amendment "A" (S-373)**

This amendment is the majority report of the committee. It removes from the membership of the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry representatives from small-scale and large-scale battery energy storage system owners and adds representatives from small-scale and large-scale energy storage system owners. It removes certain language regarding invited staff support.

**Senate Amendment "A" (S-402)**

This amendment removes the emergency preamble and emergency clause from the resolve.

**LD 1745      An Act To Establish the Wood Energy Program      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T STANLEY S	OTP-AM ONTP	S-464

***Joint Standing Committee on Energy, Utilities and Technology***

This bill contains legislative findings regarding the failure of Stored Solar, LLC to achieve in-state economic benefits and to continually operate its biomass resource facilities at least at 50% capacity except for planned and forced outages as required by law and contract.

This bill prohibits the Public Utilities Commission from providing any funds from the cost recovery fund to pay the above-market costs for energy supplied from the biomass resources of Stored Solar, LLC pursuant to a contract entered into between Central Maine Power Company and Stored Solar, LLC. It requires the commission to distribute funds from the cost recovery fund that are designated for Stored Solar, LLC to contractors that have not received payment for services provided to Stored Solar, LLC to run its biomass resource facilities in Jonesboro and West Enfield. It requires the commission to direct a transmission and distribution utility to enter into a contract for no more than 40 megawatts of biomass resources with a biomass facility that serves the ISO-NE region and that was the next-highest conforming bid after Stored Solar, LLC in a competitive solicitation issued by the Public Utilities Commission on June 17, 2016. It requires the above-market costs of the contract to be paid from any funds remaining in the cost recovery fund after payments are made to contractors and subject to meeting contract terms.

This bill requires the Public Utilities Commission to request that the Attorney General investigate Stored Solar, LLC and institute any proceedings against Stored Solar, LLC to recover from Stored Solar, LLC an amount equal to the amount of those funds distributed to contractors by the commission pursuant to this legislation. It specifies that any money recovered by the Attorney General must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532.

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

This amendment is the majority report and it replaces the bill. It adds an emergency preamble and emergency clause. It specifies that, if the Public Utilities Commission finds that an entity awarded a contract for biomass resources pursuant to Public Law 2015, chapter 483 is not meeting contract requirements and therefore is not qualified to receive the full contract payment or any contract payment, those funds that would have been paid had contract requirements been met must be transferred to the wood energy fund. It also specifies that any funds remaining in the cost recovery fund established in Public Law 2015, chapter 483, section 1, subsection 5 that are not needed to pay above-market costs for biomass resources must also be transferred by the Public Utilities Commission to the wood energy fund.

It establishes the wood energy fund and creates the Wood Energy Program within the Efficiency Maine Trust. It requires the trust to use funds, if there are any, to provide incentives and low-interest or no-interest loans for new wood-derived thermal energy or cogeneration projects. It requires that the trust consult with the Finance Authority of Maine, when appropriate, in the development of any Wood Energy Program incentives and the distribution of money from the wood energy fund. It prohibits the use of funds for incentives or loans for the refurbishment or maintenance of existing facilities.

The amendment also adds an appropriations and allocations section.

**LD 1746      An Act To Ensure That Low-income Residents of the State Have Access to Telephone Services      PUBLIC 422**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	OTP-AM	S-390 S-524    HAMPER J

This bill was reported out during the Second Regular Session and carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill clarifies that telephone services available to income-eligible Maine consumers that are supported by

***Joint Standing Committee on Energy, Utilities and Technology***

federal universal service support funds are not subject to the state service provider tax and that federal support for such services is not subject to fees assessed under the state universal service fund, the state telecommunications education access fund and the statewide E-9-1-1 surcharge.

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

This amendment amends the sales and use tax laws to specify that federal universal service support funds paid directly to the seller are not included in the definition of "sale price." It removes language regarding rulemaking by the Public Utilities Commission, and it clarifies language regarding adjusting the prepaid wireless telecommunications service fee.

**Senate Amendment "A" (S-524)**

This amendment adds an effective date of January 1, 2019 to the bill.

**Enacted Law Summary**

Public Law 2017, chapter 422 clarifies that telephone services available to income-eligible Maine consumers that are supported by federal universal service support funds are not subject to the state service provider tax, that federal universal service support funds paid directly to the seller are not included in the definition of "sale price," and that federal support for such services is not subject to fees assessed under the state universal service fund, the state telecommunications education access fund and the statewide E-9-1-1 surcharge.

It provides that notwithstanding the prohibitions under the Maine Revised Statutes, Title 35-A, section 7104, subsection 3-A and Title 35-A, section 7104-B, subsection 2-A on the Public Utilities Commission's adjusting the prepaid wireless telecommunications service fee more than once every 24 months, the Public Utilities Commission may adjust the prepaid wireless telecommunications service fee if needed to conform to this law.

This law takes effect January 1, 2019.

**LD 1785 An Act To Amend the Greater Augusta Utility District Charter**

**Leave to Withdraw Pursuant to Joint Rule**

Sponsor(s)  
WARREN C  
KATZ R

Committee Report

Amendments Adopted

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

This bill proposes to make technical changes to the charter of the Greater Augusta Utility District to accommodate the district's growth and change in services and to change its voting membership.

**LD 1798 Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority**

**RESOLVE 44 EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-633

This resolve provides for legislative review of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority.

*Joint Standing Committee on Energy, Utilities and Technology*

**Committee Amendment "A" (H-633)**

This amendment allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority makes several changes, including the correction of a drafting error in the definitions section in order to provide a more comprehensive definition of "broadband service provider", clarification regarding the release of records of the issuance of a denial for a protective order, clarification of language regarding the gathering of additional information, and clarification of the timeframe for project completion and report submissions.

**Enacted Law Summary**

Resolve 2017, chapter 44 allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority makes several changes, including the correction of a drafting error in the definitions section in order to provide a more comprehensive definition of "broadband service provider", clarification regarding the release of records of the issuance of a denial for a protective order, clarification of language regarding the gathering of additional information and clarification of the timeframe for project completion and report submissions.

Resolve 2017, chapter 44 was finally passed as an emergency measure effective April 8, 2018.

**LD 1799      Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission**

**RESOLVE 49  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-704

This resolve provides for legislative review of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a major substantive rule of the Public Utilities Commission.

**Committee Amendment "A" (H-704)**

This amendment allows for the final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators by the Public Utilities Commission as long as the Public Utilities Commission makes several changes, including:

1. The addition of a provision relating to complaints by individual generators of unreasonable, preferential, discriminatory or anticompetitive behavior on the part of a transmission and distribution utility;
2. The addition of a provision and definitions to make clear that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that are directly interconnected to any facilities owned or operated by the transmission and distribution utility or if the point of interconnection of generation or generation-related assets of the affiliate is within the service territory of the transmission and distribution utility;
3. The clarification of the applicability of the rule to affiliated generators;
4. The addition of a standard that explicitly prohibits preferential, discriminatory or other anticompetitive conduct by a transmission and distribution utility;
5. The clarification that access to books and records is for the purpose of verifying compliance with the rule and that access to such books and records also applies to books and records that predate an affiliated generator's

**Joint Standing Committee on Energy, Utilities and Technology**

becoming subject to the rule; and

6. The clarification that training of employees to ensure compliance with the rule is limited to those employees that have access or may have access to the types of confidential information that is not to be shared.

**Enacted Law Summary**

Resolve 2017, chapter 49 allows for the final adoption of portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators by the Public Utilities Commission as long as the Public Utilities Commission makes several changes, including:

1. The addition of a provision relating to complaints by individual generators of unreasonable, preferential, discriminatory or anticompetitive behavior on the part of a transmission and distribution utility;
2. The addition of a provision and definitions to make clear that a transmission and distribution utility may not have an affiliate that owns generation or generation-related assets that are directly interconnected to any facilities owned or operated by the transmission and distribution utility or if the point of interconnection of generation or generation-related assets of the affiliate is within the service territory of the transmission and distribution utility;
3. The clarification of the applicability of the rule to affiliated generators;
4. The addition of a standard that explicitly prohibits preferential, discriminatory or other anticompetitive conduct by a transmission and distribution utility;
5. The clarification that access to books and records is for the purpose of verifying compliance with the rule and that access to such books and records also applies to books and records that predate an affiliated generator's becoming subject to the rule; and
6. The clarification that training of employees to ensure compliance with the rule is limited to those employees that have access or may have access to the types of confidential information that is not to be shared.

Resolve 2017, chapter 49 was finally passed as an emergency measure effective April 18, 2018.

**LD 1810 An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development**

**Died Between Houses**

Sponsor(s)

STETKIS J  
DAVIS P

Committee Report

ONTP  
OTP-AM

Amendments Adopted

This bill amends the laws governing expedited permitting for wind energy development by changing the definition of "expedited permitting area" to mean specified places that are identified by rule and the eastern portion of Aroostook County, specifically described as the Town of St. Francis, St. John Plantation, the Town of Fort Kent, the Town of Wallagrass, the Town of Eagle Lake, Winterville Plantation, T14 R6 W.E.L.S., the Town of Portage Lake, Nashville Plantation, Garfield Plantation, T10 R6 W.E.L.S., Oxbow Plantation, the portion of Aroostook County east of those municipalities and also all municipalities in Aroostook County that are wholly located south of the northernmost extent of Penobscot County, excluding Cary Plantation and Molunkus Township.

The bill changes from eight miles to 40 miles the farthest distance from a proposed expedited wind energy development for which a visual impact assessment for potentially affected scenic resources of state or national significance may be required.



***Joint Standing Committee on Energy, Utilities and Technology***

**Committee Amendment "A" (H-707)**

This amendment is the minority report of the committee. This amendment strikes from the bill language that changes the definition of "expedited permitting area" to mean specified places that are identified by rule and the eastern portion of Aroostook County. This amendment also provides that 15 miles, instead of 40 miles as proposed in the bill, is the farthest distance from a proposed expedited wind energy development for which a visual impact assessment for potentially affected scenic resources of state or national significance may be required.

**LD 1814 An Act To Amend the Charter of the Lisbon Water Department**

**P & S 13**

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

This bill aligns the terms of office of the water commissioners of the Lisbon Water Department with those of the members of the Lisbon Town Council.

**Enacted Law Summary**

Private and Special Law 2017, chapter 13 aligns the terms of office of the water commissioners of the Lisbon Water Department with those of the members of the Lisbon Town Council.

**LD 1830 An Act To Amend the Anson and Madison Water District Charter**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R	ONTP	

This bill amends the charter of the Anson and Madison Water District to remove from the provision governing a quorum of the board of trustees the requirement that two trustees must be from Anson and two trustees must be from Madison.

**LD 1848 An Act To Extend Arrearage Management Programs**

**PUBLIC 414**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-708

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to Maine Revised Statutes, Title 35-A, section 3214, subsection 2-A. The law required the Public Utilities Commission to provide the committee with a report assessing the effectiveness of arrearage management programs and provides the committee with the authority to report out a bill relating to the report.

This bill extends arrearage management programs and the requirement that the Efficiency Maine Trust provide access to a complementary low-income energy efficiency program for participants in arrearage management programs to September 30, 2021. It establishes a new reporting requirement for the Public Utilities Commission and gives the committee authority to report out a bill to the First Regular Session of the 130th Legislature based on the report. It also clarifies that rules adopted by the commission must ensure that a transmission and distribution utility recovers its prudent costs for third party assistance in administering an arrearage management program and

**Joint Standing Committee on Energy, Utilities and Technology**

must permit a transmission and distribution utility to recover its prudent costs for providing financial and budgetary guidance to participating customers, even if the transmission and distribution utility has a third party provide that guidance on its behalf.

**Committee Amendment "A" (H-708)**

This amendment makes implementation of an arrearage management program elective for consumer-owned transmission and distribution utilities. It also clarifies language regarding the recovery in rates of reasonable costs associated with an arrearage management program.

**Enacted Law Summary**

Public Law 2017, chapter 414 extends arrearage management programs and the requirement that the Efficiency Maine Trust provide access to a complementary low-income energy efficiency program for participants in arrearage management programs to September 30, 2021. It makes implementation of an arrearage management program elective for consumer-owned transmission and distribution utilities. It establishes a new reporting requirement for the Public Utilities Commission and gives the committee authority to report out a bill to the First Regular Session of the 130th Legislature based on the report. It also clarifies that rules adopted by the commission must ensure that a transmission and distribution utility recovers its prudent costs for third party assistance in administering an arrearage management program and must permit a transmission and distribution utility to recover its prudent costs for providing financial and budgetary guidance to participating customers, even if the transmission and distribution utility has a third party provide that guidance on its behalf.

**LD 1872      An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council**

**PUBLIC 408  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-758

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 to implement the recommendations made by the Telecommunications Relay Services Advisory Council in its report provided to the committee pursuant to the State Government Evaluation Act.

This bill does the following.

1. It changes the name of the Telecommunications Relay Services Advisory Council to the Telecommunications Relay Services Council.
2. It establishes the Telecommunications Relay Services Council Fund.
3. It allows members and individuals to be reimbursed for costs associated with participation in conferences related to telecommunications relay services and telecommunications devices or technologies for the deaf and hard of hearing.
4. It removes the requirement that the Public Utilities Commission provide technical assistance to the council.
5. It allows the council to pay costs associated with scheduled meetings.
6. It explicitly defines duties of the council to include the ability to contract for intrastate telecommunications relay services and outreach services, to organize and fund projects to promote the use of telecommunications relay services and to develop, administer and fund pilot projects to provide access to telecommunications relay services.

## *Joint Standing Committee on Energy, Utilities and Technology*

7. It changes the funding of the council to require that the council develop a yearly budget not to exceed \$600,000 instead of requiring that the commission determine the funding level for the council and requires that the budget amount be transferred by the commission into the Telecommunications Relay Services Council Fund.

### **Committee Amendment "A" (H-758)**

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

1. It adds an emergency preamble and emergency clause.
2. It specifies that the annual budget request of the Telecommunications Relay Services Council is to be transferred to the Telecommunications Relay Services Council Fund on a quarterly basis by the Public Utilities Commission.
3. It adds a conflict of interest provision.
4. It adds a reporting requirement that directs the council to submit an annual report to the Public Utilities Commission that details the activities of the council and council expenditures and vendor selections.

The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2017, chapter 408 does the following.

1. It changes the name of the Telecommunications Relay Services Advisory Council to the Telecommunications Relay Services Council.
2. It establishes the Telecommunications Relay Services Council Fund.
3. It allows members and individuals to be reimbursed for costs associated with participation in conferences related to telecommunications relay services and telecommunications devices or technologies for the deaf and hard of hearing.
4. It removes the requirement that the Public Utilities Commission provide technical assistance to the council.
5. It allows the council to pay costs associated with scheduled meetings.
6. It explicitly defines duties of the council to include the ability to contract for intrastate telecommunications relay services and outreach services, to organize and fund projects to promote the use of telecommunications relay services and to develop, administer and fund pilot projects to provide access to telecommunications relay services.
7. It changes the funding of the council to require that the council develop a yearly budget not to exceed \$600,000 instead of requiring that the commission determine the funding level for the council and requires that the budget amount be transferred by the commission on a quarterly basis, into the Telecommunications Relay Services Council Fund.
8. It adds a conflict provision specifying that a member of the council is prohibited from participating in any decision on any contract entered into by the council if that member has any interest, direct or indirect, in any firm, partnership, corporation or association that is party to the contract and that the interest must be disclosed to the council in writing and must be set forth in the minutes of the council.
9. It adds a reporting requirement that directs the council to submit an annual report to the Public Utilities Commission that details the activities of the council and council expenditures and vendor selections.

*Joint Standing Committee on Energy, Utilities and Technology*

Public Law 2017, chapter 408 was enacted as an emergency measure effective May 1, 2018.

**LD 1895     An Act Regarding Energy Costs**

**Died Between  
Houses**

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

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748. The bill was not referred to committee.

Current law requires the Public Utilities Commission to assess a gas utility an amount necessary to fund the natural gas conservation fund, a fund administered by the Efficiency Maine Trust, which must be used to promote the efficient use of natural gas. The assessment may be collected from consumers of the gas utility. The commission is required to return the value of any funds collected but not used after two years to consumers.

This bill requires the trust to remit any funds held in the fund more than two years after being collected to gas utilities. A gas utility receiving such funds may use those funds to assist residential or commercial consumers or potential consumers in using natural gas for heating. If a utility does not use or contract for the use of such funds within one year of receipt, the utility must return the funds to the trust and the commission is required to determine how to return those unexpended funds to consumers.

**LD 1896     An Act To Improve Efficiency through Electric Rate Design and  
Advanced Technology**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E FARRIN B	ONTP OTP-AM	

This bill requires the Public Utilities Commission to promote recovery of fixed transmission and distribution costs through fixed customer costs, to the extent practicable and economically efficient, and to examine and make appropriate changes to transmission and distribution utility rate class designations to the extent such changes would improve equity and economic efficiency. The bill further requires the commission to implement transmission and distribution rates that vary by time of day and season or other relevant cost drivers, to the extent practicable, to achieve economic efficiency.

The bill requires investor-owned transmission and distribution utilities to submit specific rate design proposals to the commission by January 1, 2019, and provides that such plans must include proposals for implementing cost-effective programs and load-control technologies to optimize distribution circuit and transmission system load profiles and rates or programs that encourage incremental usage if such uses would lower rates for all customer classes. The bill removes the requirement that transmission and distribution utilities' proposals include cost-effective conversions of electric space heat systems.

The bill also removes the requirement that rate design changes implemented pursuant to the Maine Revised Statutes, Title 35-A, section 3153-A be implemented on a temporary, pilot or experimental basis and requires the commission to implement policies and practices to encourage competitive electricity providers to offer residential and commercial customers supply prices reflective of real-time market price variations.

## *Joint Standing Committee on Energy, Utilities and Technology*

The bill provides that any Efficiency Maine Trust funds targeted to low-income residential transmission and distribution customers that remain unspent at the end of a fiscal year may, at the commission's discretion, be returned to investor-owned transmission and distribution utilities to offset bill increases to low-income transmission and distribution customers resulting from the bill's rate design changes. The bill also provides that Efficiency Maine Trust funds targeted to low-income residential transmission and distribution customers that are uncommitted 2 years after having been collected must be returned to those customers.

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

This amendment, which is the minority report of the committee and replaces the bill, specifies that the purposes of the law regarding rate design are to require the Public Utilities Commission to consider fixed customer charges, to the extent practicable and economically efficient, and to set transmission and distribution rates that vary by time of day and season or other relevant cost drivers, to the extent practicable, to achieve economic efficiency. Like the bill, the amendment does the following.

1. It requires investor-owned transmission and distribution utilities to submit specific rate design proposals to the commission by January 1, 2019.
2. It removes the requirement that transmission and distribution utilities' proposals include cost-effective conversions of electric space heat systems.
3. It removes the requirement that rate design changes implemented pursuant to the Maine Revised Statutes, Title 35-A, section 3153-A be implemented on a temporary, pilot or experimental basis and requires the commission to implement policies and practices to encourage competitive electricity providers to offer residential and commercial customers supply prices reflective of real-time market price variations.
4. It provides that Efficiency Maine Trust funds targeted to low-income residential transmission and distribution consumers that are uncommitted two years after having been collected must be returned to those consumers.

The amendment also directs the Office of the Public Advocate to convene a stakeholder group to evaluate options and prepare recommendations for certain issues related to the efficient and effective implementation of smart grid policy, including addressing costs and financial incentives of transmission and distribution utilities and the smart grid coordinator and describing roles for the Public Advocate, Public Utilities Commission, Efficiency Maine Trust and transmission and distribution utilities with regard to nonwires alternatives and other smart grid functions. It also prohibits the Public Utilities Commission from implementing any final decisions related to rate proposals received pursuant to the commission's order of December 15, 2017, in the Public Utilities Commission's Docket No. 2016-00049 from any transmission and distribution utility until 90 days after adjournment of the First Regular Session of the 129th Legislature.

Lastly, it requires the Public Utilities Commission to convene a stakeholder group to discuss allowing the Efficiency Maine Trust to use funds for electricity conservation programs for low-income residential consumers to promote the placement of high-efficiency ductless heat pumps into qualified low-income homes by allowing the trust in its cost-effectiveness test to account for all energy savings derived from a high-efficiency ductless heat pump, including nonelectric savings.



# *Joint Standing Committee on Energy, Utilities and Technology*

## **SUBJECT INDEX**

### **Agency Matters - PUC/OPA/GEO/EMT**

#### **Enacted**

LD 1798	Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority	RESOLVE 44 EMERGENCY
LD 1799	Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 49 EMERGENCY

#### **Not Enacted**

LD 260	An Act To Create the Maine Energy Office	Died On Adjournment
LD 1515	An Act To Reduce Electric Rates for Maine Businesses by Amending the Laws Governing Spending from the Regional Greenhouse Gas Initiative Trust Fund	ONTP

### **Biomass**

#### **Not Enacted**

LD 131	An Act To Protect the Biomass Industry	ONTP
LD 1632	An Act To Establish the Manufacturing Jobs Energy Program	ONTP
LD 1745	An Act To Establish the Wood Energy Program	Veto Sustained

### **Broadband**

#### **Enacted**

LD 1472	An Act To Lower the Costs of Broadband Service by Coordinating the Installation of Broadband Infrastructure	PUBLIC 344
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#### **Not Enacted**

LD 140	An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund	ONTP
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LD 423	An Act To Extend Internet Availability in Rural Maine	Died On Adjournment
LD 1176	An Act To Ensure the Safety of Low-income Persons Who Are Deaf and Who Use Video and Captioned Phones by Providing Equitable Access to the Internet	ONTP
LD 1372	Resolve, To Increase Digital Literacy Education in Rural Communities	Died On Adjournment
LD 1399	An Act To Encourage Broadband Coverage in Rural Maine	Died On Adjournment
LD 1610	An Act To Protect Privacy of Online Customer Personal Information	Died Between Houses
LD 1690	An Act To Facilitate Wireless Broadband Deployment in Maine and Modify the Process for Issuing Utility Facility Location Permits	Majority (ONTP) Report

### *E911*

#### Enacted

LD 1671	An Act To Create a Grant Program To Assist with Dispatch Center Consolidation	PUBLIC 428
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### *Electricity*

#### Enacted

LD 1729	An Act To Restore Confidence in Utility Billing Systems	PUBLIC 448 EMERGENCY
LD 1848	An Act To Extend Arrearage Management Programs	PUBLIC 414

#### Not Enacted

LD 257	An Act To Allow Microgrids That Are in the Public Interest	Veto Sustained
LD 1224	An Act To Allow for Greater Energy Competition in Maine by Amending the Law Governing Electric Generation or Generation-related Assets by Affiliates	ONTP
LD 1487	An Act To Control Electricity Transmission Costs through the Development of Nontransmission Alternatives	Died On Adjournment
LD 1700	An Act To Protect Maine Residents and Businesses from Rising Electricity Costs	ONTP



LD 1741	Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry	Died On Adjournment
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LD 1896	An Act To Improve Efficiency through Electric Rate Design and Advanced Technology	Died Between Houses
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### **Energy Efficiency**

#### **Not Enacted**

LD 1701	An Act To Improve the Energy Efficiency of Group Homes in the Northern Part of the State	ONTP
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### **Hydropower**

#### **Not Enacted**

LD 532	An Act To Remove the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws	Majority (ONTP) Report
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LD 1699	An Act To Revise the Renewable Portfolio Standard Laws To Allow Certain Hydropower Facilities To Qualify as New Renewable Capacity Resources	ONTP
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LD 1702	An Act To Allow Certain Hydropower Facilities To Sell Electricity Directly to Rural Manufacturing and Industrial Sites	ONTP
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### **Natural Gas**

#### **Enacted**

LD 822	An Act To Ensure Fairness among Large Consumers of Natural Gas	PUBLIC 358
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#### **Not Enacted**

LD 1895	An Act Regarding Energy Costs	Died Between Houses
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### **Solar Energy**

#### **Not Enacted**

LD 1373	An Act To Protect and Expand Access to Solar Power in Maine	ONTP
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LD 1444	An Act To Prohibit Gross Metering	Veto Sustained
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LD 1686	An Act To Amend the Laws Regarding Distributed Energy Generation and To Eliminate Gross Metering	ONTP
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### **Telecommunications**

#### **Enacted**

LD 1746	An Act To Ensure That Low-income Residents of the State Have Access to Telephone Services	PUBLIC 422
LD 1872	An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council	PUBLIC 408 EMERGENCY

#### **Not Enacted**

LD 1732	An Act To Protect Maine Citizens from an Out-of-state Entity's Misleading Use of In-state Telephone Numbers	ONTP
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### **Water/Sewer/Sanitary Charters**

#### **Enacted**

LD 1814	An Act To Amend the Charter of the Lisbon Water Department	P & S 13
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#### **Not Enacted**

LD 1785	An Act To Amend the Greater Augusta Utility District Charter	Leave to Withdraw Pursuant to Joint Rule 310
LD 1830	An Act To Amend the Anson and Madison Water District Charter	ONTP

### **Wind Energy**

#### **Not Enacted**

LD 1810	An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development	Died Between Houses
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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON HEALTH AND  
HUMAN SERVICES**

October 2018

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***Joint Standing Committee on Health and Human Services***

**LD 20      An Act To Reimburse Nursing Homes for the Loss of Coinsurance and Deductibles for Skilled Nursing Beds under Rules Adopted by the Department of Health and Human Services      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM ONTP	H-39

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill appropriates and allocates funding to reimburse nursing homes for the losses of coinsurance and deductibles for skilled nursing beds under rules adopted by the Department of Health and Human Services as required in Public Law 2013, chapter 368.

**Committee Amendment "A" (H-39)**

This amendment, which is the majority report of the committee, adjusts the funding for reimbursement for the losses of coinsurance and deductibles to reflect a more current estimate and includes additional funding for the Department of Administrative and Financial Services, Office of Information Technology for testing and development.

**LD 40      An Act To Strengthen Requirements for Water Testing for Schools      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KORNFIELD T	OTP-AM ONTP	S-406 S-429 MILLETT R S-492 MILLETT R

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was then carried over from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires schools that take drinking water from public water systems to have the same tests performed on that water as schools that take drinking water from sources other than public water systems, except that school buildings less than 10 years old are exempt from this requirement. Under the bill, after receiving results of school water tests, the Department of Education must make the results available to the public. The Department of Health and Human Services must make test results from nursery schools available to the public.

**Committee Amendment "A" (S-406)**

This amendment is the majority report of the committee. It replaces the bill. It requires all schools to test water used for drinking or culinary purposes for lead using water testing kits or by submitting samples of water to an approved laboratory for lead testing. It directs the Department of Health and Human Services to establish by major substantive rule the acceptable water lead levels, testing protocols, appropriate abatement and mitigation methods and public notification requirements. It directs the department to provisionally adopt major substantive rules and submit them to the Legislature no later than 5:00 p.m. on January 11, 2019. It provides that the department has the authority to issue an order reducing exposure to lead and protecting public health until the elevated water lead levels are mitigated or abated. It provides that water lead abatement or mitigation efforts will receive Priority 1 status for receipt of funds from the School Revolving Renovation Fund in the custody of the Maine Municipal Bond Bank.

*Joint Standing Committee on Health and Human Services*

**Senate Amendment "A" To Committee Amendment "A" (S-429)**

This amendment removes the \$500 penalty imposed on a school that fails to comply with lead testing requirements.

**Senate Amendment "B" To Committee Amendment "A" (S-492)**

This amendment removes the mandate preamble. It requires the Department of Education to provide grants for water testing required by Committee Amendment "A" to the extent funds are available. It also makes water testing by a school contingent on receipt of a grant. It also makes a technical correction to reflect the enactment of Public Law 2017, chapter 389, section 1.

**LD 59      An Act To Provide Funding for a Therapeutic Adult Day Service Center      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N DAVIS P	ONTP OTP-AM	H-168

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides one-time funding for start-up costs for the Maine Highlands Senior Center in Dover-Foxcroft to provide therapeutic adult day care.

**Committee Amendment "A" (H-168)**

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

**LD 106      An Act To Provide MaineCare Coverage for Dental Services to Adults with Intellectual Disabilities or Autism Spectrum Disorder      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D CHIPMAN B	OTP-AM ONTP	H-245

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill directs the Department of Health and Human Services to extend MaineCare dental services to a person 21 years of age or older who receives services under Chapter 101, MaineCare Benefits Manual, Chapter II, Section 21 or 29. Dental services provided to such a person must be the same as those provided under the MaineCare program to an eligible person under 21 years of age.

**Committee Amendment "A" (H-245)**

This amendment, which is the majority report of the committee, clarifies the application of the bill, which requires reimbursement under the MaineCare program for dental services to an adult with an intellectual disability or autism spectrum disorder, by:



***Joint Standing Committee on Health and Human Services***

- 1. More clearly defining the requirement that the persons be eligible under the so-called Sections 21 and 29 waivers, without referring to departmental rule citations that may change over time; and
- 2. Providing that reimbursement is in addition to any home and community-based support benefits provided to a person and may not be included in any cap or other limitation on the home and community-based support benefits that the person may receive.

The amendment also adds an appropriations and allocations section.

**LD 166      An Act To Increase Reimbursement for Child Care Services**

**PUBLIC 412**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HANDY J	OTP-AM ONTP	S-407

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill repeals unallocated language in Public Law 2011, chapter 380, Part UU that set the child care subsidy payment rates of the Department of Health and Human Services at the 50th percentile of local market rates. This bill increases the payment rates to the 75th percentile of local market rates for payments the department makes on behalf of recipients of benefits under the child care subsidy program, recipients of benefits under TANF and recipients of benefits under ASPIRE-TANF.

**Committee Amendment "A" (S-407)**

This amendment is the majority report of the committee. This amendment requires that any additional federal funding received in a child care and development block grant due to the passage of the federal Bipartisan Budget Act of 2018, PL 115-123, and any subsequent funding legislation, must be applied to increasing reimbursement rates to child care centers up to the 75th percentile of local market rates for child care services. Payment rates for children with special needs may be higher. Family child care providers are already being reimbursed at the 75th percentile. This amendment increases rates to child care centers, according to the amount of increased discretionary funding received, up to the 75th percentile.

**Enacted Law Summary**

Public Law 2017, chapter 412 requires that any additional federal funding received in a child care and development block grant due to the passage of the federal Bipartisan Budget Act of 2018, PL 115-123, and any subsequent funding legislation, must be applied to increasing reimbursement rates to child care centers up to the 75th percentile of local market rates for child care services. Payment rates for children with special needs may be higher. Family child care providers are already being reimbursed at the 75th percentile. Public Law 2017, chapter 412 increases rates to child care centers, according to the amount of increased discretionary funding received, up to the 75th percentile.

**LD 186      An Act To Improve Peer Support Services**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

***Joint Standing Committee on Health and Human Services***

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

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

This bill proposes to improve peer support services provided to consumers of mental health services who are clients of the Department of Health and Human Services.

**LD 230 An Act To Increase Access to Head Start**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MCELWEE C	OTP-AM OTP-AM ONTP	S-66

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748,

This bill provides funding for the delivery of Head Start services.

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

This amendment is the minority report of the committee. The amendment changes the funding from the General Fund to the Federal Block Grant Fund, with the funds to be delivered through the Temporary Assistance for Needy Families program.

**Committee Amendment "A" (S-66)**

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

The substance of this amendment was incorporated in Public Law 2017, chapter 284.

**LD 238 An Act To Amend the Maine Medical Use of Marijuana Act**

**PUBLIC 447  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E	OTP-AM	S-443

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. This bill was reported out of committee in the Second Regular Session and then carried over to the next special session by joint order S.P. 748.

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

This bill proposes to amend the Maine Medical Use of Marijuana Act.

**Committee Amendment "A" (S-443)**

This amendment replaces the bill, which is a concept draft. The amendment:

## *Joint Standing Committee on Health and Human Services*

1. Allows a facility that tests medical marijuana samples for the cannabinoid profile, potency and contaminants to operate in the absence of rules adopted by the Department of Health and Human Services if the facility has obtained documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body;
2. Clarifies that qualifying patients, primary caregivers and registered dispensaries may manufacture marijuana products from harvested marijuana, including production of marijuana concentrate, by processes of marijuana extraction that do not involve certain inherently hazardous substances;
3. Establishes a process for persons or entities that are not qualifying patients, primary caregivers or registered dispensaries to manufacture marijuana products from harvested marijuana, including marijuana concentrate, by processes of marijuana extraction that do not involve certain inherently hazardous substances, to become registered to manufacture marijuana products;
4. Establishes a method for qualifying patients, primary caregivers and registered dispensaries to become authorized by law to produce marijuana concentrate by processes involving inherently hazardous substances if certain safety and compliance standards are met;
5. Establishes a process for persons or entities that are not qualifying patients, registered caregivers or registered dispensaries to become authorized to produce marijuana concentrate by processes involving inherently hazardous substances; and
6. Repeals specific provisions of law regarding municipal authority to establish a moratorium on registered primary caregivers near schools and municipal authority to regulate dispensaries. The amendment instead enacts a new provision of law that allows municipalities to regulate registered primary caregivers, registered dispensaries, marijuana testing facilities and marijuana manufacturing facilities, except that municipalities are not allowed to prohibit or limit the number of registered primary caregivers.

### **Enacted Law Summary**

Public Law 2017, chapter 447:

1. Allows a facility that tests medical marijuana samples for the cannabinoid profile, potency and contaminants to operate in the absence of rules adopted by the Department of Health and Human Services if the facility has obtained documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body;
2. Clarifies that qualifying patients, primary caregivers and registered dispensaries may manufacture marijuana products from harvested marijuana, including production of marijuana concentrate, by processes of marijuana extraction that do not involve certain inherently hazardous substances;
3. Establishes a process for persons or entities that are not qualifying patients, primary caregivers or registered dispensaries to manufacture marijuana products from harvested marijuana, including marijuana concentrate, by processes of marijuana extraction that do not involve certain inherently hazardous substances, to become registered to manufacture marijuana products;
4. Establishes a method for qualifying patients, primary caregivers and registered dispensaries to become authorized by law to produce marijuana concentrate by processes involving inherently hazardous substances if certain safety and compliance standards are met;
5. Establishes a process for persons or entities that are not qualifying patients, registered caregivers or registered dispensaries to become authorized to produce marijuana concentrate by processes involving inherently hazardous substances; and

*Joint Standing Committee on Health and Human Services*

6. Repeals specific provisions of law regarding municipal authority to establish a moratorium on registered primary caregivers near schools and municipal authority to regulate dispensaries. The amendment instead enacts a new provision of law that allows municipalities to regulate registered primary caregivers, registered dispensaries, marijuana testing facilities and marijuana manufacturing facilities, except that municipalities are not allowed to prohibit or limit the number of registered primary caregivers.

Public Law 2017, chapter 447 was enacted as an emergency measure effective July 9, 2018.

**LD 267      *Resolve, To Increase Certain Chiropractic Reimbursement Rates under the MaineCare Program*      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO T	OTP-AM	H-21

This resolve was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than \$30 per treatment. The rules are routine technical rules and must be amended no later than January 1, 2018.

**Committee Amendment "A" (H-21)**

This amendment replaces the resolve. It requires the Department of Health and Human Services, by January 1, 2018, to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than 70% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2017. If the department conducts a rate study of chiropractic services for manipulative treatments, the department may adopt new rates. The rules adopted are routine technical rules. The amendment adds an appropriations and allocations section.

**LD 270      *An Act To Support Kinship Families by Creating a Kinship Care Navigator Program*      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J	OTP-AM	H-673

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. This bill was reported out of committee in the Second Regular Session and then carried over to the next special session by joint order S.P. 748.

This bill requires the Commissioner of Health and Human Services to appoint one person to administer all issues related to the placement of a child with a relative.

**Committee Amendment "A" (H-673)**

## *Joint Standing Committee on Health and Human Services*

This amendment establishes a kinship care navigator program to be contracted by the Department of Health and Human Services to provide educational information, referrals and support to persons providing kinship care to children. It provides that funding will be drawn from federal funds, if available, and through the General Fund.

**LD 272      An Act Requiring Meningococcal Meningitis Vaccinations for Teenagers      ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill requires the Department of Health and Human Services and the Department of Education to adopt rules requiring that students 11 years of age or older and under 20 years of age receive meningococcal meningitis immunizations.

The substance of this bill was incorporated in LD 1664.

**LD 274      An Act To Implement the Recommendations of the Working Group To      PUBLIC 457**  
**Study Background Checks for Child Care Facilities and Providers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J HILL D	OTP-AM	H-686 S-526    HAMPER J

This bill was reported out of committee and then recommitted to the committee in the First Regular Session. It was then carried over to the Second Regular Session. The bill was reported out of committee in the Second Regular Session and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill implements the recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers. The bill clarifies requirements for criminal background checks for child care providers and child care staff members.

### **Committee Amendment "B" (H-534)**

This amendment is one of two minority reports of the committee during the First Regular Session. It provides that an individual who is not supervised by a child care staff member of a family child care provider or child care facility who has passed the required criminal background check under the Maine Revised Statutes, Title 22, sections 8302-A and 8302-B and who has access to children who are cared for or supervised by a child care facility or family child care provider is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It also provides that a person who provides day care in that person's home for one or two children whose care is paid for by state or federal funds is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It provides that the cost of the required criminal background checks under Title 22, sections 8302-A and 8302-B be paid for by the Department of Health and Human Services from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history information, including fingerprint-based criminal history information, for certain child care providers and staff members. It establishes a temporary waiver process when the background check requirement presents a hardship for the child care provider. The rules adopted by the department must minimize the impact of the temporary waiver on the safety of the children receiving child care services. This amendment adds an appropriations and allocations section.

## *Joint Standing Committee on Health and Human Services*

### **Committee Amendment "A" (H-533)**

This amendment is the majority report of the committee during the First Regular Session. It provides that an individual who is not supervised by a child care staff member of a family child care provider or child care facility who has passed the required criminal background check under the Maine Revised Statutes, Title 22, sections 8302-A and 8302-B and who has access to children who are cared for or supervised by a child care facility or family child care provider is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It also provides that a person who provides day care in that person's home for one or two children whose care is paid for by state or federal funds is required to pass a criminal background check pursuant to 42 United States Code, Section 9858f(b). It provides that the cost of the required criminal background checks under Title 22, sections 8302-A and 8302-B be paid for by the Department of Health and Human Services from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history information, including fingerprint-based criminal history information, for certain child care providers and staff members. This amendment also adds an appropriations and allocations section.

### **Committee Amendment "C" (H-535)**

This amendment is one of two minority reports of the committee during the First Regular Session. It removes the requirement that a family child care provider, the staff of a family child care provider or child care facility or other adult who has unsupervised access to children who are cared for or supervised by the family child care provider or child care facility undergo a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b). This amendment adds an appropriations and allocations section.

The second minority report of the committee in the First Regular Session was ought not to pass.

### **Committee Amendment "D" (H-686)**

This amendment is the unanimous report of the committee during the Second Regular Session. It strikes and replaces the bill. It excludes from the criminal background check requirement in the bill a contractor performing maintenance and repair at a child care facility or at the home of a child care provider who does not have unsupervised access to children. It provides that the cost of the required criminal background checks for child care staff members under the Maine Revised Statutes, Title 22, sections 8302-A and 8302-B be paid for by the Department of Health and Human Services from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history records, including fingerprint-based criminal history records, for certain child care providers and staff members. The amendment corrects lettering and numbering problems created by Public Law 2017, chapters 204, 253 and 258. The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "D" (S-526)**

This amendment directs the Department of Health and Human Services to reimburse both for the background check fees and the cost of administrating and processing the checks through a transfer of payment by the department to the Department of Public Safety from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. A transfer must be made pursuant to a schedule agreed upon by the Department of Health and Human Services and the Department of Public Safety, in consultation with the State Controller, and based on documentation of fees and processing and administration costs incurred. The amendment also corrects lettering problems created by Public Law 2017, chapters 204, 253 and 258, which enacted three substantively different provisions with the same paragraph letter, and makes technical changes.

### **Enacted Law Summary**

## *Joint Standing Committee on Health and Human Services*

Public Law 2017, chapter 457 requires child care providers and child care staff members to undergo a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b). It excludes a contractor performing maintenance and repair at a child care facility or at the home of a child care provider who does not have unsupervised access to children from the definition of "child care staff member" and the criminal background check requirement. It requires that the cost of the required criminal background checks for child care staff members be paid for by the Department of Health and Human Services from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. It grants the Department of Health and Human Services the authority to request state and national criminal history records, including fingerprint-based criminal history records, for certain child care providers and staff members.

### **LD 320      An Act To Provide MaineCare Coverage for Chiropractic Treatment**

**PUBLIC 421**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MARTIN J	OTP-AM ONTP	S-199 S-507    HAMPER J

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires all chiropractic services that are approved by the Board of Chiropractic Licensure and performed by a chiropractic doctor to be reimbursed under the MaineCare program. The Department of Health and Human Services may adopt routine technical rules to implement this requirement.

#### **Committee Amendment "A" (S-199)**

This amendment, which is the majority report of the committee, modifies the bill to limit the bill's required reimbursement for chiropractic services under the MaineCare program to chiropractic evaluation and management examinations. The amendment also adds an appropriations and allocations section.

#### **Senate Amendment "A" To Committee Amendment "A" (S-507)**

This amendment removes the amounts appropriated and allocated in fiscal year 2017-18 and revises the amounts appropriated and allocated in fiscal year 2018-19. It also makes a technical change to a section number.

#### **Enacted Law Summary**

Public Law 2017, chapter 421 requires reimbursement under the MaineCare program for chiropractic evaluation and management examinations carried out by licensed chiropractors.

### **LD 323      An Act To Fully Fund the Waiting List for the Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder Waiver**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R LANGLEY B	OTP-AM	H-257

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

## *Joint Standing Committee on Health and Human Services*

This bill provides to the Department of Health and Human Services the funding to fully fund the waiting list for community-based services provided under the MaineCare Benefits Manual, Chapters II and III, Section 21 relating to home and community benefits for members with intellectual disabilities or autistic disorder.

### **Committee Amendment "A" (H-257)**

This amendment updates the funding in the bill to reflect new estimates.

Public Law 2017, chapter 460 added funding for 300 eligible members on the waitlist.

### **LD 383      Resolve, Directing the Department of Health and Human Services To Develop a Plan To Strengthen the Quality and Supply of Child Care Services**

**RESOLVE 50**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R HAMANN S	OTP-AM	S-408

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

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

This bill proposes to increase access to child care.

### **Committee Amendment "A" (S-408)**

This amendment replaces the bill with a resolve that requires the Department of Health and Human Services to develop a plan for increasing the supply of child care providers participating in steps 3 and 4 of the child care quality rating system established pursuant to the Maine Revised Statutes, Title 22, section 3737, subsection 3. The department is required to include stakeholders in the process of developing the plan, including those involved in the Quality for ME Revision Project. The plan must include determining whether sufficient funding in the federal child care and development fund block grant exists. It must examine federal and state statutory and regulatory frameworks to determine what is allowable, factors that present barriers and if the state child care and development fund plan must be amended. The plan must take into consideration reimbursement differentials, grant programs, contracts, professional development, child care and educational training programs and increased infant and toddler care to increase the supply of child care providers participating in steps 3 and 4. The plan must take into account geographic differences in access to quality child care in the State. The department must develop definitions of "disabilities" and "special needs" for infants and toddlers to be used in quality standards. The department is required to provide data on the numbers of children in need of care and child care providers by type, step on the child care quality rating system, geography, numbers served and capacity and any other relevant data. The department is required to submit its report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 30, 2019. The committee may report out legislation to the First Regular Session of the 129th Legislature.

### **Enacted Law Summary**

Resolve 2017, chapter 50 requires the Department of Health and Human Services to develop a plan for increasing the supply of child care providers participating in steps 3 and 4 of the child care quality rating system established pursuant to the Maine Revised Statutes, Title 22, section 3737, subsection 3. The department is required to include stakeholders in the process of developing the plan, including those involved in the Quality for ME Revision Project. The plan must include determining whether sufficient funding in the federal child care and development fund block grant exists. It must examine federal and state statutory and regulatory frameworks to determine what is allowable, factors that present barriers and if the state child care and development fund plan must be amended. The plan must



*Joint Standing Committee on Health and Human Services*

take into consideration reimbursement differentials, grant programs, contracts, professional development, child care and educational training programs and increased infant and toddler care to increase the supply of child care providers participating in steps 3 and 4. The plan must take into account geographic differences in access to quality child care in the State. The department must develop definitions of "disabilities" and "special needs" for infants and toddlers to be used in quality standards. The department is required to provide data on the numbers of children in need of care and child care providers by type, step on the child care quality rating system, geography, numbers served and capacity and any other relevant data. The department is required to submit its report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 30, 2019. The committee may report out legislation to the First Regular Session of the 129th Legislature.

**LD 384      Resolve, To Clarify Reimbursement for Parent-only Programs under the      **RESOLVE 47**  
**MaineCare Program****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MALABY R	OTP-AM	S-397

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

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

This bill proposes to require MaineCare to cover mental health treatment for a child that uses evidence-based practices, to include meetings with the parent of the child without the child present as long as the meetings are focused on the goals of the treatment.

**Committee Amendment "A" (S-397)**

This amendment replaces the bill with a resolve that requires the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 28, 65 and 90 to clarify that reimbursement is allowable for services provided to parents or guardians of children who are eligible for the MaineCare program but are not present when the service is being provided, as long as the service relates to the child's plan of care and is permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. These services may be provided to parents or guardians individually or in groups. Services reimbursed under these circumstances are evidence-based parenting skills programs.

**Enacted Law Summary**

Resolve 2017, chapter 47 requires the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 28, 65 and 90 to clarify that reimbursement is allowable for services provided to parents or guardians of children who are eligible for the MaineCare program but are not present when the service is being provided, as long as the service relates to the child's plan of care and is permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. These services may be provided to parents or guardians individually or in groups. Services reimbursed under these circumstances are evidence-based parenting skills programs.

**LD 386      An Act To Establish Universal Health Care for Maine      **ONTP****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P	ONTP	

## *Joint Standing Committee on Health and Human Services*

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

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

This bill proposes to establish a single-payor, universal health care system in the State. Portions of the system will be based on the single-payor system in place in Vermont and the single-payor proposals submitted previously in Maine and Colorado. The single-payor system proposed in this bill will also be responsive to any changes made on the federal level to the federal Affordable Care Act.

### **LD 401      An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities**

**PUBLIC 454**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H LANGLEY B	OTP-AM ONTP	H-109 S-508    HAMPER J

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill directs the Department of Health and Human Services to provide reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility. The reimbursement is to be paid prospectively at the statewide average rate per MaineCare member day for nursing facility services. The department is directed to implement this reimbursement for days awaiting placement for a period limited to five years. Reimbursement is limited to a maximum of \$500,000 of combined General Fund funds and federal funds for each year of the five-year period.

#### **Committee Amendment "A" (H-109)**

This amendment, which is the majority report of the committee, adds a start date of January 1, 2018, for the department to reimburse a hospital for the days a MaineCare-eligible individual is in the care of the hospital while awaiting placement in a nursing facility and adds language repealing the provision on December 31, 2023.

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

This amendment delays, from January 1, 2018 to January 1, 2019, the date by which the Department of Health and Human Services must begin reimbursing a hospital for the days a MaineCare-eligible individual is in the care of the hospital while awaiting placement in a nursing facility. It also removes the amounts appropriated and allocated in fiscal year 2017-18 and revises the amounts appropriated and allocated in fiscal year 2018-19. It also makes a technical change to a section number.

#### **Enacted Law Summary**

Public Law 2017, chapter 454 directs the Department of Health and Human Services to provide reimbursement to hospitals other than critical access hospitals for each day after the 10th day that a MaineCare-eligible individual is in the care of a hospital while awaiting placement in a nursing facility. The reimbursement is to be paid prospectively at the statewide average rate per MaineCare member day for nursing facility services. The requirement begins January 1, 2019 and is repealed on December 31, 2023.

*Joint Standing Committee on Health and Human Services*

**LD 411      An Act To Add Addiction to or Dependency on Opiates or Prescription Drugs to the List of Qualifying Conditions for Medical Marijuana      ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill adds addiction to or dependency on opiates or prescription drugs to the list of qualifying conditions for medical marijuana.

The substance of this bill has been incorporated in LD 1539.

**LD 470      An Act To Strengthen Maine's Hospitals and Increase Access to Health Care      ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

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

This bill, which would be contingent upon approval by the voters of the State at referendum, proposes to enact measures designed to increase access to health care for citizens of the State and strengthen Maine's hospitals.

**LD 561      An Act To Remove the Requirement That Child Care Facility Workers and Family Child Care Providers Submit to Criminal Background Checks      Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill removes the requirement that a family child care provider, the staff of a family child care provider or child care facility or other adult who has unsupervised access to children who are cared for or supervised by the family child care provider or child care facility undergo a criminal background check.

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

This amendment is the minority report of the committee. It adds an appropriations and allocations section.

*Joint Standing Committee on Health and Human Services*

**LD 562      An Act Concerning the Department of Health and Human Services**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

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

This bill proposes to enact or amend laws or provide for the adoption or amendment of rules concerning the Department of Health and Human Services.

**LD 565      An Act Regarding the Prescribing and Dispensing of Naloxone  
Hydrochloride by Pharmacists**

**PUBLIC 364**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	OTP-AM	S-372

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

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

This bill proposes to address issues related to the opiate addiction crisis in the State.

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

This amendment replaces the bill. It repeals the provisions of Public Law 2017, chapter 249 that prevent pharmacists from prescribing and dispensing naloxone hydrochloride after July 1, 2019, to an individual at risk of an overdose or to a family member or friend of an individual at risk of an overdose.

**Enacted Law Summary**

Public Law 2017, chapter 364 allows a pharmacist to prescribe and dispense naloxone hydrochloride to an individual at risk of an overdose or to a family member or friend of an individual at risk of an overdose.

The substance of Public Law 2017, chapter 364 was repealed and replaced by Public Law 2017, chapter 417 (LD 1892), which was enacted as an emergency effective May 2, 2018 before Public Law 2017, chapter 364 became effective.

**LD 566      An Act To Improve Access to High-quality Child Care by Increasing  
Child Care Rates**

**ONTP**

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

***Joint Standing Committee on Health and Human Services***

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill sets the reimbursement rates for child care services under the federal Child Care and Development Block Grant program and the Additional Support for People in Retraining and Employment, or ASPIRE, program at the federally recommended rate of the 75th percentile of local market rates. It also allocates federal funding for the increase to the block grant and ASPIRE programs. (See LD 166.)

**LD 605      An Act To Support Evidence-based Treatment for Opioid Use Disorder      ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill provides funding for primary care patient-centered medical homes and behavioral health providers that provide evidence-based, integrated medication-assisted treatment to uninsured patients with opioid use disorder to cover costs of intensive, intermediate and long-term treatment.

The substance of this bill was incorporated into LD 1430. The substance of LD 1430 was incorporated into Public Law 2017, chapter 460.

**LD 643      Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E	OTP-AM	H-176

This resolve was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve directs the Department of Health and Human Services to increase reimbursement rates for home-based care services consistent with the recommendations made by Burns & Associates, Inc. in its report "Rate Review for Personal Care and Related Services: Final Rate Models" dated February 1, 2016. The first half of this increase was ratified by the 127th Legislature through Public Law 2015, chapter 267.

**Committee Amendment "A" (H-176)**

This amendment clarifies that all home-based and community-based services that were included in the Burns & Associates, Inc. rate review are included in the resolve and that the reimbursement rates are to be increased to the levels recommended in the rate study. The amendment ensures that a recipient of services may not experience a reduction in hours solely as a result of increased reimbursement. The amendment also adds an appropriations and allocations section.

The substance of this resolve was incorporated into Public Law 2017, chapter 459.

***Joint Standing Committee on Health and Human Services***

**LD 687      Resolve, Regarding Reimbursement for Speech and Language  
Pathology Services**

**RESOLVE 60**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH R MILLETT R	OTP-AM ONTP	H-382 S-520    HAMPER J

This bill was reported out of committee as a resolve in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill directs the Department of Health and Human Services to provide for reimbursement under MaineCare for all speech and language pathology services provided by an independent speech-language practitioner at the rate that is paid to a speech and hearing agency for the same services. It also directs the department to amend its rules to increase by 10% the rates of MaineCare reimbursement for all speech and language pathology services.

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

This amendment, which is the majority report of the committee, replaces the bill with a resolve. The amendment sets the reimbursement rates for speech and language pathology services provided by an agency under Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 109 at 69% of the federal Medicare rate as long as the reimbursement rate is no lower than the current rate. It establishes that services provided by independent speech-language pathologists are set at 90% of the reimbursement rate for agencies. The amendment also establishes reimbursement rates for agency speech-language pathology assistants for group therapy at 69% of the federal Medicare rate for equivalent services for speech-language pathologists since there is no established Medicare rate for assistants. Rates for agency assistants providing individual therapy do not change from the rate reimbursed as of January 1, 2017. Independent speech-language pathology assistant reimbursement rates are set at 90% of the agency rates for assistants. The amendment also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-520)**

This amendment amends Committee Amendment "A" to require the Department of Health and Human Services to amend its rules relating to reimbursement rates by January 1, 2019 instead of January 1, 2018. It also removes the amounts appropriated in fiscal year 2017-18.

**Enacted Law Summary**

Resolve 2017, chapter 60 sets the reimbursement rates for speech and language pathology services provided by an agency under Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 109 at 69% of the federal Medicare rate as long as the reimbursement rate is no lower than the current rate. Services provided by independent speech-language pathologists are set at 90% of the reimbursement rate for agencies. Reimbursement rates for agency speech-language pathology assistants for group therapy are set at 69% of the federal Medicare rate for equivalent services for speech-language pathologists as there is no established Medicare rate for assistants. Rates for agency assistants providing individual therapy do not change from the rate reimbursed as of January 1, 2017. Independent speech-language pathology assistant reimbursement rates are set at 90% of the agency rates for assistants.

*Joint Standing Committee on Health and Human Services*

**LD 691 An Act To Prevent Lead Poisoning in Children**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N	ONTP	

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill provides that as part of the Department of Health and Human Services' educational and publicity program concerning lead poisoning, the home visiting program established by the department is required to provide free home lead test kits to parents of young children living in homes built before 1978.

**LD 692 Resolve, To Provide Meals to Homebound Individuals**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S	OTP-AM ONTP	H-578

This resolve was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve provides for the appropriation of funding to provide meals from the Meals on Wheels program to additional homebound individuals. This resolve also establishes a work group to research food access barriers and make recommendations about how to leverage resources to ensure regular, adequate nutrition for homebound individuals in the State and to forecast future demand and identify the appropriate level of funding in the future.

**Committee Amendment "A" (H-578)**

This amendment, which is the majority report of the committee, removes the section of the resolve that establishes a work group. It also removes the appropriation for 2017-18 but retains the requirement that the funding is ongoing.

**LD 720 An Act To Provide Lung Cancer Screening for MaineCare Recipients**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM ONTP	S-86

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires that annual screening for lung cancer for certain recipients be reimbursed under the MaineCare program. The Department of Health and Human Services may adopt routine technical rules to implement this requirement.

*Joint Standing Committee on Health and Human Services*

**Committee Amendment "A" (S-86)**

This amendment, which is the majority report of the committee, specifies that the criteria to be used to determine lung cancer screening eligibility for MaineCare members are those developed by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. This amendment also includes an appropriations and allocations section.

**LD 762      An Act To Allow a Percentage of Funds from the Medical Use of      ONTP**  
**Marijuana Fund To Fund Health Care Research**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

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

This bill proposes to dedicate a percentage of the funds derived from the Medical Use of Marijuana Fund established in the Maine Revised Statutes, Title 22, section 2430 to a medical marijuana research fund. Under the bill, hospitals and other health care facilities may apply for grants to fund research proposals to study the medical efficacy of medical marijuana.

The substance of this bill has been incorporated in LD 1539.

**LD 763      An Act To Support Individuals with Disabilities by Exempting Certain      ONTP**  
**Wages from Consideration for MaineCare**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill exempts income received by a person with a disability from certain work programs available to individuals with disabilities from being considered in determining the person's eligibility for MaineCare.

**LD 765      An Act To Allow In-home Child Care Providers To Care for up to 5      ONTP**  
**Children without State Certification**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

Under current law, a person who provides day care in that person's home must be certified as a family child care provider if that person provides care for 3 to 12 children who are not the person's own children or who are not residing in the person's home. This bill changes the threshold requiring certification as a family child care provider from caring for three children to caring for six children.



***Joint Standing Committee on Health and Human Services***

**LD 812      Resolve, To Establish a Pilot Project To Save Lives and Support People      Veto Sustained**  
**with Substance Use Disorder in Washington County**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	OTP-AM	S-444 S-481    MAKER J

This resolve was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. The resolve was reported out of committee in the Second Regular Session and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This resolve establishes a pilot project in Washington County to provide treatment and recovery services for substance use disorders. It provides \$1,600,000 in funding over the 2018-2019 fiscal biennium. The Department of Health and Human Services is required to report on the planning and implementation of the pilot project to the Joint Standing Committee on Health and Human Services no later than November 30, 2018, and the joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation to the First Regular Session of the 129th Legislature.

**Committee Amendment "A" (S-444)**

This amendment replaces the resolve. It amends the proposed Washington County Substance Use Disorder Pilot Project in the following ways.

1. It establishes the pilot project under the Department of Health and Human Services working with local organizations, with Healthy Acadia as the lead organization. The department is required to assist Healthy Acadia with seeking federal funding for the pilot project.
2. It requires the establishment of a central coordinating telephone system available to anyone in Washington County at any time to assist individuals with accessing services related to substance use disorder treatment and recovery. Individuals receiving the phone calls must be qualified to provide counseling services to all callers in addition to providing referrals.
3. It requires the establishment of a coordinating council made up of representatives of persons and organizations in the area involved in the health and welfare of Washington County residents. The council is responsible for providing a coordinated system of services for prevention, treatment and recovery for substance use disorder.
4. It requires the establishment of a recovery coach coordinator position. The coordinator is required to establish a system of recovery coaches available in all areas of the treatment and recovery system in Washington County and provide education and support to volunteer recovery coaches.
5. It requires the Department of Health and Human Services to conduct an evaluation of the success of the pilot project in Washington County. The department must report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the evaluation no later than March 1, 2021.

**Senate Amendment "A" To Committee Amendment "A" (S-481)**

Committee Amendment "A" requires the Department of Health and Human Services to work with Healthy Acadia to establish a central coordinating telephone system located in Washington County no later than October 1, 2018. This amendment requires that the central coordinating telephone system be established when federal grant funding is obtained.

*Joint Standing Committee on Health and Human Services*

**LD 842      Resolve, To Support Home Health Services**

**RESOLVE 61**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E LIBBY N	OTP-AM ONTP OTP-AM	H-728

This resolve was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve directs the Department of Health and Human Services to increase the rates for home health services under the MaineCare Benefits Manual, Chapter II, Section 40 by 30%.

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

This amendment, which is the majority report of the committee, replaces the resolve. The amendment increases most reimbursement rates by January 1, 2019, for home health services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40 to 80% of the federal Medicare rates for these services. The rates for occupational therapy assistants, physical therapy assistants and speech and language assistants are increased by the same percentage increase as the respective specialists. The rates for clinical social work are increased by 30% over current rates.

**Committee Amendment "B" (H-728)**

This amendment, which is a minority report of the committee, replaces the resolve. The amendment increases most reimbursement rates by January 1, 2019, for home health services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40 to 70% of the federal Medicare rates for these services. The rates for occupational therapy assistants, physical therapy assistants and speech and language assistants are increased by the same percentage increase as the respective specialists. The rates for clinical social work are increased by 30% over current rates.

**Enacted Law Summary**

Resolve 2017, chapter 61 increases reimbursement rates for home health services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40. Beginning January 1, 2019, reimbursement rates for home health services are set at 70% of the federal Medicare rates for services with a Medicare equivalent. Rates for occupational therapy assistants, physical therapy assistants and speech and language assistants are increased by the same percentage increase as the respective specialists. The rates for clinical social work are increased by 30% over current rates.

**LD 898      An Act To Address Mandatory Overtime for Hospital Professionals**

**ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill prohibits a hospital from requiring employees that provide direct patient care to work more than 12 hours

***Joint Standing Committee on Health and Human Services***

in any 24-hour period. This requirement does not apply to physicians or in cases of a declared emergency. An aggrieved employee may file a complaint with the division of licensing and regulatory services within the Department of Health and Human Services, which must notify the hospital involved. Hospitals must report all instances of mandatory overtime work to the division, which must adopt rules regarding the manner and schedule for this reporting.

**LD 902      Resolve, To Develop MaineCare Reimbursement Rates for Trauma-focused Cognitive Behavioral Therapy      **Died On Adjournment****

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

This resolve was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve requires the Department of Health and Human Services to increase the MaineCare reimbursement rates for evidence-based outpatient psychosocial treatments for children to a rate that covers all costs involved with providing the service, including additional training, clears waiting lists and attracts providers to all areas of the State, including underserved rural areas. The resolve also requires the department to cover two additional evidence-based services known as trauma-focused cognitive behavioral therapy and parent management training programs through a request for proposals, using General Fund funds for training and hiring staff. The resolve requires the department and the contracted providers to develop a reimbursement rate for providing the service that is sufficient to allow the continued financial health of the service providers providing these therapies.

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

This amendment replaces the resolve and changes the title. It requires the Department of Health and Human Services to contract for a third-party independent rate study to develop a separate rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy to be billed under rule Chapter 101: MaineCare Benefits Manual, Section 65. Currently, this therapy is available as outpatient therapy and home-based and community-based treatment under Section 65. The rate study must take into consideration the costs to providers of delivering the service, including certification and continuing education, quality assurance and continuous quality improvement, the need to attract enough providers to clear waiting lists and serve all areas of the State and the costs to ensure fidelity to the therapy model. The rate study must be completed no later than January 1, 2019, and the department must report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2019. The department must amend its rules to establish the new rate. The amendment adds an emergency preamble and emergency clause. The amendment also adds an appropriations and allocations section.

The substance of this resolve was incorporated into Public Law 2017, chapter 471.

**LD 966      An Act Regarding Persons with Mental Illness and Substance Use Disorders in Jails and Correctional Facilities      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R BRAKEY E	OTP-AM	H-700 S-441    DESCHAMBAULT S

***Joint Standing Committee on Health and Human Services***

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. The bill was then carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides for a mental health liaison in each county or regional jail to oversee inmates with serious mental illness and connect them to the services for which they qualify, to work with the court system to ensure that they receive due process and speedy trials and to assist inmates who qualify for MaineCare to apply for and receive MaineCare benefits and services. This bill directs the Department of Health and Human Services to issue a request for proposals to private providers of behavioral health services and advocacy to replace intensive case manager positions within the department to staff the 15 mental health liaison positions in the county and regional jails.

**Committee Amendment "A" (H-700)**

This amendment replaces the bill. It establishes the Statewide Criminal Justice Coordinating Council to accept and review data on encounters between law enforcement agencies and members of the public and data gathered through the use of nationally validated screening and assessment tools when persons are admitted to jail. The council is required to collect and review data submitted by law enforcement agencies, sheriffs, regional jail administrators and intensive case managers, summarize and review the data and provide an annual report to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and health and human services matters beginning January 15, 2021. The report must contain any recommendations for legislative action. A legislative committee that receives a report from the Statewide Criminal Justice Coordinating Council may report out legislation to the Legislature based on the report.

The amendment requires each law enforcement agency in the State to submit to the Department of Public Safety on a quarterly basis beginning January 15, 2020, data that identifies law enforcement calls for service and encounters between law enforcement officers and certain members of the public and requires the department to forward that data to the Statewide Criminal Justice Coordinating Council.

The amendment requires a person admitted to a jail, regional jail or correctional facility to be assessed for mental health conditions and substance use disorders through use of a nationally validated screening and assessment tool. It requires that an intensive case manager assigned by the Department of Health and Human Services to a jail, regional jail or correctional facility submit in summary form to the department information gathered from an encounter with such a person. The amendment requires the department to forward this information to the Statewide Criminal Justice Coordinating Council.

The amendment also adds a mandate preamble and an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-441)**

This amendment adds the Commissioner of Corrections or the commissioner's designee to the Statewide Criminal Justice Coordinating Council and corrects a cross-reference.

The substance of this bill was incorporated in LD 1268.

**LD 967      An Act To Ensure Access to Community Services for Persons with Intellectual Disabilities or Autism      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E HAMPER J	OTP-AM	H-342

***Joint Standing Committee on Health and Human Services***

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires the Department of Health and Human Services to reimburse services provided to MaineCare member adults with intellectual disabilities or autistic disorder under a waiver granted by the federal Centers for Medicare and Medicaid Services for home-based and community-based care on the basis of rates and a methodology for application of the rates that reflects assessment of individual need and applies criteria for resource allocation established by the department pursuant to criteria established in the bill. The bill also directs the department to adopt rules providing reimbursement rates that take into account specified costs of care and service; are sufficient to ensure access, including compliance with federal standards; are based on a 2007 report of the department adjusted for cost increases from 2007 to 2016; provide future annual inflation adjustments; and consider competitive wage markets, training and qualification requirements and increased costs of new technologies.

**Committee Amendment "A" (H-342)**

This amendment directs the Department of Health and Human Services to increase reimbursement rates by 10% over the reimbursement levels implemented in 2007 pursuant to Public Law 2005, chapter 12, Part CCCC, section 1 for services provided under Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 21 and 29 no later than October 1, 2017. The amendment narrows the services that are reimbursed to codes that provide direct support services to the MaineCare members receiving services under the waiver programs. It also directs the department and representatives of organizations of providers of community support services for individuals with intellectual disabilities and autism to examine reimbursement rates, costs of providing services and other costs to determine opportunities for efficiencies and savings. The department and the providers are required to report findings to the Joint Standing Committee on Health and Human Services no later than January 1, 2018. This amendment also adds an appropriations and allocations section.

Funding to increase reimbursement rates under Sections 21 and 29 for the first year of the biennium was included in Public Law 2017, chapter 284, the biennial budget. An amended version of this bill was incorporated into Public Law 2017, chapter 459.

**LD 998      An Act To Adequately Pay for Emergency Medical Services**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D	OTP-AM ONTP	H-296

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires the Department of Health and Human Services to work with emergency medical services providers in the State to define, and provide reimbursement under MaineCare for, community paramedicine services that do not involve transporting patients.

**Committee Amendment "A" (H-296)**

This amendment is the majority report of the committee. It removes the provisions in the bill that relate to community paramedicine services. It increases beginning March 1, 2018 the reimbursement rate for ambulance services under the MaineCare program under current law from 65% to 70% of the average allowable reimbursement rate under Medicare. It provides that the Department of Health and Human Services may not lower any

***Joint Standing Committee on Health and Human Services***

reimbursement rates for ambulance services below the rates as of January 1, 2017. The amendment also adds an appropriations and allocations section.

**LD 999      An Act To Provide a Healthy Learning Environment in Early Care Settings by Requiring Rules Concerning Nutrition and Physical Activity      ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill provides that rules adopted by the Department of Health and Human Services for child care facilities and family child care providers must include rules pertaining to physical activity and recreational screen time and the provision of nutritious foods that contribute to the wellness, healthy growth and development of young children.

**LD 1000      Resolve, To Increase Access to Brain Injury Waiver Services      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R LANGLEY B	OTP-AM	H-295

This resolve was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve directs the Department of Health and Human Services to increase the rates for services provided to MaineCare members receiving Home Support (Residential Habilitation) Level I under the brain injury waiver, rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, to no less than \$8.63 per quarter hour. It also allows up to 400 units of care coordination each year rather than only in the first year of receiving services under the waiver. The Department of Health and Human Services is directed to explore opportunities to provide additional telehealth services, including care coordination services, provided by both licensed medical personnel and nonlicensed personnel.

**Committee Amendment "A" (H-295)**

This amendment clarifies that the Department of Health and Human Services must seek approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the brain injury waiver to increase Home Support (Residential Habilitation) Level I rates to no less than \$8.63 per quarter hour. It requires the increase in reimbursement to go to direct support employees. This amendment also includes an appropriations and allocations section.

**LD 1063      Resolve, To Reduce the Number of Substance-exposed Infants      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S CHIPMAN B	OTP-AM ONTP	H-678 S-460 VOLK A

## ***Joint Standing Committee on Health and Human Services***

This bill was reported out of committee and then recommitted to the committee in the First Regular Session. It was then carried over to the Second Regular Session. The bill was reported out of committee in the Second Regular Session and was carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

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

This bill proposes to enact measures designed to enhance the protection of substance-exposed infants, which may include prevention, intervention, identification of risk and treatment of prenatal substance exposure.

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

This amendment was the majority report of the committee during the First Regular Session. The amendment replaces the bill and changes the title. It requires the Department of Health and Human Services to amend its rules in the MaineCare Eligibility Manual to provide for presumptive eligibility for individuals who are likely to qualify for the family planning benefit under the Maine Revised Statutes, Title 22, section 3173-G. It also requires the department to amend its rules under the MaineCare Benefits Manual, Section 90 to include contraceptive counseling as part of the services provided to women and adolescents eligible for the MaineCare program, including counseling immediately postpartum as long as the patient and the provider determine it is appropriate. It requires the department to contract for community-based outreach and education regarding family planning options and availability that is targeted toward women and adolescents who are participating in substance use disorder treatment, in correctional settings, experiencing homelessness and living in other circumstances that identify a need for family planning services. The amendment also adds an appropriations and allocations section.

The minority report of the committee in the First Regular Session was ought not to pass.

### **Committee Amendment "B" (H-678)**

This amendment is the majority report of the committee in the Second Regular Session. It replaces the bill with a resolve. It requires the Department of Health and Human Services to contract for community-based outreach and education regarding family planning options and availability that is targeted toward women and adolescents who are experiencing substance use disorder, housed in correctional facilities, experiencing homelessness or living in other circumstances that indicate a need for family planning services. The amendment also adds an appropriations and allocations section.

### **Senate Amendment "B" To Committee Amendment "B" (S-460)**

This amendment removes the outreach and educational program requirements in Committee Amendment "B" and instead requires the Department of Health and Human Services to conduct outreach to ensure providers are aware of the availability of reimbursement under MaineCare rules for contraceptive counseling and placement of a method of long-acting, reversible contraception.

**LD 1097      An Act To Develop and Distribute Work Training Pamphlets To Educate      ONTP**  
**State Agencies, Private Businesses and Other Organizations about**  
**Dementia**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW D LIBBY N	ONTP	

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill requires the Department of Health and Human Services to administer an educational program on dementia. The department is required to create a pamphlet to be distributed to state agencies, businesses, nonprofit

## *Joint Standing Committee on Health and Human Services*

organizations and others that informs and educates about dementia-related conditions and how to recognize and communicate with persons who have dementia.

**LD 1098      An Act To Ensure Reasonable Accommodations for Children for Whom Medical Marijuana Has Been Recommended      ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill allows a medical provider with whom the child has a bona fide relationship to possess and administer marijuana on school grounds.

The substance of this bill was incorporated in LD 1539.

**LD 1109      An Act To Establish Homelessness as an Emergency in the General Assistance Laws      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B HAMANN S	OTP-AM OTP-AM ONTP	S-409

This bill was reported out of committee and then recommitted to the committee in the First Regular Session. It was then carried over to the Second Regular Session. The bill was reported out of committee in the Second Regular Session and was carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill amends the municipal general assistance laws to provide a different method of determining the residence of an applicant and the municipality responsible for providing general assistance to that applicant, including an applicant relocating from another municipality. The bill provides that the municipality of record, which is defined as the municipality in which the applicant resided immediately prior to applying for assistance, is the responsible municipality.

**Committee Amendment "A" (S-273)**

This amendment, which was the majority report of the committee in the First Regular Session, replaces the bill and changes the title. It requires a municipality or Indian tribe to be responsible for 30% of the costs of its general assistance program and specifies that the costs incurred by the municipality or Indian tribe for administering the program count toward the 30%. It requires the Department of Health and Human Services to adopt routine technical rules to establish appropriate costs for administration. The amendment also adds an appropriations and allocations section.

The minority report of the committee in the First Regular Session ws ought not to pass.

**Committee Amendment "B" (S-409)**

This amendment, which is the majority report of the committee in the Second Regular Session, replaces the bill. The amendment defines "homelessness" and establishes homelessness as an emergency for the purposes of a grant of emergency general assistance, as long as the person or household is not otherwise ineligible for or disqualified from receiving general assistance.



*Joint Standing Committee on Health and Human Services*

**Committee Amendment "C" (S-410)**

This amendment, which is one of two minority reports of the committee in the Second Regular Session, replaces the bill and incorporates the majority report in Committee Amendment "B", which defines "homelessness" and establishes homelessness as an emergency for the purposes of being granted emergency general assistance, as long as the person or household is not otherwise ineligible or disqualified from receiving general assistance. The amendment also makes an applicant for general assistance who voluntarily abandons or refuses to use an available resource without just cause ineligible to receive general assistance to replace the abandoned or refused resource for a period of 120 days from the date the applicant abandons or refuses the resource. It defines "available resource" as a resource that is immediately available or can be secured without delay. It also makes an applicant who forfeits an available resource due to fraud, misrepresentation or intentional violation of or refusal to comply with rules without just cause ineligible to receive general assistance to replace the forfeited resource for the duration of a sanction imposed on the applicant for any of these actions or 120 days, whichever is greater. The amendment also identifies circumstances relating to use of an available resource under which just cause must be found.

**LD 1133 An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization**

**PUBLIC 461**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J HILL D	OTP-AM	H-760

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides that, if a patient in a hospital who received treatment for a psychiatric condition and who the hospital has determined is clinically ready for discharge requests admission or readmission from the hospital to a facility operated by a residential service provider and that request is denied, the residential service provider must provide the patient the reasons for the denial in writing no later than three business days after the request is denied.

The bill directs the Department of Health and Human Services to develop a standardized form for use by residential service providers to state the specific reasons for denial. A residential service provider must provide the standardized form to the patient or the patient's parent or guardian or designated representative. A residential service provider must annually send to the department's division of licensing and regulatory services a report of all patients who are denied admission or readmission and the reasons given the patients that were contained in the standardized forms.

The bill allows a patient or a patient's parent or guardian or designated representative to recover \$500 from a residential service provider that violates these provisions. It also provides for the revocation of the license of a residential service provider that violates these provisions three times or more in a calendar year.

**Committee Amendment "A" (H-760)**

This amendment replaces the bill. It provides that a residential service provider may apply to the Department of Health and Human Services for temporary services in order to meet the needs of an adult patient who is ready for discharge from psychiatric hospitalization when the patient requires reasonable accommodations or a higher level of care for admission or readmission to the residential service provider's facility. It provides that if the services are reimbursable by the MaineCare program, the residential service provider must seek reimbursement first and it directs the department to provide the residential service provider with technical support in seeking MaineCare reimbursement. It directs the department to adopt rules to implement these provisions no later than January 1, 2019. It directs the department to report to the joint standing committee of the Legislature having jurisdiction over health

## *Joint Standing Committee on Health and Human Services*

and human services matters by January 15, 2020. It provides that these provisions are repealed July 1, 2020.

### **Enacted Law Summary**

Public Law 2017, chapter 461 provides that a residential service provider may apply to the Department of Health and Human Services for temporary services in order to meet the needs of an adult patient who is ready for discharge from psychiatric hospitalization when the patient requires reasonable accommodations or a higher level of care for admission or readmission to the residential service provider's facility. It requires that if the services are reimbursable by the MaineCare program, the residential service provider must seek reimbursement first and it directs the department to provide the residential service provider with technical support in seeking MaineCare reimbursement. It directs the department to adopt rules to implement these provisions no later than January 1, 2019. It directs the department to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2020. It provides that these provisions are repealed July 1, 2020.

### **LD 1135      An Act To Strengthen the Efficacy of the Medical Marijuana Laws**

**ONTP**

Sponsor(s)

CHACE P

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill makes the following changes to the Maine Medical Use of Marijuana Act:

1. The limit on the number of qualifying patients a primary caregiver may assist is clarified to be for a period of one calendar month or more;
2. The definition of a collective is strengthened;
3. The penalties for participation in a collective are enhanced;
4. A level of local control is provided by allowing a municipality to limit the number of primary caregivers that may operate within that municipality and allowing for enactment of reasonable municipal regulations applicable to primary caregivers;
5. The confidentiality provisions of primary caregivers are removed;
6. A primary caregiver and a registered dispensary are subject to fines for violations of the provisions of the Act or for failing to register as a primary caregiver or dispensary;
7. Fines prescribed for violations of the Act are mandatory;
8. The Office of the Attorney General may seek an injunction to require a registered primary caregiver, a registered dispensary, a person who fails to register as a primary caregiver and who engages in conduct that is only authorized for a registered primary caregiver or a person or entity that fails to register as a dispensary and that engages in conduct that is only authorized for a registered dispensary to comply with the Act. The District Court may order the registered primary caregiver, the registered dispensary or the person or entity to pay the costs of the investigation and the costs of suit, including attorney's fees;
9. The Office of the Attorney General may seek court action against a registered primary caregiver, a registered dispensary or a person or entity for violation of an injunction, including but not limited to imposition of a fine; and

***Joint Standing Committee on Health and Human Services***

10. The Department of Health and Human Services' burden of proof for a violation of the Act is a preponderance of the evidence.

The bill also includes an appropriations and allocations section.

The substance of this bill was incorporated in LD 1539.

**LD 1148 An Act To Safeguard the Rights of Private Child Care Businesses**

**Died Between Houses**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill provides that the State may not prohibit the expulsion of a child from or compel the attendance of a child at an independently operated, privately owned child care facility except to remedy unlawful discrimination under the Maine Human Rights Act.

**LD 1162 An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N HAMANN S	OTP-AM OTP-AM	S-380 S-420 LIBBY N

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. The bill was then carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides for reimbursement under the MaineCare program for medical nutritional therapy provided by physicians, licensed dietitians and dietitian nutritionists and reimbursement for obesity treatment medication.

**Committee Amendment "A" (S-380)**

This amendment is the majority report of the committee. It provides funding for reimbursing medical nutritional therapy services from the Fund for a Healthy Maine. It removes the requirement for MaineCare to reimburse for obesity treatment medication. It identifies the specific conditions for which medical nutritional therapy services are reimbursed and adds gastrointestinal conditions to the list. It removes dietitian nutritionists and clarifies that physicians and dietitians providing medical nutritional therapy services must be licensed by their professional licensing boards.

**Committee Amendment "B" (S-381)**

This amendment is the minority report of the committee. It provides funding for reimbursing medical nutritional therapy services from the Fund for a Healthy Maine for one year. It removes the requirement for MaineCare to reimburse for obesity treatment medication. It identifies the specific conditions for which medical nutritional therapy services are reimbursed and adds gastrointestinal conditions to the list. It removes dietitian nutritionists and clarifies that physicians and dietitians providing medical nutritional therapy services must be licensed by their professional licensing boards.

*Joint Standing Committee on Health and Human Services*

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

This amendment allows medical nutritional therapy that is reimbursed under the MaineCare program to be provided by licensed nurse practitioners.

**LD 1177      An Act To Create an Appeals Process for Child Care Providers      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A ESPLING E	ONTP	

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill establishes the Child Care Appeal Review Panel to review disputes related to the licensing and certification of child care facilities, family child care providers and nursery schools, including revocations, suspensions, denials, demotions to conditional status, rule compliance issues and denials of requests for alternative compliance methods but not including child abuse and neglect investigations. The review panel members are appointed by the Governor for five-year terms. The director of the division of licensing and regulatory services within the Department of Health and Human Services is the chair of the panel but does not vote. The Office of the Attorney General provides legal counsel. The department and facility are required to abide by decisions made by the review panel.

**LD 1188      An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	ONTP OTP-AM	H-330

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides funds to the Department of Health and Human Services to give adult family care homes, residential care facilities and certain private nonmedical institutions a 4% cost-of-living rate increase for the state fiscal year ending June 30, 2018 and an additional cost-of-living increase for the state fiscal year ending June 30, 2019 based on a projected increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index. Annual cost-of-living adjustments are to be provided by rule for each fiscal year thereafter in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

**Committee Amendment "A" (H-330)**

This amendment, which is the minority report of the committee, removes from the bill the 4% increase in fiscal year 2017-18 for reimbursement for adult family care homes, residential care facilities and certain private nonmedical institutions. It includes a reimbursement increase of 2.1% in fiscal year 2018-19. It establishes an annual increase beginning in fiscal year 2019-20 using the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, Long-Term Care Hospital Market Basket change as published in the Federal Register.

The substance of this bill was incorporated into Public Law 2017, chapter 460.

*Joint Standing Committee on Health and Human Services*

**LD 1189     An Act To Define the Age of Consent for Alcohol or Drug Treatment and  
Mental Health Services**

**Accepted Majority  
(ONTP) Report**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill provides that a minor who is 14 years of age or older may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems and does not need the consent of a parent or guardian for such treatment. It also provides that if the parent or guardian consents to such treatment of a minor 14 years of age or older, the minor may not abrogate that consent and that if a minor 14 years of age or older consents to such treatment, a parent or guardian may not abrogate that consent.

**Committee Amendment "A" (H-662)**

This amendment is the minority report of the committee. It changes from 14 years of age to 12 years of age the age of a minor who may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems. It removes the provision that prevents a minor from abrogating the consent of the minor's parent or guardian. The bill provides that a parent or guardian may not abrogate the consent to treatment provided by a minor 14 years of age or older; the amendment changes that age to 12 years of age or older.

**LD 1214     An Act To Create Fairness in Home-based Care Fees for Service**

**ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill provides that rules adopted by the Department of Health and Human Services for the administration of the program for in-home and community support services for the elderly may not require a person receiving services under a state-funded program to make a monthly payment toward the administrative cost of coordination services if an in-home care service was not provided in that month.

**LD 1273     Resolve, To Redispense Donated Prescription Drugs**

**ONTP**

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

This resolve was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This resolve requires the Maine Board of Pharmacy to adopt rules to allow a nongovernmental organization in the State to coordinate both the donation of unused prescription drugs by nursing homes, hospitals, wholesalers and other institutional pharmacies and the subsequent redispensing of these prescription drugs at no cost to low-income

*Joint Standing Committee on Health and Human Services*

residents of the State.

**LD 1301 An Act To Improve Access to Preventive, Cost-saving Dental Services**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J KATZ R	OTP-AM ONTP	H-248

This bill was reported out of committee in the First Regular Session and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires that, beginning October 1, 2017, MaineCare coverage for adult dental services include an annual comprehensive oral examination and preventive services, including prophylaxis, topical fluoride, sealants, oral hygiene instruction, behavior management and smoking cessation counseling.

**Committee Amendment "A" (H-248)**

This amendment is the majority report of the committee. It makes consistent the dates by which the Department of Health and Human Services is to notify providers of the scope of dental benefits covered by the MaineCare program. It moves the directive to the department to adopt rules relating to coverage of adult preventive dental services and the designation of those rules as routine technical rules to allocated language. This amendment also provides funding for increased MaineCare coverage required by the bill.

**LD 1314 Resolve, To Improve Access to Neurobehavioral Services**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-202

This resolve was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve requires the Department of Health and Human Services to provide by September 1, 2018, 16 new neurobehavioral beds in one or more neurobehavioral centers to serve individuals with significant behavioral challenges and complex medical needs who need short-term evaluation and treatment before transitioning to a long-term care environment either in the community or a long-term care facility.

**Committee Amendment "A" (H-202)**

This amendment delays the date by which neurobehavioral beds must be provided from September 1, 2018, to July 1, 2019. It requires the Department of Health and Human Services to provide beds in two or more different centers rather than one or more centers as in the resolve. It restricts the population served to individuals with neurobehavioral issues or dementia and accompanying behavioral issues and removes individuals with brain injury, intellectual disabilities or autism.

*Joint Standing Committee on Health and Human Services*

**LD 1329 An Act To Allow Tobacco Retail Establishments To Serve Alcohol**

**Accepted Majority  
(ONTP) Report**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill allows the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to issue licenses to tobacco retail establishments to sell spirits, wine and malt liquor for consumption on the premises of those establishments.

**Committee Amendment "A" (H-603)**

This amendment is the minority report of the committee. It replaces the bill and changes the title. It requires that a cigar lounge be licensed by the Department of Health and Human Services in order to allow smoking, other than cigarette smoking, and to serve food that has not been prepared on the premises. It also allows cigar lounges to seek a liquor license from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. The amendment provides that the cigar lounge license fee of \$100 is in addition to the required license fee for a retail tobacco license and the type of liquor license sought.

**LD 1374 Resolve, Directing the Department of Health and Human Services To Assess and Improve the Availability of Child Care Services**

**ONTP**

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

This resolve was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This resolve directs the Department of Health and Human Services to restore consistent scheduled meetings of the Child Care Advisory Council and directs the department to contract with a third party to conduct a study to assess the availability of child care in the State, to engage in cost modeling to determine the cost of child care and to develop a system to support child care providers and parents. The department is directed to report to the Second Regular Session of the 128th Legislature no later than February 1, 2018.

**LD 1423 An Act To Amend Certain Laws Governing Child Care Providers**

**Accepted Majority  
(ONTP) Report**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill makes various changes to the laws governing child care facilities and family child care providers, including:

***Joint Standing Committee on Health and Human Services***

1. Allowing a parent who receives a child care subsidy to make up the difference between the amount of the subsidy and the total cost of child care without losing the subsidy;
2. Defining an infant as a child six weeks of age or older and under 12 months of age and a toddler as a child 12 months of age or older and under 36 months of age;
3. Allowing a person to care for up to four children in the person's home without that person's being required to become certified as a family child care provider;
4. Creating a license or certification renewal with a term of five years for a child care facility or family child care provider that has been in operation and licensed or certified in good standing for at least five consecutive years;
5. Directing the Department of Health and Human Services upon a complaint to investigate only that complaint unless there is reasonable cause to suspect another violation;
6. Providing a period of up to 90 days for a person to work as a staff member for a child care facility or family child care provider without the completion of a criminal background check while a criminal background check is being conducted;
7. Allowing for exceptions to department rules involving child-to-staff ratios, the ages of children and infants and toddlers in cases of extenuating circumstances due to an unexpected staff member absence or parent drop-off of a child at the facility or provider or due to the particular needs of an individual child;
8. Requiring department rules to be narrowly based upon the health and safety of the children and not to unreasonably interfere with facility or provider business operations in which the health and safety of the children are not involved;
9. Requiring in the instance of the department's declining to renew a license or certification of a child care facility or family child care provider that the renewal fee paid by the facility or provider be refunded;
10. Detailing inspection and post-inspection processes including the posting of information regarding a child care facility or family child care provider by the department on a publicly accessible website; and
11. Directing the department to develop recommended legislation to create an appeals board composed of members not employed or appointed by the department to review department decisions regarding child care facilities and family child care providers and to develop a child care provider bill of rights.

**Committee Amendment "A" (S-398)**

This amendment is the minority report of the committee. It retains only those sections of the bill that allow a person who receives a child care subsidy to make up the difference between the amount of the subsidy and the total cost of the child care without losing the subsidy and allow a person to care for up to four children in the person's home without that person being required to become certified as a family child care provider.

**LD 1430    An Act To Develop a Statewide Resource and Referral Center and Develop Hub-and-spoke Models To Improve Access, Treatment and Recovery for Those with Substance Use Disorder**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K DILL J	OTP-AM ONTP	H-715



## *Joint Standing Committee on Health and Human Services*

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill establishes a statewide resource and referral center for individuals with substance use disorders and friends and family members of individuals with substance use disorders, law enforcement and providers of substance abuse treatment. It requires the Department of Health and Human Services to contract with evidence-based substance abuse treatment providers across the State to provide integrated medication-assisted treatment to individuals with substance use disorders. Hubs provide comprehensive services for acute needs, and spokes are primary care facilities that offer behavioral health services or are connected to providers of those services. The Department of Health and Human Services is directed to fund treatment for individuals without insurance and develop a rate of reimbursement that takes into account the multiple parts of treatment an individual with a substance use disorder requires in addition to medication. The Department of Labor is directed to develop a career center program to assist individuals in treatment for substance use disorders or in recovery with career planning and taking advantage of employment opportunities. The Department of Health and Human Services is directed to develop assessment measures to evaluate performance and present a report on progress, implementation and assessment to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2020.

### **Committee Amendment "A" (H-715)**

This amendment, which is the majority report of the committee, replaces the bill. It establishes the hub-and-spoke system in statute. It establishes definitions for "hub," "spoke," "levels of care," "integrated medication-assisted treatment" and "recovery support services." It requires the Department of Health and Human Services to support a hub-and-spoke system. It clarifies that the department must assess opportunities for federal funding and provide grants for training when funding is available. It requires the department to support the development of a plan to create a statewide resource and referral center for substance use disorder treatment that uses 211 Maine and links it with comprehensive statewide information on available treatment and recovery resources. It requires a report from the department to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2019. It includes an appropriations and allocations section that includes funding for the uninsured. It also adds an emergency preamble and emergency clause.

The substance of this bill was incorporated into Public Law 2017, chapter 460.

### **LD 1433     An Act To Protect Maine Children from Lung Cancer by Requiring                   Radon Testing in Schools**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C MILLETT R	OTP-AM	H-516

This bill was reported out of committee in the First Regular Session and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires school administrative units to test schools for radon every five years. If radon levels are above a certain level, the school administrative unit must take action to mitigate the affected areas. The school administrative unit must notify parents, faculty and staff of test results and must report test results to the Department of Education and the Department of Health and Human Services. The Department of Health and Human Services must report these results every five years to the Legislature and the Governor. The bill also requires school administrative units to build new schools using radon-resistant new construction techniques as recommended by the

## *Joint Standing Committee on Health and Human Services*

United States Environmental Protection Agency.

### **Committee Amendment "A" (H-516)**

This amendment provides that radon testing in schools must comply with the United States Environmental Protection Agency's recommended testing standards for schools. It allocates money from the Fund for a Healthy Maine to pay for the schools' radon testing costs. It removes the provisions in the bill that require schools to mitigate radon levels in areas with high levels of radon. This amendment adds an appropriations and allocations section.

### **LD 1435    An Act To Ensure Transparency in the Distribution of Federal Block Grant Funds**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E CHIPMAN B	OTP-AM ONTP	H-701

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill requires the Department of Health and Human Services annually to develop and submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs proposed plans for expenditures of federal block grant funds including a description of current expenditures of federal block grant funds and how the department proposes to change any expenditure. Under the bill, the department may not make an expenditure from any federal block grant unless the expenditure is recommended by the joint standing committee and approved by the Legislature. When the Legislature is not in session, the department may make an expenditure if the Commissioner of Health and Human Services determines that the expenditure is necessary to avert an emergency and provides 60 days' notice to the joint standing committee.

### **Committee Amendment "A" (H-701)**

This amendment is the majority report of the committee. The amendment replaces the bill. It requires the Department of Health and Human Services to provide an annual report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs regarding block grants received from the Federal Government. It requires the report to be provided no later than February 1st of each year, beginning in 2019, with information relating to the most recent federal fiscal year.

### **LD 1466    An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	OTP-AM ONTP	S-186 H-529    HYMANSON P

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill directs the Department of Health and Human Services to increase MaineCare payment rates for certain personal care and related services, including those set forth in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 12, Allowances for Consumer-Directed Attendant Services; Chapter III, Section 19, Home and Community Benefits for Elderly and Adults with Disabilities; and Chapter III, Section 96, Private Duty Nursing and

## *Joint Standing Committee on Health and Human Services*

Personal Care Services; and in 10-149, Chapter 5: Office of Aging and Disability Services Policy Manual, Section 63, In-Home and Community Support Services for Elderly and Other Adults; and 14-197, Chapter 11: Consumer Directed Personal Assistance Services. For fiscal year 2017-18, these payment rates will be increased to the levels necessary to fully fund and implement the recommendations in "Rate Review for Personal Care and Related Services: Final Rate Models," the report prepared by Burns & Associates, Inc. dated February 1, 2016. For fiscal year 2018-19, these payment rates are increased by an additional 10%.

The bill directs the department to increase MaineCare payment rates for certain adult family care services, adult day services and homemaker services, including those set forth in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 2, Adult Family Care Services; Chapter III, Section 26, Day Health Services; and in 10-149 Chapter 5: Office of Aging and Disability Services Policy Manual, Section 61, Adult Day Services and Section 69, Independent Support Services Program. For fiscal year 2017-18, these payment rates will be increased by 10%. For fiscal year 2018-19, these payment rates will be increased by an additional 10%.

The bill directs the department to increase MaineCare payment rates for nursing facilities set forth in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities. For fiscal year 2017-18, an extraordinary circumstance supplemental allowance will be made that is equal to 10% of the portion of each facility's prospective and final prospective rate that is attributable to wages and wage-related benefits in both the direct care cost component and routine care cost component. For fiscal year 2018-19, an additional extraordinary circumstance supplemental allowance of 10% will be made. In each year, this supplemental allowance will be provided as part of each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement. This supplemental allowance will also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages and wage-related benefits, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental allowance added to prospective payment rates.

The bill directs the department to increase MaineCare payment rates for facilities set forth in 10-144, Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Appendix C, Principles of Reimbursement for Medical and Remedial Service Facilities; and 10-144, Chapter 115: Principles of Reimbursement for Residential Care Facilities - Room and Board Costs. For fiscal year 2017-18, a supplemental payment will be provided equal to 10% of the portion of the facility's per diem rate that is attributable to wages, wage-related benefits and workers' compensation. For fiscal year 2018-19, an additional supplemental payment of 10% will be provided. In each year, this supplemental payment will be added to the per diem rate until the department adjusts the direct care pricer, the routine limit and the personal care services limit, as applicable, to incorporate this 10% increase going forward. In each year, this increase will be provided as part of each facility's per diem rate notwithstanding any otherwise applicable caps or limits on reimbursement. In each year, this supplemental payment will also be allowed and paid at final audit to the full extent that the facility has reported increased costs for wages, wage-related benefits and workers' compensation, notwithstanding any otherwise applicable caps or limits on reimbursement, including without limitation the amount of the supplemental payment added to prospective payment rates.

The bill also establishes the Commission To Study Long-term Care Workforce Issues.

### **Committee Amendment "A" (S-186)**

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

1. Instead of the 10% increase proposed in the bill, the amendment provides that rate increases for fiscal year 2018-19 for all services in the bill must be paid according to the inflation adjustment cost-of-living percentage change to reimbursement in accordance with the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index medical care services index.
2. The amendment provides that rate increases for fiscal year 2019-20 and annually thereafter for those services must be paid using the same adjustment as fiscal year 2018-19 until a rate study has been completed by the

***Joint Standing Committee on Health and Human Services***

Department of Health and Human Services, conducted by a third party and including the participation of providers, and the rates in the rate study have been implemented.

- 3. It changes the date of the report from the Commission To Study Long-term Care Workforce Issues from October 15, 2017 to December 2, 2017.
- 4. It adds an appropriations and allocations section.

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

This amendment amends Committee Amendment "A" to limit increases for nursing facilities so as not to exceed federally established upper payment limits.

This amendment was not adopted.

**House Amendment "B" To Committee Amendment "A" (H-529)**

This amendment replaced House Amendment "A". It incorporates the changes made by House Amendment "A" to Committee Amendment "A", removes the emergency preamble and emergency clause and changes the reporting deadline for the Commission To Study Long-term Care Workforce Issues.

The substance of this bill was incorporated into Public Law 2017, chapter 460.

**LD 1474 An Act To Reduce the Regulation of Child Care Facilities**

**ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill makes a number of changes to the child care system in the State.

- 1. It repeals Public Law 2011, chapter 380, Part UU, which set the child care subsidy payment rates of the Department of Health and Human Services at the 50th percentile of local market rates. This bill increases the payment rates to the 75th percentile of local market rates for payments the department makes on behalf of recipients of benefits under the child care subsidy program, recipients of benefits under TANF and recipients of benefits under ASPIRE-TANF.
- 2. It allows recipients of child care subsidies to pay the difference out of pocket between the amount of subsidy received and the amount charged by the child care provider.
- 3. It exempts from licensure family child care providers, nursery schools and small child care facilities that care for fewer than five children. Current law maintains this exemption for fewer than three children.
- 4. It establishes a five-year license and certification for child care providers that have been continuously in business without compliance violations. The cost of a five-year license or certification is 150% of the current two-year license or certification.
- 5. It specifies that when an inspection is prompted by a complaint the investigator may investigate only the specific complaint and not conduct an inspection that is unrelated to the complaint.
- 6. It removes the authority of the department to post complaints and investigation results on the department's

*Joint Standing Committee on Health and Human Services*

website.

7. It establishes the Child Care Appeal Review Panel to review disputes related to the licensing and certification of child care facilities. This includes revocations, suspensions, denials, demotions to conditional status, rule compliance issues and denials of requests for alternative compliance methods. The review panel members are appointed by the Governor for five-year terms. The director of the office of licensing and regulatory services within the department is the chair of the panel but does not vote. The Office of the Attorney General provides legal counsel to the review panel. The department is required to abide by decisions made by the review panel.

8. It allows a child care provider to employ on a provisional basis an employee for 90 days before receiving a background check report from the Background Check Center.

9. It requires the department to develop a sliding scale plan to allow recipients of child care subsidies to keep part of the subsidy for a period of time after the recipient earns sufficient income to no longer be eligible for the subsidy. The Joint Standing Committee on Health and Human Services is authorized to report out a bill relating to eliminating the so-called welfare cliff with respect to child care subsidies after receiving the plan.

10. It requires the department to make a number of changes to rules governing licensed child care facilities and certified family child care providers regarding staff-child ratios, qualifications of staff, providing inspection reports to facilities at the time of inspection, removing requirements for references for owners and staff, removing requirements of spare clothing and removing specific requirements for the type of food provided.

**LD 1481      Resolve, To Establish a Pilot Project To Provide Travel Vouchers to      ONTP**  
**Persons with Disabilities in Rural Communities**

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

This resolve was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This resolve incorporates the recommendations of the Statewide Independent Living Council's travel voucher working group convened pursuant to Public Law 2015, chapter 452, section 3. It requires the Department of Health and Human Services to issue a request for proposals for a one-year pilot project to develop travel voucher transportation programs for individuals with disabilities living in rural areas of the State. The department is required to report on the progress and implementation of the project to the Joint Standing Committee on Health and Human Services no later than November 30, 2018.

**LD 1494      An Act To Increase the Availability of Foster Homes      Died On**  
**Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D	OTP-AM	H-396

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. The bill was then carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill eliminates the requirement that the State Fire Marshal inspect a family foster home and certify that it meets

## *Joint Standing Committee on Health and Human Services*

all elements of the fire safety code before the Department of Health and Human Services may issue a license to operate as a family foster home. The bill moves the inspection responsibility to the Department of Health and Human Services, which is directed to adopt rules governing the method of inspection.

### **Committee Amendment "A" (H-396)**

The amendment adds an appropriations and allocations section.

### **LD 1495     An Act To Break the Generational Cycle of Domestic Violence**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD F BRAKEY E	ONTP	

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill provides that a nonprofit organization that provides counseling and educational services to children who are affected by domestic violence and that receives referrals from a parent, guardian or relative of a child affected by domestic violence or a school, law enforcement agency, health care organization, health care provider or domestic violence resource center may apply to the Department of Health and Human Services for funding for these services. The bill directs the department to divide the State into eight regions for purposes of providing funding to these nonprofit organizations and to provide funding in all eight regions. In determining which nonprofit organizations to fund, the department must consider, among other factors, how much money each nonprofit organization spends on administration versus direct services and must give special consideration to nonprofit organizations that minimize administrative expenses and to nonprofit organizations in rural areas. Services provided by the nonprofit organization must be targeted to children who are two years of age or older and under 12 years of age. The bill provides that the department must report on the implementation of these provisions to the joint standing committee of the Legislature having jurisdiction over public safety matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than November 7, 2018.

### **LD 1517     Resolve, To Ensure Access to Behavioral Health Services**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A CHIPMAN B	OTP-AM ONTP	H-491

This bill was reported out of committee as a resolve in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill establishes the Behavioral Health Oversight Council to review reimbursement rate-setting for certain behavioral health services provided under MaineCare and advise the Commissioner of Health and Human Services, the Commissioner of Corrections and the Commissioner of Public Safety regarding the behavioral health system in the State. It sets out requirements for reimbursement rate-setting to be used by the Department of Health and Human Services to determine rates for certain behavioral health services provided under MaineCare. It directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 13, 17, 23, 28, 65 and 97 to increase reimbursement rates by fiscal year 2018-19 to reflect a 20%

*Joint Standing Committee on Health and Human Services*

increase from rates in fiscal year 2008-09.

**Committee Amendment "A" (H-491)**

This amendment, which is the majority report of the committee, strikes the bill and makes it a resolve. The amendment retains the section in the bill that increases reimbursement rates by June 1, 2018. The increase in that section is changed from 20% to 2%, which must be applied to employee wages and benefits. The amendment specifies that increases to Section 97, Private Non-Medical Institution Services include only Appendix B and Appendix E. The amendment adds an appropriations and allocations section.

The substance of this resolve was incorporated in Public Law 2017, chapter 460.

**LD 1527      An Act To Ensure Safety, Quality and Transparency in the Medical      ONTP  
                  Marijuana Market and To Ensure Sufficient Funding for Regulation  
                  and Enforcement with Respect to the Retail Marijuana Industry**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill amends the Maine Medical Use of Marijuana Act in the following ways.

1. It imposes mandatory testing, labeling and record-keeping requirements on registered dispensaries. It provides that registered dispensaries are subject to inspection by the local fire department, building inspector or code enforcement officer to confirm that no health or safety concerns are present and that local health and safety ordinances apply to registered dispensaries.
2. It imposes mandatory testing, labeling and record-keeping requirements on registered primary caregivers. It provides that registered primary caregivers are subject to inspection by the Department of Health and Human Services to ensure regulatory compliance. It provides that registered primary caregivers are subject to inspection by the local fire department, building inspector or code enforcement officer to confirm that no health or safety concerns are present and that local health and safety ordinances apply to registered primary caregivers.
3. It provides that mandatory testing of medical marijuana and medical marijuana products may be conducted by testing facilities licensed under either the Maine Medical Use of Marijuana Act or the Marijuana Legalization Act.
4. It imposes a special tax of 20% on retail marijuana and retail marijuana products sold by retail marijuana stores and retail marijuana social clubs to ensure that the tax revenue generated is sufficient to fund enforcement and regulation with respect to the retail marijuana industry. It also provides that in addition to this special tax, retail marijuana and retail marijuana products are subject to the state sales tax.

The substance of this bill was incorporated in LD 1539.

*Joint Standing Committee on Health and Human Services*

**LD 1539 An Act To Amend Maine's Medical Marijuana Law**

**PUBLIC 452**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D	OTP-AM OTP-AM	H-765 S-530 BRAKEY E S-539 LANGLEY B S-540 KATZ R

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. The bill was again carried over from the Second Regular Session to the next special session by joint order S.P. 748.

This bill amends the laws governing the cultivation, possession and use of medical marijuana. It:

1. Amends definitions to add terms and to expand upon or provide clarity for existing terms;
2. Amends the qualifying condition of intractable pain to include pain that a medical provider determines is not managed effectively by prescription narcotics and allows a medical provider the discretion to issue a written certification for any medical condition that the physician believes may be alleviated by the patient's using marijuana for medical use. It also requires consultation with a minimum of three medical professionals, one of whom may be selected by the petitioner, prior to accepting or denying a petition to add a debilitating medical condition as a qualifying condition;
3. Replaces the limit of 2 1/2 ounces of marijuana that may be dispensed to a qualifying patient who is a Maine resident during a 15-day period with a limit of no more than two pounds in one transfer;
4. Allows a qualifying patient who is cultivating marijuana to furnish seeds and plants to another qualifying patient;
5. Permits a qualifying patient to designate more than one primary caregiver to assist the patient; the additional primary caregivers may not cultivate marijuana for the patient;
6. Prohibits a visiting qualifying patient, who is not a resident of Maine, from cultivating marijuana;
7. Permits a primary caregiver designated to cultivate marijuana to furnish seeds and plants to an authorized person;
8. Increases the number of employees that a registered cultivating primary caregiver may employ. A primary caregiver designated to cultivate can employ one person for each registry identification card the caregiver is issued;
9. Permits a primary caregiver designated to cultivate marijuana to dispose of marijuana by transferring the marijuana to a designated primary caregiver; current law allows the transfer to a dispensary;
10. Allows for certain authorized transfers of marijuana by a primary caregiver designated to cultivate marijuana for reasonable compensation;
11. Allows a primary caregiver who is assisting no more than two patients who are members of the primary caregiver's household or family to not register with the department;
12. Authorizes a primary caregiver designated to cultivate marijuana to cultivate up to six mature marijuana plants per registry identification card. The maximum number of plants allowed for cultivation is the same as in current law;



## *Joint Standing Committee on Health and Human Services*

13. Removes the limit of 2 1/2 ounces of prepared marijuana and establishes the allowable amount of harvested marijuana to be up to eight pounds that may be possessed by a patient or authorized person on behalf of a patient. It also establishes the allowable amount of marijuana to be up to eight pounds per registry identification card for a designated primary caregiver required to register, no more than eight pounds per patient, up to two patients, for a primary caregiver not required to register and eight pounds per patient for a dispensary designated by a patient;
14. Establishes tracking and reporting requirements for primary caregivers and dispensaries;
15. Permits the Department of Health and Human Services to inspect areas related to marijuana for medical use to assess compliance with the laws regulating marijuana;
16. Reduces the review period from ten days to three business days for a second physician consultation in order for a qualifying patient who is a minor to obtain a written certification when there is a list of consulting physicians and permits a physician to proceed with certification for a minor in the absence of a consulting physician list maintained by the department. It allows the Medical Use of Marijuana Fund to be used at the department's discretion to reimburse families for the cost of the required consultation by a second physician;
17. Extends the immunity existing for dispensary employees, principal officers and board members to registered primary caregivers and their employees;
18. Authorizes the department, in addition to law enforcement agencies, to remove marijuana determined to be in excess of allowable limits;
19. Permits the department to establish a period of time when persons who have had authorizations denied or revoked are ineligible for reauthorization;
20. Requires a cardholder to notify the department when the information on the card issued by the department is inaccurate or changes;
21. Amends fees for various registrations;
22. Adds a sanction for a person found to be in possession of a registry identification card issued to another person; and
23. Provides for an opportunity for an informal hearing process for specified persons aggrieved by a department enforcement action.

### **Committee Amendment "A" (H-765)**

This amendment is the majority report of the committee. It replaces the bill and makes the following changes to the Maine Medical Use of Marijuana Act. The amendment:

1. Eliminates the list of debilitating medical conditions for which a medical provider may provide a written certification and instead allows a medical provider to certify use to patients who have a medical diagnosis that may be alleviated by the therapeutic or palliative use of marijuana;
2. Eliminates the requirement that qualifying patients designate a primary caregiver or dispensary as the sole provider of cultivation services or medical marijuana;
3. Increases the possession limit in law for qualifying patients and unregistered caregivers from 2 1/2 ounces to eight pounds, which was the amount previously authorized in rules adopted by the Department of Health and Human Services;

## *Joint Standing Committee on Health and Human Services*

4. Increases the possession limit for registered caregivers and dispensaries from an amount based on the number of patients who have designated the registered caregiver or dispensary to the amount that the registered caregiver or dispensary cultivated or otherwise lawfully acquired;
5. Allows registered caregivers and dispensaries to sell up to 30% of the marijuana the registered caregiver or dispensary cultivated to another registered caregiver or dispensary in wholesale transactions;
6. Authorizes qualifying patients, caregivers and dispensaries to manufacture marijuana products as long as certain substances that are considered hazardous are not used;
7. Authorizes qualifying patients, caregivers and dispensaries to produce marijuana concentrate using substances that are considered hazardous if certain safety and inspection requirements are met;
8. Establishes a registration process for persons and entities that are not qualifying patients, caregivers or dispensaries to manufacture marijuana products and to engage in marijuana extraction using substances that are considered hazardous if certain safety and inspection requirements are met;
9. Expands the authorization of a qualifying patient to use medical marijuana in certain assisted living and residential care facilities, in addition to hospice and nursing facilities, as long as that use is consistent with the facility's policy;
10. Allows medical marijuana testing facilities to operate in the absence of rules adopted by the Department of Health and Human Services if the facilities meet certain standards;
11. Establishes packaging, labeling and marketing requirements for the sale of medical marijuana;
12. Requires registered caregivers, dispensaries, marijuana testing facilities and manufacturing facilities to track marijuana within the medical marijuana program from seeds to final user;
13. Requires registered caregivers, dispensaries, marijuana testing facilities and manufacturing facilities to maintain books and records and allows the Department of Health and Human Services to inspect those books and records;
14. Establishes additional authority for the Department of Health and Human Services to oversee medical marijuana-related activities, including the authority to inspect registered caregiver operations, dispensaries, marijuana testing facilities and manufacturing facilities during regular business hours or hours of apparent activity without notice, except that the department may not enter the dwelling unit of a registered caregiver to undertake an inspection if the caregiver is not present;
15. Requires that records containing patient information be kept in a manner that does not allow identification of the patient or be kept confidential;
16. Directs the Department of Health and Human Services to issue six registration certificates to dispensaries, in addition to the eight dispensaries existing on April 1, 2018, to different entities, except that an existing dispensary may be awarded one additional registration certificate if its application is approved by the department;
17. Prohibits the Department of Health and Human Services from limiting the number of dispensary registration certificates issued after January 1, 2021;
18. Removes the requirement in current law that a dispensary must operate as a nonprofit business entity;
19. Clarifies that municipalities may regulate registered caregivers, registered dispensaries, medical marijuana manufacturing facilities and marijuana testing facilities, except that municipalities may not prohibit or limit the

## *Joint Standing Committee on Health and Human Services*

number of registered caregivers; and

20. Establishes a grant program to support objective scientific research funded by revenue from the Medical Use of Marijuana Fund and requires the Department of Health and Human Services to adopt rules to implement the grant program by March 1, 2019.

The amendment also allows businesses that are not permitted to deduct business expenses under federal law due to the United States Internal Revenue Code of 1986, Section 280E to deduct business expenses to the same extent as if those expenses were not excluded from deduction for federal tax purposes and requires the cost of these deductions, as well as the cost of administering these deductions, to be paid from the Medical Use of Marijuana Fund, to the extent that funds are available in the fund for those purposes.

The amendment also requires the Department of Health and Human Services to consult with statewide associations representing licensed medical professionals to develop and provide educational materials related to medical marijuana.

The amendment adds an appropriations and allocations section.

### **Committee Amendment "B" (H-766)**

This amendment is the minority report of the committee. It replaces the bill and makes the following changes to the Maine Medical Use of Marijuana Act. The amendment:

1. Eliminates the list of debilitating medical conditions for which a medical provider may provide a written certification and instead allows a medical provider to certify use to patients who have a medical diagnosis that may be alleviated by the therapeutic or palliative use of marijuana;
2. Eliminates the requirement that qualifying patients designate a primary caregiver or dispensary as the sole provider of cultivation services or medical marijuana;
3. Increases the possession limit in law for qualifying patients and unregistered caregivers from 2 1/2 ounces to eight pounds, which was the amount previously authorized in rules adopted by the Department of Health and Human Services;
4. Increases the possession limit for registered caregivers and dispensaries from an amount based on the number of patients who have designated the registered caregiver or dispensary to the amount that the registered caregiver or dispensary cultivated or otherwise lawfully acquired;
5. Allows registered caregivers and dispensaries to sell up to 30% of the marijuana the registered caregiver or dispensary cultivated to another registered caregiver or dispensary in wholesale transactions;
6. Authorizes qualifying patients, caregivers and dispensaries to manufacture marijuana products as long as certain substances that are considered hazardous are not used;
7. Authorizes qualifying patients, caregivers and dispensaries to produce marijuana concentrate using substances that are considered hazardous if certain safety and inspection requirements are met;
8. Establishes a registration process for persons and entities that are not qualifying patients, caregivers or dispensaries to manufacture marijuana products and to engage in marijuana extraction using substances that are considered hazardous if certain safety and inspection requirements are met;
9. Expands the authorization of a qualifying patient to use medical marijuana in certain assisted living and residential care facilities, in addition to hospice and nursing facilities, as long as that use is consistent with the

## *Joint Standing Committee on Health and Human Services*

facility's policy;

10. Allows medical marijuana testing facilities to operate in the absence of rules adopted by the Department of Health and Human Services if the facilities meet certain standards;
11. Establishes packaging, labeling and marketing requirements for the sale of medical marijuana;
12. Requires registered caregivers, dispensaries, marijuana testing facilities and manufacturing facilities to track marijuana within the medical marijuana program from seeds to final user;
13. Requires registered caregivers, dispensaries, marijuana testing facilities and manufacturing facilities to maintain books and records and allows the Department of Health and Human Services to inspect those books and records;
14. Establishes additional authority for the Department of Health and Human Services to oversee medical marijuana-related activities, including the authority to inspect registered caregiver operations, dispensaries, marijuana testing facilities and manufacturing facilities during regular business hours or hours of apparent activity without notice, except that the department may not enter the dwelling unit of a registered caregiver to undertake an inspection if the caregiver is not present;
15. Requires that records containing patient information be kept in a manner that does not allow identification of the patient or be kept confidential;
16. Removes the limit on the number of dispensaries that may operate;
17. Prohibits the Department of Health and Human Services from limiting the number of dispensary registration certificates issued after January 1, 2021;
18. Removes the requirement in current law that a dispensary must operate as a nonprofit business entity;
19. Clarifies that municipalities may regulate registered caregivers, registered dispensaries, medical marijuana manufacturing facilities and marijuana testing facilities, except that municipalities may not prohibit or limit the number of registered caregivers; and
20. Establishes a grant program to support objective scientific research funded by revenue from the Medical Use of Marijuana Fund and requires the Department of Health and Human Services to adopt rules to implement the grant program by March 1, 2019.

The amendment also allows businesses that are not permitted to deduct business expenses under federal law due to the United States Internal Revenue Code of 1986, Section 280E to deduct business expenses to the same extent as if those expenses were not excluded from deduction for federal tax purposes and requires the cost of these deductions, as well as the cost of administering these deductions, to be paid from the Medical Use of Marijuana Fund, to the extent that funds are available in the fund for those purposes.

The amendment also requires the Department of Health and Human Services to consult with statewide associations representing licensed medical professionals to develop and provide educational materials related to medical marijuana.

The amendment adds an appropriations and allocations section.

### **Senate Amendment "D" To Committee Amendment "A" (S-530)**

This amendment corrects cross-references and terms in the Maine Medical Use of Marijuana Act to conform to the Maine Revised Statutes, Title 28-B, Adult Use Marijuana, as enacted in Public Law 2017, chapter 409.

## *Joint Standing Committee on Health and Human Services*

This amendment also provides for the change in the terms "primary caregiver" and "registered primary caregiver" to "caregiver" and "registered caregiver," respectively.

### **Senate Amendment "G" To Committee Amendment "A" (S-539)**

This amendment requires a caregiver, except for a caregiver who is a parent, guardian or person having legal custody of the qualifying patient, designated to possess medical marijuana for use by a qualifying patient and administer medical marijuana to a qualifying patient who is enrolled in primary or secondary school to submit to the same background check applicable to education personnel. The background check required includes fingerprinting.

This amendment also clarifies that a parent, guardian or person having legal custody of a qualifying patient who is enrolled in school may possess medical marijuana for use by that qualifying patient and administer medical marijuana to that qualifying patient.

### **Senate Amendment "H" To Committee Amendment "A" (S-540)**

This amendment provides that a registered caregiver may operate one retail store to sell harvested marijuana to qualifying patients. It provides that a municipality may not prohibit registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this legislation and that a municipality may not authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this legislation to operate in the municipality unless the municipal legislative body has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities to operate within the municipality.

### **Enacted Law Summary**

Public Law 2017, chapter 452:

1. Eliminates the list of debilitating medical conditions for which a medical provider may provide a written certification and instead allows a medical provider to certify use to patients who have a medical diagnosis that may be alleviated by the therapeutic or palliative use of marijuana;
2. Eliminates the requirement that qualifying patients designate a primary caregiver or dispensary as the sole provider of cultivation services or medical marijuana;
3. Increases the possession limit in law for qualifying patients and unregistered caregivers from 2 1/2 ounces to eight pounds, which was the amount previously authorized in rules adopted by the Department of Health and Human Services;
4. Increases the possession limit for registered caregivers and dispensaries from an amount based on the number of patients who have designated the registered caregiver or dispensary to the amount that the registered caregiver or dispensary cultivated or otherwise lawfully acquired;
5. Allows registered caregivers and dispensaries to sell up to 30% of the marijuana the registered caregiver or dispensary cultivated to another registered caregiver or dispensary in wholesale transactions;
6. Authorizes qualifying patients, caregivers and dispensaries to manufacture marijuana products as long as certain substances that are considered hazardous are not used;
7. Authorizes qualifying patients, caregivers and dispensaries to produce marijuana concentrate using substances that are considered hazardous if certain safety and inspection requirements are met;
8. Establishes a registration process for persons and entities that are not qualifying patients, caregivers or

## *Joint Standing Committee on Health and Human Services*

- dispensaries to manufacture marijuana products and to engage in marijuana extraction using substances that are considered hazardous if certain safety and inspection requirements are met;
9. Expands the authorization of a qualifying patient to use medical marijuana in certain assisted living and residential care facilities, in addition to hospice and nursing facilities, as long as that use is consistent with the facility's policy;
  10. Allows medical marijuana testing facilities to operate in the absence of rules adopted by the Department of Health and Human Services if the facilities meet certain standards;
  11. Establishes packaging, labeling and marketing requirements for the sale of medical marijuana;
  12. Requires registered caregivers, dispensaries, marijuana testing facilities and manufacturing facilities to track marijuana within the medical marijuana program from seeds to final user;
  13. Requires registered caregivers, dispensaries, marijuana testing facilities and manufacturing facilities to maintain books and records and allows the Department of Health and Human Services to inspect those books and records;
  14. Establishes additional authority for the Department of Health and Human Services to oversee medical marijuana-related activities, including the authority to inspect registered caregiver operations, dispensaries, marijuana testing facilities and manufacturing facilities during regular business hours or hours of apparent activity without notice, except that the department may not enter the dwelling unit of a registered caregiver to undertake an inspection if the caregiver is not present;
  15. Requires that records containing patient information be kept in a manner that does not allow identification of the patient or be kept confidential;
  16. Directs the Department of Health and Human Services to issue six registration certificates to dispensaries, in addition to the eight dispensaries existing on April 1, 2018, to different entities, except that an existing dispensary may be awarded one additional registration certificate if its application is approved by the department;
  17. Prohibits the Department of Health and Human Services from limiting the number of dispensary registration certificates issued after January 1, 2021;
  18. Removes the requirement in current law that a dispensary must operate as a nonprofit business entity;
  19. Establishes a grant program to support objective scientific research funded by revenue from the Medical Use of Marijuana Fund and requires the Department of Health and Human Services to adopt rules to implement the grant program by March 1, 2019;
  20. Clarifies that a registered caregiver may operate one retail store to sell harvested marijuana to qualifying patients;
  21. Provides that a municipality may not prohibit registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this legislation and that a municipality may not authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this legislation to operate in the municipality unless the municipal legislative body has voted to adopt or amend an ordinance or approve a warrant article allowing registered caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities to operate within the municipality;
  22. Allows businesses that are not permitted to deduct business expenses under federal law due to the United States

## *Joint Standing Committee on Health and Human Services*

Internal Revenue Code of 1986, Section 280E to deduct business expenses to the same extent as if those expenses were not excluded from deduction for federal tax purposes and requires the cost of these deductions, as well as the cost of administering these deductions, to be paid from the Medical Use of Marijuana Fund, to the extent that funds are available in the fund for those purposes;

23. Requires a caregiver, except for a caregiver who is a parent, guardian or person having legal custody of the qualifying patient, designated to possess medical marijuana for use by a qualifying patient and administer medical marijuana to a qualifying patient who is enrolled in primary or secondary school to submit to the same background check applicable to education personnel. The background check required includes fingerprinting. It also clarifies that a parent, guardian or person having legal custody of a qualifying patient who is enrolled in school may possess medical marijuana for use by that qualifying patient and administer medical marijuana to that qualifying patient;

24. Requires the Department of Health and Human Services to consult with statewide associations representing licensed medical professionals to develop and provide educational materials related to medical marijuana; and

25. Corrects cross-references and terms in the Maine Medical Use of Marijuana Act to conform to the Maine Revised Statutes, Title 28-B, Adult Use Marijuana, as enacted in Public Law 2017, chapter 409. It also provides for the change in the terms "primary caregiver" and "registered primary caregiver" to "caregiver" and "registered caregiver," respectively.

### **LD 1612     An Act To Support Maine Families through Universal Family Care**

**ONTP**

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

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session.

This bill establishes the Universal Family Care Program of universal child care and in-home and community support services for all individuals and families who are eligible. Eligibility for universal child care is based on the age of the child, and eligibility for in-home and community support services is based on medical eligibility. Income is not a factor for eligibility. The bill establishes the Universal Family Care Trust Fund, which is managed by a board composed of members who represent child care providers, home care agencies, employees of child care providers and home care agencies and consumers of child care and home care services. The board employs professional staff and receives advice from an advisory committee composed of the Commissioner of Health and Human Services, the Commissioner of Education and the Commissioner of Labor as well as the Treasurer of State, the President of the Senate and the Speaker of the House of Representatives. Base funding for universal child care is from child care funds from the Temporary Assistance for Needy Families program and the federal Child Care and Development Fund block grant. Base funding for universal in-home and community support services is from federal matching funding related to home and community support services and state funding for elder services provided in the home.

To complete the funding for the Universal Family Care Program, the Department of Administrative and Financial Services, Bureau of Revenue Services is directed to develop and submit to the Joint Standing Committee on Health and Human Services draft legislation to establish universal family care taxes. The taxes are to be structured to include three elements: a tax on wages that is substantially equivalent to the federal Social Security's Old-Age, Survivors, and Disability Insurance program tax, but that applies only to earnings above the annual contribution and benefit base of the federal tax; a self-employment tax applicable to taxpayers who are subject to the federal Self-Employment Contributions Act tax that is equivalent to that tax and applies to net earnings above the annual limit subject to taxation under that federal tax; and a tax equal to the wage and self-employment taxes that is imposed on unearned annual income and that applies in a manner similar to the federal Net Investment Income Tax. The bill directs the Joint Standing Committee on Health and Human Services to report out a bill to the Second

***Joint Standing Committee on Health and Human Services***

Regular Session of the 128th Legislature to establish universal family care taxes to fully fund the Universal Family Care Program.

**LD 1661    Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention**

**RESOLVE 48  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-675

This resolve provides for legislative review of portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

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

This amendment provides that the Department of Health and Human Services may finally adopt portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a provisionally adopted major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, only if the rule is modified to:

1. Clarify that parents are allowed to visit and observe at the child care site at any time the provider is open rather than specifying documentation of the policy for parental visitation at the child care site;
2. Clarify that provider-child ratios are based on ages and not on developmental stages;
3. Clarify that a single provider may care for eight children aged two to five years and two children over five years old;
4. Change the age of the children of the licensee being included in provider-child ratios from under the age of three to under the age of four;
5. Change the requirement that climbing equipment must be six feet from hard surfaces to requiring that it be located at a sufficient distance to prevent injury;
6. Clarify that the 36-inch-high threshold for requiring energy-absorbing materials refers to the height of the climbable or standing surface and remove the requirement that the rubber tiles and mats used beneath the equipment must be approved by the American Society for Testing and Materials;
7. Remove the requirement that the depth of energy-absorbing materials around climbers and slides be six inches or greater and instead require a sufficient amount of material to prevent injury, and clarify that the equipment includes swings in addition to climbers and slides;
8. Remove requirements that energy-absorbing materials around playground equipment extend at least six feet in all directions and instead require the materials to extend beyond the equipment in all directions to prevent injury in the event of a fall; and
9. Clarify that a person assigned by a provider to drive children enrolled in care must complete training for transportation of children every two years to match the training requirements in other sections of the rule.

**Enacted Law Summary**



*Joint Standing Committee on Health and Human Services*

Resolve 2017, chapter 48 authorizes the Department of Health and Human Services to finally adopt portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a provisionally adopted major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, as long as the rule is modified to:

1. Clarify that parents are allowed to visit and observe at the child care site at any time the provider is open rather than specifying documentation of the policy for parental visitation at the child care site;
2. Clarify that provider-child ratios are based on ages and not on developmental stages;
3. Clarify that a single provider may care for eight children aged two to five years and two children over five years old;
4. Change the age of the children of the licensee being included in provider-child ratios from under the age of three to under the age of four;
5. Change the requirement that climbing equipment must be six feet from hard surfaces to requiring that it be located at a sufficient distance to prevent injury;
6. Clarify that the 36-inch-high threshold for requiring energy-absorbing materials refers to the height of the climbable or standing surface and remove the requirement that the rubber tiles and mats used beneath the equipment must be approved by the American Society for Testing and Materials;
7. Remove the requirement that the depth of energy-absorbing materials around climbers and slides be six inches or greater and instead require a sufficient amount of material to prevent injury, and clarify that the equipment includes swings in addition to climbers and slides;
8. Remove requirements that energy-absorbing materials around playground equipment extend at least six feet in all directions and instead require the materials to extend beyond the equipment in all directions to prevent injury in the event of a fall; and
9. Clarify that a person assigned by a provider to drive children enrolled in care must complete training for transportation of children every two years to match the training requirements in other sections of the rule.

Resolve 2017, chapter 48 was finally passed as an emergency measure effective April 15, 2018.

**LD 1664      Resolve, Regarding Legislative Review of Portions of Chapters 126 and 261: Immunization Requirements for School Children, Joint Major Substantive Rules of the Department of Education and the Department of Health and Human Services**

**RESOLVE 32  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP  
OTP-AM

This resolve provides for legislative review of portions of Chapters 126 and 261: Immunization Requirements for School Children, joint major substantive rules of the Department of Education and the Department of Health and Human Services.

**Committee Amendment "A" (H-588)**

This amendment is the minority report of the committee. It amends the resolve to not authorize portions of Chapters

## Joint Standing Committee on Health and Human Services

126 and 261: Immunization Requirements for School Children, joint major substantive rules of the Department of Education and the Department of Health and Human Services that were submitted to the Legislature.

### Enacted Law Summary

Resolve 2017, chapter 32 authorizes portions of Chapters 126 and 261: Immunization Requirements for School Children, joint major substantive rules of the Department of Education and the Department of Health and Human Services that were submitted to the Legislature regarding requirements for students to receive the meningococcal immunization.

Resolve 2017, chapter 32 was finally passed as an emergency measure effective March 7, 2018.

### LD 1665      **An Act To Maintain Mental Health Staffing at the Dorothea Dix Psychiatric Center and Support Statewide Forensic Services**      **PUBLIC 380**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-602

This bill makes permanent six limited-period Mental Health Worker I positions at the Dorothea Dix Psychiatric Center and transfers funds from All Other to Personal Services.

### Committee Amendment "A" (H-602)

This amendment strikes and replaces the bill's appropriations and allocations section.

### Enacted Law Summary

Public Law 2017, chapter 380 makes permanent six limited-period Mental Health Worker I positions at the Dorothea Dix Psychiatric Center.

### LD 1675      **An Act To Clarify Definitions in the Laws Regarding the Licensing of Eating Establishments and Lodging Places**      **PUBLIC 322**

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

This bill repeals the definition of "eating and lodging place" in the laws regarding campgrounds, recreational camps, youth camps and eating establishments and removes references to the term in other provisions of law. It clarifies the definition of "eating establishment" to provide exceptions to a broad definition and amends other provisions of law to agree with the changes.

### Enacted Law Summary

Public Law 2017, chapter 322 repeals the definition of "eating and lodging place" in the laws regarding campgrounds, recreational camps, youth camps and eating establishments and removes references to the term in other provisions of law. It clarifies the definition of "eating establishment" to provide exceptions to a broad definition and amends other provisions of law to agree with the changes.

*Joint Standing Committee on Health and Human Services*

**LD 1676 An Act Expanding the Authority of the Maine Elder Death Analysis Review Team To Investigate Deaths and Serious Injuries of Persons with Intellectual Disabilities or Autism**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DENNO D	OTP-AM OTP-AM	H-770

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill reestablishes the Office of Advocacy, abolished in 2011, in the Department of Health and Human Services as an internal agency to protect the interests of individuals with intellectual disabilities and autism.

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

This amendment, which is the majority report of the committee, replaces the bill. It establishes the Panel To Review Deaths of and Serious Injuries to Persons with Intellectual Disabilities or Autism. The panel consists of 14 members, including a panel coordinator who is an employee of the Department of Health and Human Services, Maine Center for Disease Control and Prevention and is a registered nurse and a member appointed by the Maine Developmental Services Oversight and Advisory Board. Other members of the panel are appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives. Terms are for three years, and members receive expenses if they are not already compensated by their employers. The panel coordinator must review all cases of death of and serious injury to persons with intellectual disabilities or autism receiving adult developmental services and determine those that require further review by the panel. Other individuals may refer cases to the panel, and the panel may choose additional cases from the list of cases provided by the panel coordinator. The panel has access to records necessary for the review. The panel must provide reports to the Commissioner of Health and Human Services and the Maine Developmental Services Oversight and Advisory Board with findings and recommendations. The panel is required to provide reports to the Legislature on an annual basis and may provide trend analyses to the Legislature as necessary. Legislative reports are public documents. The amendment also adds an appropriations and allocations section.

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

This amendment, which is the minority report of the committee, replaces the bill. It requires the Maine Elder Death Analysis Review Team created in the Office of the Attorney General to undertake an examination of all deaths and serious injuries of persons with intellectual disabilities or autism receiving adult developmental services from the Department of Health and Human Services. The Office of the Attorney General is required to examine all cases of death or serious injury and refer cases to the Maine Elder Death Analysis Review Team in which the death or serious injury was not expected or could have been prevented and cases for which there were system issues identified or there were other issues that indicate that a case should be reviewed. The team must identify whether systems that assist or protect persons receiving adult developmental services are sufficient for the particular circumstances or whether improvement is necessary. The team must recommend methods for improvement to the Office of the Attorney General and the Department of Health and Human Services. The amendment also adds the director of the office within the Department of Health and Human Services that provides adult developmental services to persons with intellectual disabilities or autism to the Maine Elder Death Analysis Review Team. The amendment also adds an appropriations and allocations section.

*Joint Standing Committee on Health and Human Services*

**LD 1682    An Act To Ensure the Quality of and Increase Access to Recovery Residences**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S VACHON K	OTP-AM ONTP	S-411

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill directs the Department of Health and Human Services to establish standards for recovery residences based on standards established by the National Alliance for Recovery Residences. It also authorizes the Bridging Rental Assistance Program to assist persons with substance use disorders involving opioids with housing placement in recovery residences, including residences in which residents share rooms.

**Committee Amendment "A" (S-411)**

This amendment is the majority report of the committee. It adds definitions of "person recovering from a substance use disorder" and "recovery residence" and directs the Department of Health and Human Services to establish a voluntary certification process for recovery residences. It also directs the Maine State Housing Authority to create a pilot project to provide a short-term rental subsidy to a person recovering from a substance use disorder to reside in a certified recovery residence.

It also adds recovery to substance abuse prevention and treatment in the context of activities and services under the laws addressing alcohol and drug abuse. It also adds an appropriations and allocations section.

**LD 1707    An Act To Reduce the Cost of Care Resulting from Blood-borne Infectious Diseases**

**PUBLIC 464**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K VOLK A	OTP-AM ONTP	H-604 H-648 VACHON K

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides funds to support hypodermic apparatus, or syringe, exchange programs.

**Committee Amendment "A" (H-604)**

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

**House Amendment "A" (H-648)**

This amendment removes from the bill the emergency preamble, the emergency clause and the General Fund appropriation for fiscal year 2017-18.

**Enacted Law Summary**

Public Law 2017, chapter 464 provides funds to support hypodermic apparatus, or syringe, exchange programs.

***Joint Standing Committee on Health and Human Services***

**LD 1708      Resolve, Directing the Department of Health and Human Services To Allow Relatives and Legal Guardians To Provide Home and Community-based Services to Eligible Members      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	OTP-AM	H-664

This bill was carried over as a resolve on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill allows a MaineCare member approved for consumer-directed attendant services under the MaineCare program to hire any family member, including a spouse, or a legal guardian to provide those services in the home or community. It requires the Department of Health and Human Services to submit a waiver request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than January 1, 2019. The department is required to adopt rules within 180 days of receiving approval for the waiver.

**Committee Amendment "A" (H-664)**

This amendment replaces the bill with a resolve. The amendment requires the Department of Health and Human Services to submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the current 1915(c) waiver so that eligible members receiving home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 will be able to receive services provided by relatives, including spouses, or legal guardians who are employed to provide those services. It requires the department to amend its rules after the amended waiver approval has been received from the Federal Government. The amendment requires the department to provide an interim report and a final report regarding the progress in applying for, receiving and implementing the amended waiver, as well as data on the number of individuals receiving services from relatives, including spouses, or legal guardians, any information about costs or savings and recommendations about the feasibility for similarly expanding other MaineCare programs or other potential waiver programs available under Medicaid. It also adds an appropriations and allocations section.

**LD 1709      An Act To Allow the Maine Developmental Services Oversight and Advisory Board Access to Investigations of Suspicious Deaths and Mortality Reviews Performed by the Department of Health and Human Services      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARKER J	OTP-AM ONTP	H-702

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill grants the Maine Developmental Services Oversight and Advisory Board direct access to the personal planning and other records of a person receiving adult developmental services, subject to appropriate safeguards to protect the person's right to confidentiality, and grants the board direct access to the records of an investigation into the suspicious death of or the records of a mortality review pertaining to a person with intellectual disabilities or autism, subject to appropriate safeguards for the privacy of the deceased person. It also requires the Department of Health and Human Services to notify the board of any report made to a medical examiner regarding a mandated reporter's knowledge or reasonable suspicion that an adult receiving adult developmental services has died as a

***Joint Standing Committee on Health and Human Services***

result of abuse or neglect.

**Committee Amendment "A" (H-702)**

This amendment is the majority report of the committee. It clarifies that records being accessed by the Maine Developmental Services Oversight and Advisory Board are records that are in the possession of the Department of Health and Human Services and do not include records generated by a hospital. The department is required to implement the requirements of this legislation within existing resources.

**LD 1710 An Act To Restore Maine's School-based Health Centers**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J MAKER J	OTP-AM ONTP	H-635 H-667 HANDY J

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill restores funding to Maine's school-based health centers to the level of funding provided in fiscal year 2016-17.

**Committee Amendment "A" (H-635)**

This amendment, which is the majority report of the committee, provides that funding for school-based health centers is a one-time appropriation from the Fund for a Healthy Maine and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to provide ongoing funding for school-based health centers in the First Regular Session of the 129th Legislature.

**House Amendment "A" To Committee Amendment "A" (H-667)**

This amendment strikes the emergency preamble and emergency clause and replaces the appropriations and allocations section.

The substance of this bill was incorporated into Public Law 2017, chapter 460.

**LD 1711 Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D MAKER J	OTP-AM ONTP	H-737 S-523 HAMPER J

This resolve was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve establishes within the Department of Health and Human Services a pilot project to provide rapid access to low-barrier treatment for substance use disorders and stable housing to support recovery and create stability for 50 opioid users who are among the most vulnerable and unstable in the State. It directs the department to implement the pilot project no later than September 1, 2018, and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by March 15, 2019. The joint standing

***Joint Standing Committee on Health and Human Services***

committee is authorized to submit legislation regarding the pilot project, including legislation to continue the pilot project, to the First Regular Session of the 129th Legislature.

**Committee Amendment "A" (H-737)**

This amendment is the majority report of the committee. It strikes and replaces the resolve. Like the resolve, the amendment establishes within the Department of Health and Human Services a pilot project to provide rapid access to low-barrier treatment for substance use disorders and stable housing to support recovery and create stability for 50 opioid users who are among the most vulnerable and unstable in the State. The amendment details the pilot project objectives, eligibility criteria for pilot project participants and services that must be provided to those participants, including medication-assisted treatment, intensive case management services and financial and case management assistance to ensure immediate and continued access to stable housing. The amendment requires an independent evaluation of the pilot project and directs the department to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the pilot project by March 15, 2019. The joint standing committee is authorized to submit legislation regarding the pilot project, including legislation to continue or to expand the pilot project, to the First Regular Session of the 129th Legislature.

**Senate Amendment "A" To Committee Amendment "A" (S-523)**

This amendment reduces the number of opioid users to be served by the homeless opioid users service engagement pilot project from 50 to 25 and replaces the appropriations and allocations section. It also changes the date by which the Department of Health and Human Services must issue a request for proposals and implement the pilot project through social service contracts.

**LD 1712 An Act Regarding Health Care Ombudsman Services**

**ONTP**

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

This bill allows Medicaid contracted ombudsman support services to be expanded to support an eligible member applying for federal Affordable Care Act special enrollment health insurance coverage to be paid for by the eligible member.

**LD 1713 An Act To Improve Housing Support in the Bridging Rental Assistance Program**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BELLOWS S	OTP-AM ONTP	H-663

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill requires a participant in the Bridging Rental Assistance Program to contribute the same amount toward rent that is required of a participant in the housing voucher program administered by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8.

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

This amendment is the majority report of the committee. It requires that participants in the Bridging Rental

## *Joint Standing Committee on Health and Human Services*

Assistance Program accept a Section 8 voucher when it becomes available. The amendment provides a start date of July 1, 2018, for the requirement in the bill that the Department of Health and Human Services require a program participant to contribute the same amount toward rent that is required of a participant in a housing voucher program administered by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8. It directs the Department of Health and Human Services to ensure that no program participants lose assistance during the transition to the new contribution amount. It also adds an appropriations and allocations section.

**LD 1714    An Act To Clarify Liability Pertaining to the Collection of Debts of  
MaineCare Providers by the Department of Health and Human Services**

**PUBLIC 442  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	H-674

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill clarifies requirements for the definition of an ownership or control relationship for purposes of determining when the Department of Health and Human Services may offset debts owed to the department by a provider against current MaineCare reimbursement due to that provider or an entity related to that provider. It clarifies that the department may not offset current reimbursement owed to an entity related by ownership or control to the provider unless the person whose relationship is the subject of the offset has the voting power to govern the operation of the provider owing the debt. The bill prohibits the department from imposing liability for a debt owed by a provider on any person except a provider notified in accordance with statute of the debt or a person subject to collection by offset. The bill retains the provision in current law allowing the department to recover a debt by seeking a civil penalty for a false claim.

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

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2017, chapter 442 clarifies requirements for the definition of an ownership or control relationship for purposes of determining when the Department of Health and Human Services may offset debts owed to the department by a provider against current MaineCare reimbursement due to that provider or an entity related to that provider. It clarifies that the department may not offset current reimbursement owed to an entity related by ownership or control to the provider unless the person whose relationship is the subject of the offset has the voting power to govern the operation of the provider owing the debt. It prohibits the department from imposing liability for a debt owed by a provider on any person except a provider notified in accordance with statute of the debt or a person subject to collection by offset. It retains the provision in current law allowing the department to recover a debt by seeking a civil penalty for a false claim.

Public Law 2017, chapter 442 was enacted as an emergency measure effective July 4, 2018.

**LD 1715    An Act To Ensure Rural Patient Populations Receive Safe and Effective  
Health Care**

**ONTP**

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



## *Joint Standing Committee on Health and Human Services*

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

This bill proposes to ensure that patient populations located in rural areas of the State receive safe and effective health care by placing certain reporting and approval requirements on an acute care or critical access hospital that is considering closure or terminating or reducing services. Any such hospital would need to provide at least six months' notice to the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to the planned date of closure of the hospital or the termination or reduction of services. The hospital would also need to provide a study to the committee conducted by an independent third party describing the impact of the closure or the termination or reduction of services on the patient population. Any closure or any termination or reduction of services would require approval prior to taking effect.

### **LD 1730     An Act To Change the Procedures for Veterinarians in the Controlled Substances Prescription Monitoring Program**

**PUBLIC 360**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM	S-422

This bill eliminates the requirement that veterinarians check prescription monitoring information under the Controlled Substances Prescription Monitoring Program upon prescribing certain medications, including opioids. It also changes the continuing education requirement to require a veterinarian who prescribes opioid medication to successfully complete three hours of continuing education every two years on the administration, prescription and management of controlled substances. Current law requires such a veterinarian to successfully complete three hours of continuing education every two years on the prescription of opioid medication.

#### **Committee Amendment "A" (S-422)**

This amendment retains the provisions of the bill that remove veterinarians from the definition of "prescriber" in the laws governing the Controlled Substances Prescription Monitoring Program so that veterinarians are not required to check the program when prescribing controlled substances, including opioids. The amendment provides that veterinarians who dispense benzodiazepines or opioid medications for animals are "dispensers" within the Controlled Substances Prescription Monitoring Program. It requires a veterinarian who dispenses a benzodiazepine or an opioid medication to check prescription monitoring information except when the veterinarian is operating in mobile or emergency circumstances or is dispensing less than 48 hours of medication. The amendment reestablishes the waiver on electronic prescribing of opioids that expired on July 1, 2017. The amendment includes benzodiazepines under the waiver and provides that the waiver extends until July 1, 2022, unless an electronic platform becomes available earlier as determined by the Commissioner of Health and Human Services. After electronic prescribing is required, veterinarians may apply for a waiver from the Commissioner of Health and Human Services. The amendment retains the changes made by the bill to the continuing education requirements for veterinarians but reduces the amount of continuing education required for administration, prescription and management of controlled substances from three hours every two years to one hour every two years and specifies that the requirements apply to veterinarians who prescribe benzodiazepines as well as to veterinarians who prescribe opioid medications. It allows the State Board of Veterinary Medicine to adopt rules rather than requiring rulemaking.

#### **Enacted Law Summary**

Public Law 2017, chapter 360 makes a number of changes to the requirements for veterinarians in the laws governing the Controlled Substances Prescription Monitoring Program.

1. It removes veterinarians from the definition of "prescriber" so that veterinarians are not required to check the Controlled Substances Prescription Monitoring Program when prescribing controlled substances, including opioids. Veterinarians who dispense benzodiazepines or opioid medications for animals are defined as "dispensers" under the

*Joint Standing Committee on Health and Human Services*

law. A veterinarian who dispenses a benzodiazepine or an opioid medication is required to check prescription monitoring information except when the veterinarian is operating in mobile or emergency circumstances or is dispensing less than 48 hours of medication.

2. It extends the waiver on electronic prescribing of opioids until July 1, 2022, unless an electronic platform becomes available earlier as determined by the Commissioner of Health and Human Services. It also includes benzodiazepines under the waiver. After electronic prescribing becomes required, veterinarians may apply for a waiver from the Commissioner of Health and Human Services.

3. It broadens the content of continuing education requirements to include administration and management of opioid medications as well as prescription of opioid medications. It reduces the number of hours required from three hours every two years to one hour every two years. It allows the State Board of Veterinary Medicine to adopt rules rather than requiring rulemaking.

**LD 1737     An Act To Preserve Medication Management for Persons with Mental Health Needs**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C DENNO D	OTP-AM	S-379

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides funding for a 25% rate increase for the medication management services provided under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services.

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

This amendment decreases the rate increase proposed in the bill from 25% to 15% and provides funding for a 15% rate increase for the medication management services provided under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services.

The substance of this bill was incorporated in Public Law 2017, chapter 460.

**LD 1742     Resolve, To Support Vulnerable Seniors by Funding Assisted Living Programs**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J FREDETTE K	OTP-AM ONTP	S-364

This resolve was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve provides increased funding for the provision of assisted living services at facilities currently operating at a loss, including, but not limited to, facilities in Bangor, Millinocket, Camden and Sanford. It directs the Department of Health and Human Services to conduct a review of possible ways to stabilize funding for affordable assisted living facilities that contract with the office of aging and disability services within the Department of

***Joint Standing Committee on Health and Human Services***

Health and Human Services, including permanent increases to existing funding levels, paying the medical costs of certain residents until they are eligible for MaineCare coverage, a practice known as Rate Code 53 spending, and designating facilities as private nonmedical institutions. It directs the department to report back with its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 11, 2019.

**Committee Amendment "A" (S-364)**

This amendment, which is the majority report of the committee, clarifies that the \$500,000 funding for assisted living services is one-time funding. It also removes the language that specifies that certain assisted living facilities receive the funding, as all seven facilities are operating at a loss.

The substance of this resolve was incorporated in Public Law 2017, chapter 460.

**LD 1748      An Act Regarding Rules Governing Family Child Care Provider      ONTP  
Licensing**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R POULIOT M	ONTP	

This bill requires the Department of Health and Human Services to amend its rule Chapter 33: Family Child Care Provider Licensing Rule to include provisions relating to parent involvement, the availability of copies of the rule, rights for children, the ages of children living with a provider who are counted in the staff-to-child ratio, compliance with the federal Americans with Disabilities Act of 1990, reasonable modifications and accommodations and rights to a service plan that are identical in substance to the rule Chapter 33 that was in effect on September 15, 2017. It defines the terms "infant," "toddler" and "preschool child," requires providers to complete cardiopulmonary resuscitation, first aid and mandated reporter training within 30 days of employment and requires providers to be at least 18 years of age. It requires the child-to-staff ratio for toddlers to be the same as the child-to-staff ratio for infants. It requires the department to adopt rules pertaining to the quality of the program provided. It provides that rules for family child care providers adopted by the department are major substantive rules.

**LD 1762      An Act To Ensure Sustainable Health Care Access in the Jackman      PUBLIC 451  
Region      EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRIGNON C	OTP-AM ONTP	H-676 S-516    HAMPER J

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill appropriates \$495,000 to the Jackman Community Health Center to ensure sustainable health care access in the Jackman region.

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

This amendment is the majority report of the committee. It reduces from \$495,000 to \$150,000 the amount appropriated to the Jackman Community Health Center.

**Senate Amendment "A" To Committee Amendment "A" (S-516)**

This amendment changes the appropriation of funding from fiscal year 2017-18 to fiscal year 2018-19.

## Joint Standing Committee on Health and Human Services

### Enacted Law Summary

Public Law 2017, chapter 451 appropriates \$150,000 to the Jackman Community Health Center to ensure sustainable health care access in the Jackman region.

Public Law 2017, chapter 451 was enacted as an emergency measure effective July 9, 2018.

#### LD 1771 An Act To Stabilize Vulnerable Families

PUBLIC 415

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A VACHON K	OTP-AM	S-449

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

This bill proposes to enact measures designed to help stabilize vulnerable families by encouraging the prioritization of families for subsidized housing and other services.

#### Committee Amendment "A" (S-449)

This amendment replaces the bill, which is a concept draft. It requires the Department of Health and Human Services to issue a request for proposals for two housing-based programs for mothers affected by substance use disorder who have at least one child under 10 years of age when entering the program. The mothers in the programs must receive stable housing and comprehensive services that support recovery and unification with their children. The services provided include care coordination, health care, child care, early childhood education, home supports, after-school programming, parenting education, treatment for mental health and substance use disorder, postsecondary education, community-based transportation and employment supports. The programs must include data collection to assess long-term recovery outcomes, transition to employment and independence. The amendment also adds an appropriations and allocations section for child care and contracted services in the integrated treatment and recovery for families program.

### Enacted Law Summary

Public Law 2017, chapter 415 requires the Department of Health and Human Services to issue a request for proposals for two housing-based programs for mothers affected by substance use disorder who have at least one child under 10 years of age when entering the program. The mothers in the programs must receive stable housing and comprehensive services that support recovery and unification with their children. The services provided include care coordination, health care, child care, early childhood education, home supports, after-school programming, parenting education, treatment for mental health and substance use disorder, postsecondary education, community-based transportation and employment supports. The programs must include data collection to assess long-term recovery outcomes, transition to employment and independence.

#### LD 1774 An Act To Reduce Child Poverty by Leveraging Investments in Families for Tomorrow

PUBLIC 387

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S VOLK A	OTP-AM	H-687

This bill establishes two programs intended to strengthen the financial stability of low-income families with children and individuals through increased access to education and training services and the support services needed to participate.

## *Joint Standing Committee on Health and Human Services*

The first program is a food supplement employment and training program that requires partnership agreements to be made between the Department of Health and Human Services and third-party educational institutions or community-based organizations that meet certain standards to provide education, training and support services to eligible adults who are food supplement benefit recipients. This program is supported with federal supplemental nutrition assistance program funds.

The second program is a companion to the current Parents as Scholars Program and is available to persons with minor children who do not qualify for cash assistance under the Temporary Assistance for Needy Families program, who have incomes at or below 185% of the federal poverty level and who are pursuing a postsecondary degree, industry-recognized certificate or similar credential in a field or occupation that has at least an average job outlook as identified by the Department of Labor. This program is funded with Temporary Assistance for Needy Families block grant funds.

### **Committee Amendment "A" (H-687)**

This amendment strikes and replaces the bill. It removes the food supplement employment and training program established in the bill. It makes the following changes to the Working Families Parents as Scholars Program.

1. It renames the program the Higher Opportunity for Pathways to Employment Program and establishes it in a new chapter in the Maine Revised Statutes, Title 22.
2. It changes eligibility for the program from applicants or participants who are not qualified for Temporary Assistance for Needy Families cash assistance to those who are qualified but are not receiving Temporary Assistance for Needy Families cash assistance.
3. It limits participation in the program to 500 participants.
4. It adds an asset limit for eligibility.
5. It allows the Commissioner of Health and Human Services to limit or suspend the program if sufficient funding is not available.
6. It limits participation for four-year undergraduate degrees to those fields of health care, technology and engineering determined by department rules to allow for changing employment needs in the State.
7. It removes the responsibility for determining aptitude for completion of an educational program and determining satisfactory educational progress from the institution providing the educational program.
8. It removes the provision related to expanding work study opportunities.

The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2017, chapter 387 establishes the Higher Opportunity for Pathways to Employment Program. A person eligible to participate in the program must qualify for Temporary Assistance for Needy Families but is not receiving Temporary Assistance for Needy Families cash assistance and must be enrolled in an education or training program that results in an industry-recognized certificate, a postsecondary undergraduate two-year degree or a postsecondary four-year degree in a health care, technology or engineering field. The program is limited to no more than 500 participants and may be suspended by the Commissioner of Health and Human Services if there is insufficient funds to support the program.

*Joint Standing Committee on Health and Human Services*

**LD 1778      Resolve, Regarding Medicaid Reimbursement for Rehabilitation Hospitals**

**RESOLVE 41  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E DION M	OTP-AM	H-622

This resolve directs the Department of Health and Human Services to increase the Medicaid reimbursement rate provided to rehabilitation hospitals. This increase in the Medicaid reimbursement rate must be funded using existing hospital reimbursement resources and have no net cost to the General Fund, Other Special Revenue Funds or the Federal Expenditures Fund.

**Committee Amendment "A" (H-622)**

This amendment provides the exact amount of the increased reimbursement rate for rehabilitation hospitals and provides that the rate increase is retroactive to July 1, 2017. It clarifies the source of existing hospital reimbursement resources to be used to fund the increase.

**Enacted Law Summary**

Resolve 2017, chapter 41 directs the Department of Health and Human Services to increase the Medicaid reimbursement rate provided to rehabilitation hospitals retroactive to July 1, 2017. This increase in the Medicaid reimbursement rate must be funded using existing hospital reimbursement resources and have no net cost to the General Fund, Other Special Revenue Funds or the Federal Expenditures Fund.

Resolve 2017, chapter 41 was finally passed as an emergency measure effective April 5, 2018.

**LD 1800      Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 33  
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 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2017, chapter 33 authorizes adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2017, chapter 33 was finally passed as an emergency measure effective March 7, 2018.

*Joint Standing Committee on Health and Human Services*

**LD 1801      Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 35  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-623

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services.

**Committee Amendment "A" (H-623)**

This amendment provides that the Department of Health and Human Services may finally adopt portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a provisionally adopted major substantive rule, only if the rule is modified. The required modification relates to documentation for the audit of services provided. The proposed rule requires documentation showing the hours and the name of the direct care staff scheduled to work with the member. The required modification requires that the documentation show the hours and the name of the direct care staff scheduled to work at the facility. This conforms with the requirements of Resolve 2017, chapter 15.

**Enacted Law Summary**

Resolve 2017, chapter 35 authorizes adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2017, chapter 35 was finally passed as an emergency measure effective March 26, 2018.

**LD 1811      An Act Regarding Rules Governing the Medical Use of Marijuana Program**

**INDEF PP**

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

This bill was reported by the committee pursuant to joint order 2017 H.P. 1241.

This bill prohibits the Department of Health and Human Services from adopting or enforcing rules that are not identical in substance to the rules in effect on January 31, 2018 governing the medical use of marijuana. The prohibition is repealed 90 days after the adjournment of the Second Regular Session of the 128th Legislature. The bill further directs the department to adopt rules governing the medical use of marijuana program that are identical in substance to the rules in effect on January 31, 2018 within two business days of the effective date of the enactment of this legislation.

*Joint Standing Committee on Health and Human Services*

**LD 1820      Resolve, Regarding Increases in Reimbursement Rates for Certain  
Children's Habilitative Services under MaineCare**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-642

This resolve was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve directs the Department of Health and Human Services to adopt major substantive rules amending rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28 by April 1, 2018, to increase reimbursement rates for children's habilitative services and specialized children's habilitative services in accordance with the April 24, 2017, report "Rate Study for Behavioral Health and Targeted Case Management Services: Final Proposed Rates for Formal Rulemaking" prepared for the department by Burns & Associates, Inc.

**Committee Amendment "A" (H-642)**

This amendment clarifies that the Burns & Associates, Inc. report recommended increasing rates and establishing new rates for providers of certain types of services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28. The amendment also adds an appropriations and allocations section.

The substance of this resolve was incorporated in Public Law 2017, chapter 460.

**LD 1863      An Act Regarding the Limit on the Number of Children Who May Be  
Placed in a Single Foster Home**

**PUBLIC 372  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-430

This bill allows a family foster home to exceed the limitation on the total number of children in care if the Department of Health and Human Services determines it to be in the best interest of a child.

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

The amendment allows a family foster home to exceed the limitation on the total number of children allowed in the family foster home in an individual case involving unusual circumstances if the Department of Health and Human Services determines it to be appropriate, instead of basing the exception on a determination by the department of the best interest of the child, as proposed in the bill. This amendment also adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2017, chapter 372 allows a family foster home to exceed the limitation on the total number of children allowed in the family foster home in an individual case involving unusual circumstances if the Department of Health and Human Services determines it to be appropriate.

Public Law 2017, chapter 372 was enacted as an emergency measure effective April 9, 2018.



***Joint Standing Committee on Health and Human Services***

**LD 1864      An Act To Establish Universal Home Care for Seniors and Persons with Disabilities      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This initiated bill was not referred to committee. This initiated bill establishes the Universal Home Care Program to provide in-home and community support services for all people with disabilities living in Maine who require assistance with an activity of daily living and people 65 years of age or older who are living in Maine and who require assistance with an activity of daily living, without regard to income, to be funded by a new tax of 3.8% on income and wages that exceed the maximum wages subject to social security employment taxes.

**LD 1868      Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C BREEN C	OTP-AM OTP-AM	H-729

This resolve was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve requires the Department of Health and Human Services to increase the MaineCare reimbursement rates for evidence-based therapies for treating emotional and behavioral problems in children to rates that cover all costs to the provider of delivering the services, including additional training, clear waiting lists and attract providers to all areas of the State, including underserved rural areas. These rates must be set on a per-case, per-week basis.

**Committee Amendment "A" (H-729)**

This amendment, which is the majority report of the committee, replaces the resolve. It requires the Department of Health and Human Services to increase reimbursement rates for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 20% until June 30, 2019. It requires the department to contract for a third-party rate study of the reimbursement rates for those therapies, including developing a rate set on a per-case, per-week basis rather than the current 15-minute increments. The rate study must also take into account the costs to providers of delivering the services, including additional training, and maintenance of fidelity to the treatment models. The rate study must be completed no later than December 1, 2018. The department must submit a report on the results of the study to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 30, 2019. The department is authorized to implement new rates through rulemaking as long as the rates are no lower than those that exist on April 1, 2018, and the rates are approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services. It also adds an appropriations and allocations section.

**Committee Amendment "B" (H-730)**

This amendment, which is the minority report of the committee, replaces the resolve. It requires the Department of Health and Human Services to increase reimbursement rates for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 15% until June 30, 2019. It requires the department to contract for a third-party rate study of the reimbursement rates for those therapies, including developing a rate set on a per case per week basis rather than the current 15-minute increments. The rate study must also take into

## *Joint Standing Committee on Health and Human Services*

account the costs to providers of delivering the services, including additional training, and maintenance of fidelity to the treatment models. The rate study must be completed no later than December 1, 2018. The department must submit a report on the results of the study to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 30, 2019. The department is authorized to implement new rates through rulemaking as long as the rates are no lower than those that exist on April 1, 2018, and the rates are approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services. It also adds an appropriations and allocations section.

The substance of Committee Amendment "A" was incorporated in Public Law 2017, chapter 460.

**LD 1871     An Act To Implement the Recommendations of the Task Force To  
Address the Opioid Crisis in the State Regarding Respectful Language**

**PUBLIC 407**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-463

This bill was reported by the committee pursuant to joint order 2017 S.P. 210, and then referred back to the committee for processing in the normal course. This bill implements a recommendation of the Task Force to Address the Opioid Crisis in the State. The bill replaces statutory references to "substance abuse" with "substance use disorder." It also replaces statutory references to "addict" with "person with substance use disorder." The changes in language are intended to be respectful and minimize stigma for individuals who suffer with this disorder. The bill directs the Department of Health and Human Services to replace references to "substance abuse" in its rules, forms, policies and publications with "substance use disorder." The bill is not intended to change eligibility requirements for services or benefits provided by the department or affect the State's eligibility or requirements for federal programs or grants.

### **Committee Amendment "A" (S-463)**

This amendment removes statutory references to "alcoholic" and "alcoholism" because "substance use disorder" includes both alcohol and drug dependence. It also removes statutory references to "drug-dependent person" as this term is included in the term "person with a substance use disorder." It changes the definition of "person with substance use disorder" that is in the bill to a definition similar to that used in the clinical setting. It also removes provisions from the bill that rename the Office of Substance Abuse and Mental Health in the Department of Health and Human Services. The amendment requires that all executive agencies, rather than only the Department of Health and Human Services, replace references to "substance abuse" with "substance use disorder" in rules, forms, policies and publications and specifies that those changes must occur as agencies amend or create those documents. The amendment also removes the emergency preamble and emergency clause.

### **Enacted Law Summary**

Public Law 2017, chapter 407 removes statutory references to "substance abuse," "addict," "alcoholic," "alcoholism" and "drug-dependent person" and replaces them with "substance use disorder" and "person with substance use disorder." The changes in language are intended to be respectful and minimize stigma for individuals who suffer with this disorder. New definitions are similar to those used in the clinical setting. Executive agencies are directed to replace outdated references in rules, forms, policies and publications as agencies amend or create these documents. The language changes in the law are not intended to change eligibility requirements for services or benefits provided by the Department of Health and Human Services or affect the State's eligibility or requirements for federal programs or grants.

***Joint Standing Committee on Health and Human Services***

**LD 1873     An Act To Align State-funded Benefits with Federal Eligibility Standards**

**INDEF PP**

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

This bill was not referred to committee.

Part A of this bill does the following:

1. It repeals the provision that requires the Department of Health and Human Services to provide a food supplement program benefit to noncitizens who would be eligible for federal Supplemental Nutrition Assistance Program benefits but for their status as aliens under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996;
2. It repeals the provision that requires the Department of Health and Human Services to provide state supplemental security income for noncitizens who would be eligible for federal supplemental security income but for their status as aliens under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996;
3. It repeals the provision that requires the Department of Health and Human Services to provide financial assistance to individuals who would be eligible for Temporary Assistance to Needy Families benefits but for their status as aliens under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and
4. It includes an appropriations and allocations section.

Part B of this bill does the following:

1. It amends the definition of "eligible person" in the municipal general assistance laws to repeal the provision in state law that affirmatively provides that a person who is lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief is eligible for municipal general assistance for up to 24 months and to instead state that these noncitizens are not eligible for state-funded general assistance; and
2. It includes an appropriations and allocations section.

**LD 1874     Resolve, To Ensure the Continued Provision of Services to Maine Children and Families**

**RESOLVE 56  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P THIBODEAU M	OTP-AM ONTP	H-738

This resolve prohibits, until April 1, 2019, the Department of Health and Human Services from reducing, eliminating or redirecting services or funding relating to programs designed to protect children and families. The resolve also prohibits the department from cancelling contracts awarded pursuant to RFP number 201509167, Community Partnerships for Protecting Children, and requires the department to renew those contracts.

**Committee Amendment "A" (H-738)**

This amendment is the majority report of the committee. The amendment replaces the resolve. It provides that:

**Joint Standing Committee on Health and Human Services**

1. The Department of Health and Human Services must continue contracts with the Community Partnerships for Protecting Children programs through at least January 31, 2019, either by not terminating the contracts or by reentering and maintaining new contracts; and
2. The department must develop a plan for providing the services currently provided by the Community Partnerships for Protecting Children programs, including the Parents as Partners program, and the role of child abuse and neglect prevention councils. The department must report the plan to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2019. The joint standing committee may report out a bill on the subject matter of this resolve to the First Regular Session of the 129th Legislature.

**Enacted Law Summary**

Resolve 2017, chapter 56 requires the Department of Health and Human Services to continue contracts with the Community Partnerships for Protecting Children for child abuse prevention programs through at least January 31, 2019, either by not terminating the contracts or by reentering and maintaining new contracts. The department must develop a plan for providing the services currently provided by the Community Partnerships for Protecting Children programs, including the Parents as Partners program, and the role of child abuse and neglect prevention councils. The department must report the plan to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2019. The joint standing committee may report out a bill on the subject matter of this resolve to the First Regular Session of the 129th Legislature.

Resolve 2017, chapter 56 was finally passed as an emergency measure effective May 2, 2018.

<b>LD 1899</b>	<b>Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment Regarding Assets in Retirement and Education Accounts</b>	<b>Died On Adjournment</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAS O	OTP-AM	H-761

This resolve was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve requires the Department of Health and Human Services to prepare and submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in order to make a change in Medicaid eligibility requirements for individuals with disabilities who are living with dependent children by disregarding assets held in qualifying retirement and education accounts.

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

This amendment adds an appropriations and allocations section.

<b>LD 1906</b>	<b>An Act To Allow Adults To Purchase Tobacco Products</b>	<b>INDEF PP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D		

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748.

***Joint Standing Committee on Health and Human Services***

This bill was not referred to committee.

Public Law 2017, chapter 308 increased the legal age for purchase or possession of tobacco products to 21 years of age, except for those persons who attained 18 years of age by July 1, 2018.

This bill reduces the legal age for purchase and possession of tobacco products to 18 years of age. This bill also allows a person who is 17 years of age to sell tobacco products if supervised by a person who is at least 18 years of age.

**LD 1909      **Resolve, To Fund a New Comprehensive Child Welfare Information System****

**Died On  
Adjournment**

Sponsor(s)  
HAMPER J

Committee Report

Amendments Adopted

This resolve was carried over from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve was not referred to committee.

This resolve directs the Department of Health and Human Services to conduct a needs analysis for its comprehensive child welfare information system, review possible solutions to meet those needs and purchase or develop a new system. It also provides funding for the development of a new comprehensive child welfare information system.

The substance of this resolve was incorporated in Public Law 2017, chapter 471.

**LD 1911      **An Act To Improve Access to Services for Adults with Serious and Persistent Mental Illness****

**Died On  
Adjournment**

Sponsor(s)  
MALABY R

Committee Report

Amendments Adopted

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748.

This bill was not referred to committee.

This bill establishes the right of an adult with serious and persistent mental illness who is denied access to services by a provider contrary to the terms of the provider's contract with the Department of Health and Human Services to seek department review of that action. If department review does not resolve the matter, the consumer may bring a private right of action in District Court for injunctive relief.

***Joint Standing Committee on Health and Human Services***

**LD 1919      An Act To Criminalize the Failure To Make a Report of Child Abuse or Neglect as Required by Statute      Accepted Majority (ONTP) Report**

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

This bill criminalizes the failure of a person to meet the requirement for certain persons to report or cause a report to be made to the Department of Health and Human Services or the appropriate district attorney's office when they know or have reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred. Under current law, such a person commits a civil violation. Under this bill, failure to report or cause a report to be made is also a Class E crime, punishable by a fine of not more than \$500 or imprisonment for not more than 30 days.

**Committee Amendment "A" (H-810)**

This amendment, which is the minority report of the committee, adds "intentionally or knowingly" as the culpable state of mind to the crime of failure to report.

**LD 1920      An Act To Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act      PUBLIC 472**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	OTP-AM ONTP OTP	S-546

This bill allows the department to retain all records created under the Child and Family Services and Child Protection Act and removes the current requirement that the Department of Health and Human Services expunge a record of a child protective services case for which there was a finding that the allegations were unsubstantiated after 18 months. The department may not publicly disclose information in an unsubstantiated record, but may allow information in any record to be introduced into evidence in an administrative or judicial proceeding.

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

This amendment, which is the majority report of the committee, replaces the bill. It increases the time for retention of unsubstantiated child protective services case records to no more than five years.

**Enacted Law Summary**

Public Law 2017, chapter 472 requires the Department of Health and Human Services to expunge a record of a child protective services case for which there was a finding that the allegations were unsubstantiated after five years.

**LD 1921      An Act To Grant the Department of Health and Human Services Access to Criminal History Information To Achieve the Purposes of the Child and Family Services and Child Protection Act      PUBLIC 473**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M	OTP-AM	S-547

## *Joint Standing Committee on Health and Human Services*

This bill authorizes the Department of Health and Human Services to access public and confidential criminal history record information to assist in preventing child abuse and neglect.

### **Committee Amendment "A" (S-547)**

This amendment specifies that the Department of Health and Human Services may request and receive confidential criminal history record information from the Department of Public Safety. It also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2017, chapter 473 authorizes the Department of Health and Human Services to access public and confidential criminal history record information to assist in preventing child abuse and neglect. It specifies that the Department of Health and Human Services may request and receive confidential criminal history record information from the Department of Public Safety.

**LD 1922      An Act To Amend the Child and Family Services and Child Protection Act      PUBLIC 470**

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

This bill amends the Child and Family Services and Child Protection Act to require that reasonable efforts be made to rehabilitate and reunify families as a means for protecting the welfare of children. Current law requires giving family rehabilitation and reunification priority as a means for protecting the welfare of children.

### **Enacted Law Summary**

Public Law 2017, chapter 470 amends the Child and Family Services and Child Protection Act to require that reasonable efforts be made to rehabilitate and reunify families as a means for protecting the welfare of children.

**LD 1923      An Act To Improve the Child Welfare System      PUBLIC 471  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM OTP-AM	S-548 H-811    MALABY R

This bill provides additional funding to enhance the child welfare system and services available to children in the care of the State. This bill also directs the Department of Health and Human Services to conduct a needs analysis for its comprehensive child welfare information system, review possible solutions to meet those needs and purchase or develop a new system. It also provides funding for the development of a new comprehensive child welfare information system.

### **Committee Amendment "A" (S-548)**

This amendment, which is the majority report of the committee, provides funding for the creation of 16 Human Services Caseworker positions and eight Customer Representative Associate II positions within the Department of Health and Human Services, Office of Child and Family Services. It requires the department to report on the progress of the department in implementing the provisions of the legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019. It also clarifies that the funding for the new child welfare information system is one-time funding and replaces the appropriations and allocations section.

## *Joint Standing Committee on Health and Human Services*

### **Committee Amendment "B" (S-549)**

This amendment, which is the minority report of the committee, clarifies that the funding for the new child welfare information system is one-time funding. It requires the Department of Health and Human Services to report on the progress of the department in implementing the provisions of the legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019. It also replaces the appropriations and allocations section.

### **House Amendment "A" To Committee Amendment "A" (H-811)**

This amendment requires the Department of Health and Human Services to contract for a third-party independent rate study to develop a separate rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy to be billed under rule Chapter 101: MaineCare Benefits Manual, Section 65. Currently, this therapy is available as outpatient therapy and home-based and community-based treatment under Section 65. The rate study must take into consideration the costs to providers of delivering the service, including certification and continuing education, quality assurance and continuous quality improvement, the need to attract enough providers to clear waiting lists and serve all areas of the State and the costs to ensure fidelity to the therapy model. The rate study must be completed no later than April 1, 2019, and the department must report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by May 1, 2019. The department must amend its rules to establish the new rate. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2017, chapter 471:

1. Provides funding to increase the daily reimbursement rates for the various categories of foster homes;
2. Provides funding to create a new Child Welfare Investigator position;
3. Provides funding for the creation of 16 Human Services Casework Supervisor positions and two Regional Associate Director for Child Welfare positions;
4. Provides funding for the creation of 16 Human Services Caseworker positions and eight Customer Representative Associate II positions within the Department of Health and Human Services, Office of Child and Family Services;
5. Provides funding for a \$5 per wage-hour stipend payment for Caseworkers, Caseworker Supervisors, Assistant Program Administrators and Program Administrator positions;
6. Provides funding for a \$1 per wage-hour stipend payment for Caseworkers, Caseworker Supervisors, Services Assistant Program Administrators and Program Administrator positions for those holding or obtaining a relevant master's degree;
7. Provides funding for the procurement of a pilot program to provide supportive visitation, including supervision of court-ordered visitation with the child's relatives and evaluation of parental capacity;
8. Provides funding for the procurement of clinical support and guidance of caseworker practice, including direct consultation with a clinician, training, staff functioning and debriefing;
9. Provides one-time funding for the development of a new comprehensive child welfare information system and directs the Department of Health and Human Services to conduct a needs analysis for its comprehensive child welfare information system, review possible solutions to meet those needs and purchase or develop a new system;
10. Requires the Department of Health and Human Services to contract for a third-party independent rate study to develop a separate rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy to be billed



*Joint Standing Committee on Health and Human Services*

under rule Chapter 101: MaineCare Benefits Manual, Section 65; and

11. Requires the department to report on the progress of the department in implementing the provisions of the legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019.

Public Law 2017, chapter 471 was enacted as an emergency measure effective September 7, 2018.



# *Joint Standing Committee on Health and Human Services*

## **SUBJECT INDEX**

### **Aging and Long-term Care**

#### **Not Enacted**

LD 20	An Act To Reimburse Nursing Homes for the Loss of Coinsurance and Deductibles for Skilled Nursing Beds under Rules Adopted by the Department of Health and Human Services	Died On Adjournment
LD 59	An Act To Provide Funding for a Therapeutic Adult Day Service Center	Died On Adjournment
LD 643	Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services	Died On Adjournment
LD 692	Resolve, To Provide Meals to Homebound Individuals	Died On Adjournment
LD 1097	An Act To Develop and Distribute Work Training Pamphlets To Educate State Agencies, Private Businesses and Other Organizations about Dementia	ONTP
LD 1188	An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes	Died On Adjournment
LD 1214	An Act To Create Fairness in Home-based Care Fees for Service	ONTP
LD 1314	Resolve, To Improve Access to Neurobehavioral Services	Died On Adjournment
LD 1612	An Act To Support Maine Families through Universal Family Care	ONTP
LD 1713	An Act To Improve Housing Support in the Bridging Rental Assistance Program	Died On Adjournment
LD 1742	Resolve, To Support Vulnerable Seniors by Funding Assisted Living Programs	Died On Adjournment
LD 1864	An Act To Establish Universal Home Care for Seniors and Persons with Disabilities	Died Between Houses

### **Child Care**

#### **Enacted**

LD 166	An Act To Increase Reimbursement for Child Care Services	PUBLIC 412
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LD 274	An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers	PUBLIC 457
LD 383	Resolve, Directing the Department of Health and Human Services To Develop a Plan To Strengthen the Quality and Supply of Child Care Services	RESOLVE 50
LD 1661	Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention	RESOLVE 48 EMERGENCY

**Not Enacted**

LD 230	An Act To Increase Access to Head Start	Died On Adjournment
LD 561	An Act To Remove the Requirement That Child Care Facility Workers and Family Child Care Providers Submit to Criminal Background Checks	Majority (ONTP) Report
LD 566	An Act To Improve Access to High-quality Child Care by Increasing Child Care Rates	ONTP
LD 765	An Act To Allow In-home Child Care Providers To Care for up to 5 Children without State Certification	ONTP
LD 999	An Act To Provide a Healthy Learning Environment in Early Care Settings by Requiring Rules Concerning Nutrition and Physical Activity	ONTP
LD 1148	An Act To Safeguard the Rights of Private Child Care Businesses	Died Between Houses
LD 1177	An Act To Create an Appeals Process for Child Care Providers	ONTP
LD 1374	Resolve, Directing the Department of Health and Human Services To Assess and Improve the Availability of Child Care Services	ONTP
LD 1423	An Act To Amend Certain Laws Governing Child Care Providers	Majority (ONTP) Report
LD 1474	An Act To Reduce the Regulation of Child Care Facilities	ONTP
LD 1748	An Act Regarding Rules Governing Family Child Care Provider Licensing	ONTP

**Children's Mental Health**

**Enacted**

LD 384	Resolve, To Clarify Reimbursement for Parent-only Programs under the MaineCare Program	RESOLVE 47
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**Not Enacted**

LD 902	Resolve, To Develop MaineCare Reimbursement Rates for Trauma-focused Cognitive Behavioral Therapy	Died On Adjournment
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### **Children's Services**

#### **Enacted**

LD 1863	An Act Regarding the Limit on the Number of Children Who May Be Placed in a Single Foster Home	PUBLIC 372 EMERGENCY
LD 1874	Resolve, To Ensure the Continued Provision of Services to Maine Children and Families	RESOLVE 56 EMERGENCY
LD 1920	An Act To Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act	PUBLIC 472
LD 1921	An Act To Grant the Department of Health and Human Services Access to Criminal History Information To Achieve the Purposes of the Child and Family Services and Child Protection Act	PUBLIC 473
LD 1922	An Act To Amend the Child and Family Services and Child Protection Act	PUBLIC 470
LD 1923	An Act To Improve the Child Welfare System	PUBLIC 471 EMERGENCY

#### **Not Enacted**

LD 270	An Act To Support Kinship Families by Creating a Kinship Care Navigator Program	Died On Adjournment
LD 1494	An Act To Increase the Availability of Foster Homes	Died On Adjournment
LD 1820	Resolve, Regarding Increases in Reimbursement Rates for Certain Children's Habilitative Services under MaineCare	Died On Adjournment
LD 1868	Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children	Died On Adjournment
LD 1909	Resolve, To Fund a New Comprehensive Child Welfare Information System	Died On Adjournment
LD 1919	An Act To Criminalize the Failure To Make a Report of Child Abuse or Neglect as Required by Statute	Majority (ONTP) Report

### **Departmental Organization and Administration**

#### **Not Enacted**

LD 562	An Act Concerning the Department of Health and Human Services	Leave to Withdraw Pursuant to Joint Rule 310
LD 1435	An Act To Ensure Transparency in the Distribution of Federal Block Grant Funds	Veto Sustained

### **Developmental Disabilities**

#### **Enacted**

LD 1800	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 33 EMERGENCY
LD 1801	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 35 EMERGENCY

#### **Not Enacted**

LD 106	An Act To Provide MaineCare Coverage for Dental Services to Adults with Intellectual Disabilities or Autism Spectrum Disorder	Died On Adjournment
LD 323	An Act To Fully Fund the Waiting List for the Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder Waiver	Died On Adjournment
LD 967	An Act To Ensure Access to Community Services for Persons with Intellectual Disabilities or Autism	Died On Adjournment
LD 1676	An Act Expanding the Authority of the Maine Elder Death Analysis Review Team To Investigate Deaths and Serious Injuries of Persons with Intellectual Disabilities or Autism	Veto Sustained
LD 1709	An Act To Allow the Maine Developmental Services Oversight and Advisory Board Access to Investigations of Suspicious Deaths and Mortality Reviews Performed by the Department of Health and Human Services	Veto Sustained

### **Disabilities**

#### **Not Enacted**

LD 1481	Resolve, To Establish a Pilot Project To Provide Travel Vouchers to Persons with Disabilities in Rural Communities	ONTP
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### **Health Care**

#### **Not Enacted**

LD 386	An Act To Establish Universal Health Care for Maine	ONTP
LD 1710	An Act To Restore Maine's School-based Health Centers	Died On Adjournment

### **Health Care Workforce**

#### **Not Enacted**

LD 1466	An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues	Died On Adjournment
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### **Hospitals**

#### **Enacted**

LD 401	An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities	PUBLIC 454
LD 1762	An Act To Ensure Sustainable Health Care Access in the Jackman Region	PUBLIC 451 EMERGENCY
LD 1778	Resolve, Regarding Medicaid Reimbursement for Rehabilitation Hospitals	RESOLVE 41 EMERGENCY

#### **Not Enacted**

LD 898	An Act To Address Mandatory Overtime for Hospital Professionals	ONTP
LD 1715	An Act To Ensure Rural Patient Populations Receive Safe and Effective Health Care	ONTP

### **Immunizations**

#### **Enacted**

LD 1664	Resolve, Regarding Legislative Review of Portions of Chapters 126 and 261: Immunization Requirements for School Children, Joint Major Substantive Rules of the Department of Education and the Department of Health and Human Services	RESOLVE 32 EMERGENCY
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#### **Not Enacted**

LD 272	An Act Requiring Meningococcal Meningitis Vaccinations for Teenagers	ONTP
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### **Lead Poisoning**

#### **Not Enacted**

LD 40	An Act To Strengthen Requirements for Water Testing for Schools	Veto Sustained
LD 691	An Act To Prevent Lead Poisoning in Children	ONTP

### **Licensing**

#### **Enacted**

LD 1675	An Act To Clarify Definitions in the Laws Regarding the Licensing of Eating Establishments and Lodging Places	PUBLIC 322
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### **Maternal/Infant**

#### **Not Enacted**

LD 1063	Resolve, To Reduce the Number of Substance-exposed Infants	Veto Sustained
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### **Medicaid/MaineCare**

#### **Enacted**

LD 320	An Act To Provide MaineCare Coverage for Chiropractic Treatment	PUBLIC 421
LD 687	Resolve, Regarding Reimbursement for Speech and Language Pathology Services	RESOLVE 60

LD 842	Resolve, To Support Home Health Services	RESOLVE 61
LD 1714	An Act To Clarify Liability Pertaining to the Collection of Debts of MaineCare Providers by the Department of Health and Human Services	PUBLIC 442 EMERGENCY
<b><u>Not Enacted</u></b>		
LD 267	Resolve, To Increase Certain Chiropractic Reimbursement Rates under the MaineCare Program	Died On Adjournment
LD 470	An Act To Strengthen Maine's Hospitals and Increase Access to Health Care	ONTP
LD 720	An Act To Provide Lung Cancer Screening for MaineCare Recipients	Died On Adjournment
LD 763	An Act To Support Individuals with Disabilities by Exempting Certain Wages from Consideration for MaineCare	ONTP
LD 998	An Act To Adequately Pay for Emergency Medical Services	Died On Adjournment
LD 1000	Resolve, To Increase Access to Brain Injury Waiver Services	Died On Adjournment
LD 1162	An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine	Died On Adjournment
LD 1708	Resolve, Directing the Department of Health and Human Services To Allow Relatives and Legal Guardians To Provide Home and Community-based Services to Eligible Members	Died On Adjournment
LD 1712	An Act Regarding Health Care Ombudsman Services	ONTP
LD 1737	An Act To Preserve Medication Management for Persons with Mental Health Needs	Died On Adjournment
LD 1899	Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment Regarding Assets in Retirement and Education Accounts	Died On Adjournment

### **Medical Use of Marijuana**

<b><u>Enacted</u></b>		
LD 238	An Act To Amend the Maine Medical Use of Marijuana Act	PUBLIC 447 EMERGENCY
LD 1539	An Act To Amend Maine's Medical Marijuana Law	PUBLIC 452
<b><u>Not Enacted</u></b>		
LD 411	An Act To Add Addiction to or Dependency on Opiates or Prescription Drugs to the List of Qualifying Conditions for Medical Marijuana	ONTP
LD 762	An Act To Allow a Percentage of Funds from the Medical Use of Marijuana Fund To Fund Health Care Research	ONTP
LD 1098	An Act To Ensure Reasonable Accommodations for Children for Whom Medical Marijuana Has Been Recommended	ONTP



LD 1135	An Act To Strengthen the Efficacy of the Medical Marijuana Laws	ONTP
LD 1527	An Act To Ensure Safety, Quality and Transparency in the Medical Marijuana Market and To Ensure Sufficient Funding for Regulation and Enforcement with Respect to the Retail Marijuana Industry	ONTP
LD 1811	An Act Regarding Rules Governing the Medical Use of Marijuana Program	INDEF PP

### **Mental Health**

#### **Enacted**

LD 1133	An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization	PUBLIC 461
LD 1665	An Act To Maintain Mental Health Staffing at the Dorothea Dix Psychiatric Center and Support Statewide Forensic Services	PUBLIC 380

#### **Not Enacted**

LD 186	An Act To Improve Peer Support Services	Leave to Withdraw Pursuant to Joint Rule 310
LD 966	An Act Regarding Persons with Mental Illness and Substance Use Disorders in Jails and Correctional Facilities	Died On Adjournment
LD 1189	An Act To Define the Age of Consent for Alcohol or Drug Treatment and Mental Health Services	Majority (ONTP) Report
LD 1517	Resolve, To Ensure Access to Behavioral Health Services	Died On Adjournment
LD 1911	An Act To Improve Access to Services for Adults with Serious and Persistent Mental Illness	Died On Adjournment

### **Oral Health/Dental Care**

#### **Not Enacted**

LD 1301	An Act To Improve Access to Preventive, Cost-saving Dental Services	Died On Adjournment
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### **Prescription Drugs**

#### **Enacted**

LD 1730	An Act To Change the Procedures for Veterinarians in the Controlled Substances Prescription Monitoring Program	PUBLIC 360
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#### **Not Enacted**

LD 1273	Resolve, To Redispense Donated Prescription Drugs	ONTP
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### **Public Assistance**

#### **Enacted**

LD 1774	An Act To Reduce Child Poverty by Leveraging Investments in Families for Tomorrow	PUBLIC 387
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**Not Enacted**

LD 1109	An Act To Establish Homelessness as an Emergency in the General Assistance Laws	Veto Sustained
LD 1873	An Act To Align State-funded Benefits with Federal Eligibility Standards	INDEF PP

**Public Health**

**Not Enacted**

LD 1433	An Act To Protect Maine Children from Lung Cancer by Requiring Radon Testing in Schools	Died On Adjournment
LD 1495	An Act To Break the Generational Cycle of Domestic Violence	ONTP

**Substance Use Disorder**

**Enacted**

LD 565	An Act Regarding the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists	PUBLIC 364
LD 1707	An Act To Reduce the Cost of Care Resulting from Blood-borne Infectious Diseases	PUBLIC 464
LD 1771	An Act To Stabilize Vulnerable Families	PUBLIC 415
LD 1871	An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Respectful Language	PUBLIC 407

**Not Enacted**

LD 605	An Act To Support Evidence-based Treatment for Opioid Use Disorder	ONTP
LD 812	Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County	Veto Sustained
LD 1430	An Act To Develop a Statewide Resource and Referral Center and Develop Hub-and-spoke Models To Improve Access, Treatment and Recovery for Those with Substance Use Disorder	Died On Adjournment
LD 1682	An Act To Ensure the Quality of and Increase Access to Recovery Residences	Died On Adjournment
LD 1711	Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services	Veto Sustained

**Tobacco Sale and Use**

**Not Enacted**

LD 1329	An Act To Allow Tobacco Retail Establishments To Serve Alcohol	Majority (ONTP) Report
LD 1906	An Act To Allow Adults To Purchase Tobacco Products	INDEF PP





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



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

**JOINT STANDING COMMITTEE ON INSURANCE AND  
FINANCIAL SERVICES**

October 2018

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REP. DWAYNE W. PRESCOTT  
REP. GARREL ROBERT CRAIG



*Joint Standing Committee on Insurance and Financial Services*

**LD 192      An Act To Require Insurance Coverage for Hearing Aids**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J BELLOWS S	OTP-AM	H-177 S-506    HAMPER J

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order, S.P. 748.

This bill requires insurance plans to provide coverage for hearing aids at a minimum of \$3,000 per hearing aid to all individuals with documented hearing loss.

**Committee Amendment "A" (H-177)**

This amendment makes the bill's requirements for coverage of hearing aids apply to insurance plans issued or renewed on or after January 1, 2019. The amendment also adds language exempting the bill from the provisions of the Maine Revised Statutes, Title 24-A, section 2752.

**Senate Amendment "A" To Committee Amendment "A" (S-506)**

This amendment changes the application date from January 1, 2019 to January 1, 2020.

**LD 389      An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	ONTP OTP-AM	S-362

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill allows state-chartered credit unions to procure private insurance in lieu of share insurance from the National Credit Union Administration to facilitate the provision of financial services to registered dispensaries or registered caregivers authorized under the Maine Medical Use of Marijuana Act, to entities licensed under the Marijuana Legalization Act and to their employees.

**Committee Amendment "A" (S-362)**

This amendment is the minority report of the committee. The amendment adds an appropriations and allocations section to the bill to provide funds for the hiring of additional staff to manage the increased workload for the Department of Professional and Financial Regulation, Bureau of Financial Institutions resulting from the bill.

***Joint Standing Committee on Insurance and Financial Services***

**LD 453      Resolve, Regarding Insurance Coverage for Alternative Therapies for  
Addiction and Recovery**

**Died Between  
Houses**

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

This resolve was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This resolve requires the Superintendent of Insurance to convene interested parties to evaluate commercial insurance coverage for addiction treatment and recovery alternative therapies and report findings and recommendations to the Joint Standing Committee on Insurance and Financial Services before January 15, 2018. The resolve authorizes the Joint Standing Committee on Insurance and Financial Services to submit a bill to the Second Regular Session of the 128th Legislature based upon the report.

**Committee Amendment "A" (S-353)**

This amendment is the minority report of the committee. The amendment clarifies that the alternative therapies to be evaluated must include physical therapy, acupuncture services, chiropractic services and other services provided by licensed complementary health care providers. The amendment also changes the date the report is required to be submitted and the reference to the appropriate session of the Legislature.

**LD 660      An Act To Allow Credit and Debit Card Surcharges**

**Accepted Majority  
(ONTP) Report**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

Current law prohibits the seller in a sales transaction from imposing a surcharge on a cardholder who pays using a credit card or debit card. This bill repeals that prohibition.

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

This amendment is the minority report of the committee and replaces the bill. The amendment authorizes a seller in a sales transaction to impose a surcharge on a cardholder who elects to use a credit card or debit card as long as the amount of the surcharge does not exceed the costs assessed by an authorized 3rd-party payment service provider for the credit card or debit card transaction and the amount of the surcharge is clearly disclosed to the consumer prior to payment.

**LD 696      An Act To Require Notification of Adverse Changes to Prescription  
Drug Formularies in Health Plans**

**PUBLIC 429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M	OTP-AM	H-772



## *Joint Standing Committee on Insurance and Financial Services*

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. This bill was again carried over from the Second Regular Session to the next special session by joint order, S.P. 748.

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

This bill proposes to improve the laws regarding insurance and financial services.

### **Committee Amendment "A" (H-772)**

This amendment replaces the bill and changes the title.

Part A does the following:

1. It requires a carrier to provide notice of an adverse change to an enrollee's prescription drug formulary. At least 60 days' notice is required, except in instances in which a prescription drug is removed from the formulary because of concerns about safety. The amendment defines "adverse change to a formulary" as a change that removes a drug currently prescribed for that enrollee from the formulary applicable to the enrollee's health plan or a change that moves the prescribed drug to a tier with a higher cost-sharing requirement if the carrier uses a formulary with tiers.
2. It requires a carrier to provide an enrollee with notice of the enrollee's right to request an exception to a formulary limitation when a prescription drug is removed from the formulary and to provide a form for an enrollee to use to make an exception request.
3. It requires a carrier to honor any prior authorization for a drug that has been removed from a formulary until the approval expires, as long as the enrollee retains coverage under the same plan.
4. It provides that when a drug is removed from a formulary and if an exception request is submitted prior to the effective date of the change, a carrier shall continue to provide coverage for that drug until the carrier has rendered a decision on an enrollee's request for an exception to the formulary limitation. This requirement does not apply to drugs removed from the formulary because of concerns about safety.
5. It provides that the requirements apply to all individual and group health insurance policies and contracts issued or renewed on or after January 1, 2019.

Part B of the amendment requires any carrier as determined by the Department of Professional and Financial Regulation, Bureau of Insurance to report on any prescription drug formulary changes made in calendar year 2019 to the Bureau of Insurance no later than 30 days following the end of each quarter. The report must include a list of formulary changes made by the carrier; the prescription drugs affected by each formulary change by name and manufacturer; the number of enrollees affected by each formulary change; the expected impact of each formulary change on the cost sharing for affected enrollees; the reasons for each formulary change; the number of exception requests made by enrollees with regard to each formulary change; and the number of exception requests granted, denied or withdrawn with regard to each formulary change. The Bureau of Insurance is required to compile this data for all carriers required by the bureau to report and submit a report to the Legislature no later than 60 days following the end of each quarter. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is authorized to report out a bill to any regular or special session of the 129th Legislature. Part B also requires the state employee health insurance program to report the same information.

### **Enacted Law Summary**

Part A of Public Law 2017, chapter 429 does the following:

1. It requires a carrier to provide notice of an adverse change to an enrollee's prescription drug formulary. At least 60 days' notice is required, except in instances in which a prescription drug is removed from the formulary because

*Joint Standing Committee on Insurance and Financial Services*

of concerns about safety. The law defines "adverse change to a formulary" as a change that removes a drug currently prescribed for that enrollee from the formulary applicable to the enrollee's health plan or a change that moves the prescribed drug to a tier with a higher cost-sharing requirement if the carrier uses a formulary with tiers.

- 2. It requires a carrier to provide an enrollee with notice of the enrollee's right to request an exception to a formulary limitation when a prescription drug is removed from the formulary and to provide a form for an enrollee to use to make an exception request.
- 3. It requires a carrier to honor any prior authorization for a drug that has been removed from a formulary until the approval expires, as long as the enrollee retains coverage under the same plan.
- 4. It provides that when a drug is removed from a formulary and if an exception request is submitted prior to the effective date of the change, a carrier shall continue to provide coverage for that drug until the carrier has rendered a decision on an enrollee's request for an exception to the formulary limitation. This requirement does not apply to drugs removed from the formulary because of concerns about safety.
- 5. It provides that the requirements apply to all individual and group health insurance policies and contracts issued or renewed on or after January 1, 2019.

Part B of the law requires any carrier as determined by the Department of Professional and Financial Regulation, Bureau of Insurance to report on any prescription drug formulary changes made in calendar year 2019 to the Bureau of Insurance no later than 30 days following the end of each quarter. The report must include a list of formulary changes made by the carrier; the prescription drugs affected by each formulary change by name and manufacturer; the number of enrollees affected by each formulary change; the expected impact of each formulary change on the cost sharing for affected enrollees; the reasons for each formulary change; the number of exception requests made by enrollees with regard to each formulary change; and the number of exception requests granted, denied or withdrawn with regard to each formulary change. The Bureau of Insurance is required to compile this data for all carriers required by the bureau to report and submit a report to the Legislature no later than 60 days following the end of each quarter. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is authorized to report out a bill to any regular or special session of the 129th Legislature. Part B also requires the state employee health insurance program to report the same information.

**LD 968 An Act To Help Prevent Financial Elder Abuse**

**PUBLIC 390**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF T CARPENTER M	OTP-AM	H-599

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill requires the form for opening a joint account at a financial institution to have for each party to the account the question, "Do you intend for the sum remaining upon your death to belong to the surviving party or parties? Yes No." Each party to the joint account must answer the question in writing on the form prior to opening the account.

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

This amendment replaces the bill. The amendment retains the provisions of the bill. The amendment, however, moves the provisions to a more appropriate place in the Maine Revised Statutes, Title 9-B and adds language to clarify that answers provided on the form for opening a multiple-party account do not have any effect on any legal presumptions or inferences in any civil or criminal matter.

The amendment also clarifies that the provisions apply to multiple-party accounts established or to single-party

*Joint Standing Committee on Insurance and Financial Services*

accounts changed to multiple-party accounts after January 1, 2019.

**Enacted Law Summary**

Public Law 2017, chapter 390 requires the form for opening a multiple-party account at a financial institution to have for each party to the account the question, "Do you intend for the sum remaining upon your death to belong to the surviving party or parties? Yes No." Each party to the account must answer the question in writing on the form prior to opening the account. The law includes language to clarify that the answers provided on the form for opening a multiple-party account do not have any effect on any legal presumptions or inferences in any civil or criminal matter.

The provisions of Public Law 2017, chapter 390 apply to multiple-party accounts established or to single-party accounts changed to multiple-party accounts after January 1, 2019.

**LD 1030 An Act To Require Health Insurance Coverage for Covered Services Provided by Naturopathic Doctors**

**PUBLIC 340**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J CASAS O	OTP-AM	S-363

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill prohibits health insurance carriers, automobile insurers and workers' compensation insurers from discriminating against health care providers who are licensed, registered or certified by the State in providing covered services as long as the providers are acting within the scope of their licenses, registrations or certifications. The bill also prohibits certain practices that may limit implementation of nondiscrimination policies.

**Committee Amendment "A" (S-363)**

This amendment replaces the bill and changes the title. The amendment requires coverage for services provided by licensed naturopathic doctors if those services are within the scope of the license and would be reimbursed if the services were provided by other licensed providers. The amendment also prohibits carriers from excluding a naturopathic doctor from their networks as long as the naturopathic doctor is willing to meet the same terms and conditions as other participating providers.

The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2019.

**Enacted Law Summary**

Public Law 2017, chapter 340 requires health insurance carriers to cover services provided by licensed naturopathic doctors if those services are within the scope of the naturopathic doctors' license and would be reimbursed if the services were provided by other licensed providers. The law also prohibits carriers from excluding a naturopathic doctor from their provider networks as long as the naturopathic doctor is willing to meet the same terms and conditions as other participating providers.

The requirements of Public Law 2017, chapter 340 apply to all individual and group policies and contracts issued or renewed on or after January 1, 2019.

*Joint Standing Committee on Insurance and Financial Services*

**LD 1032 An Act To Ensure Protection of Patients**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G	ONTP OTP-AM	S-394

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to ensure the protection and health insurance of patients.

**Committee Amendment "A" (S-394)**

This amendment is the minority report and replaces the bill, which is a concept draft.

The amendment requires a health insurance carrier to accept and respond to prior authorization requests through electronic transmission by January 1, 2019 for prescription drugs and by July 1, 2019 for medical services. The amendment also requires a carrier to make its most current prescription drug formulary available to health care professionals and pharmacists in electronic form at all times.

**LD 1279 An Act To Ensure Patient Protections in the Health Insurance Laws**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	ONTP OTP-AM	S-377

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill proposes to incorporate three provisions of the federal Patient Protection and Affordable Care Act into state law.

1. It allows children 26 years of age and younger to remain on their parents' health insurance policy.
2. It clarifies that carriers offering individual or group health plans may not establish lifetime or annual limits on the dollar value of benefits.
3. It clarifies that individual, group and blanket health plans may not impose a preexisting condition exclusion on any enrollee.

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

This amendment is the minority report of the committee and replaces the bill.

Like the bill, the amendment allows children younger than 26 years of age to remain on their parents' health insurance policy. The amendment adds provisions not included in the bill to make the change also applicable to group health plans and health maintenance organization individual and group health plans.

The amendment clarifies that carriers offering individual or group health plans may not establish lifetime or annual limits on the dollar value of benefits. The amendment specifies that the provision prohibiting annual limits on the dollar value of benefits applies to the dollar value of essential health benefits as determined by the Superintendent

## *Joint Standing Committee on Insurance and Financial Services*

of Insurance to the extent not inconsistent with federal law.

The amendment retains the provision in the bill prohibiting individual, group and blanket health plans from imposing a preexisting condition exclusion on any enrollee, but adds language to allow a carrier to restrict enrollment in individual health plans to open enrollment and special enrollment periods established in rule.

### **LD 1407 An Act Regarding Prescription Drug Step Therapy**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K PIERCE J	OTP-AM	S-245 S-512 HAMPER J

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order, S.P. 748.

This bill requires health insurers to establish a process for prescription drug step therapy override exception determinations.

#### **Committee Amendment "A" (S-245)**

This amendment does the following.

1. It clarifies that carriers must apply the utilization review standards under current law when acting on a request for a step therapy override exception determination or an appeal of a determination.
2. It replaces certain terminology used in the bill to be consistent with current law.
3. It changes the applicability of the bill's provisions from January 1, 2018 to January 1, 2019.

#### **Senate Amendment "A" To Committee Amendment "A" (S-512)**

This amendment changes the application date from January 1, 2019 as in Committee Amendment "A" to January 1, 2020. It changes the allocation of a provision of law to avoid a conflict with a recently enacted provision of law.

### **LD 1417 An Act To Require Insurance Coverage for the Diagnosis and Treatment of Lyme Disease**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill requires a carrier offering or renewing a health plan in the State to provide coverage to diagnose and treat Lyme disease.

*Joint Standing Committee on Insurance and Financial Services*

**LD 1476     An Act To Ensure Continued Coverage for Essential Health Care**

**PUBLIC 343**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CARSON B	OTP-AM	H-595

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill incorporates current requirements under the federal Patient Protection and Affordable Care Act for coverage of preventive health services, including services for women, into state law. The bill also requires coverage of certain contraceptive methods and services. The bill directs the Superintendent of Insurance to annually review the recommendations and guidelines for coverage of preventive health services to identify any gaps in the minimum coverage provided by health plans and authorizes the joint standing committee of the Legislature having jurisdiction over health insurance matters to introduce legislation to update the requirements for minimum coverage.

The requirements apply to all individual and group health insurance policies and contracts issued or renewed on or after January 1, 2018.

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

This amendment replaces the bill and seeks to incorporate current requirements under the federal Patient Protection and Affordable Care Act for coverage of preventive health services, including services for women, into state law. The requirements apply to all individual and group health insurance policies and contracts issued or renewed on or after January 1, 2019.

**Enacted Law Summary**

Public Law 2017, chapter 343 incorporates current requirements under the federal Patient Protection and Affordable Care Act for coverage of preventive health services, including services for women, into state law.

The requirements of Public Law 2017, chapter 343 apply to all individual and group health insurance policies and contracts issued or renewed on or after January 1, 2019.

**LD 1507     An Act To Establish a Student Loan Bill of Rights To Regulate Student Loan Servicers**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E HIGGINS N	OTP-AM ONTP	S-405

This bill was reported out of committee and then recommitted to the committee in the First Regular Session of the 128th Legislature; it was then carried over to the Second Regular Session by joint order, H.P. 1138.

This bill does the following.

1. It creates a position of student loan ombudsman under the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. The student loan ombudsman's duties include: receiving, reviewing and, if possible, resolving complaints from student loan borrowers; compiling and analyzing student loan borrower data; assisting student loan borrowers to understand their rights and responsibilities; providing information to the public, agencies and legislators regarding concerns of student loan borrowers and making recommendations to resolve them; analyzing and monitoring the development

## *Joint Standing Committee on Insurance and Financial Services*

and implementation of other legislation and policies that affect student loan borrowers and recommending necessary changes; reviewing student loan history for borrowers who consent; disseminating information about the ombudsman's availability to assist others; establishing and maintaining a student loan borrower education course; and other necessary actions.

2. It requires the superintendent to submit an annual report by January 1st of each year in regard to the effectiveness of the student loan ombudsman and to recommend additional steps necessary to gain regulatory control over licensing and enforcement with respect to student loan servicers.
3. It establishes a licensing procedure for student loan servicers, which includes an investigation of an applicant, along with a license fee and an investigation fee.
4. It identifies prohibited acts for student loan servicers, including employing any scheme, device or artifice to defraud or mislead student loan borrowers.
5. It identifies duties of the superintendent in regard to investigations and examinations of student loan servicers.
6. It requires student loan servicers to comply with all applicable federal laws and regulations related to student loan servicing.
7. It requires the Commissioner of Professional and Financial Regulation to adopt routine technical rules necessary to carry out the provisions in this bill.

### **Committee Amendment "B" (S-405)**

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

The amendment does the following.

1. It establishes a registration procedure for student loan servicers. It provides an exemption from the registration provisions for supervised financial organizations and financial institution holding companies and clarifies that a student loan servicer does not include supervised financial organizations or financial institution holding companies. It also provides an exemption for the Finance Authority of Maine.
2. Beginning January 1, 2021, it requires the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation to submit an annual report by January 1st in regard to the effectiveness of student loan servicer registration and to recommend additional steps necessary to gain regulatory control over registration and enforcement with respect to student loan servicers.
3. It identifies prohibited acts for student loan servicers, including employing any scheme, device or artifice to defraud or mislead student loan borrowers.
4. It requires student loan servicers to comply with all applicable federal laws and regulations related to student loan servicing.
5. It requires the superintendent to adopt routine technical rules necessary to carry out the provisions of this legislation.
6. It adds an appropriations and allocations section.
7. It adds an effective date of January 1, 2019.

*Joint Standing Committee on Insurance and Financial Services*

**LD 1663 An Act To Improve the Regulation of Debt Collectors**

**PUBLIC 317**

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

This bill modernizes the Maine Fair Debt Collection Practices Act by removing the condition that a debt collector's solicitation of business from Maine creditors be "face to face" before a license must be obtained and by requiring that a debt collector, wherever located, obtain a license before collecting debts from a consumer in this State.

**Enacted Law Summary**

Public Law 2017, chapter 317 modernizes the Maine Fair Debt Collection Practices Act by removing the condition that a debt collector's solicitation of business from Maine creditors be "face to face" before a license must be obtained and by requiring that a debt collector, wherever located, obtain a license before collecting debts from a consumer in this State.

**LD 1677 An Act Regarding the Information Required of Debt Buyers for Debt Collection**

**PUBLIC 318**

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

This bill amends the law regarding the information that a debt buyer must possess for purposes of debt collection by clarifying that the debt buyer must possess not the principal amount due the original creditor at charge-off, when the creditor removed the debt from its books as an asset and began to treat it as a loss or expense because payment was unlikely, as in current law, but rather the total amount due at charge-off.

**Enacted Law Summary**

Public Law 2017, chapter 318 amends the law regarding the information that a debt buyer must possess for purposes of debt collection by clarifying that the debt buyer must possess not the principal amount due the original creditor at charge-off, when the creditor removed the debt from its books as an asset and began to treat it as a loss or expense because payment was unlikely, as in current law, but rather the total amount due at charge-off.

**LD 1753 An Act To Protect Consumers from Bank Overdraft Fees by Prohibiting the Resequencing of Withdrawal Transactions**

**ONTP**

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

This bill prohibits a bank or credit union from posting withdrawal transactions by amount from largest to smallest or otherwise posting withdrawals in a manner that incurs avoidable overdraft coverage fees.



*Joint Standing Committee on Insurance and Financial Services*

**LD 1792      An Act To Improve Market Stability for Maine Residents Purchasing Individual Health Insurance Coverage      ONTP**

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

This bill directs the Board of Directors of the Maine Guaranteed Access Reinsurance Association, before proposing a revised plan of operation to resume operations before December 31, 2023, to study and propose a revised plan of operation that may include changes to current law as long as proposed changes are not made that increase the assessments set forth in the Maine Revised Statutes, Title 24-A, section 3957.

**LD 1875      An Act To Amend the Maine Life and Health Insurance Guaranty Association Act      PUBLIC 382**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R	OTP-AM	S-442

This bill amends the Maine Life and Health Insurance Guaranty Association Act to incorporate changes adopted by the National Association of Insurance Commissioners in its 2017 amendments to its Life and Health Insurance Guaranty Association Model Act.

Under the bill, for insolvencies and impairments occurring on and after July 1, 2018, health maintenance organizations are made members of the association and assessments arising out of long-term care insurance business, which are currently allocated entirely to the health insurance account, are divided equally between the life and health insurance industries.

The bill also makes various conforming amendments and technical corrections to the Maine Life and Health Insurance Guaranty Association Act and the Insurance Rehabilitation and Liquidation Law.

The bill allows an insurer that is a member of the Maine Life and Health Insurance Guaranty Association and is not subject to premium taxation to take the tax credit for certain assessments of the association against its income tax liability to this State. An insurer that is a member of the association and is exempt from both premium taxation and income taxation in this State may recoup these assessments by a surcharge on its premiums in an amount reasonably calculated to recoup these assessments over a reasonable period of time, as approved by the Superintendent of Insurance.

**Committee Amendment "A" (S-442)**

This amendment makes the following technical changes to the bill.

1. It adds a reference to a contract to clarify the application of the exception in the bill to any long-term benefits or health benefits provided through an annuity contract.
2. It clarifies that the exception in current law for obligations that do not arise under the express terms of the policy or contract applies to misrepresentation of annuity contracts.
3. It clarifies the specific provision that provides the guaranty association limits for long-term care insurance.
4. It clarifies that issuers of annuity contracts and health maintenance organizations are members of the guaranty association.

## *Joint Standing Committee on Insurance and Financial Services*

5. It adds a reference to an enrollee for consistency with other provisions in the bill.

### **Enacted Law Summary**

Public Law 2017, chapter 382 amends the Maine Life and Health Insurance Guaranty Association Act to incorporate changes adopted by the National Association of Insurance Commissioners in its 2017 amendments to its Life and Health Insurance Guaranty Association Model Act.

Under the law, for insolvencies and impairments occurring on and after July 1, 2018, health maintenance organizations are made members of the association and assessments arising out of long-term care insurance business, which are currently allocated entirely to the health insurance account, are divided equally between the life and health insurance industries.

The law also makes various conforming amendments and technical corrections to the Maine Life and Health Insurance Guaranty Association Act and the Insurance Rehabilitation and Liquidation Law.

The law allows an insurer that is a member of the Maine Life and Health Insurance Guaranty Association and is not subject to premium taxation to take the tax credit for certain assessments of the association against its income tax liability to this State. An insurer that is a member of the association and is exempt from both premium taxation and income taxation in this State may recoup these assessments by a surcharge on its premiums in an amount reasonably calculated to recoup these assessments over a reasonable period of time, as approved by the Superintendent of Insurance.

### **LD 1881      An Act To Authorize the Treasurer of State To Facilitate the Establishment of ABLÉ Accounts for Qualified Persons**

**PUBLIC 394  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M WHITTEMORE R	OTP-AM	H-717

Under the federal Achieving a Better Life Experience Act of 2014, also known as the ABLÉ Act of 2014, individuals with disabilities and the families of those individuals may establish federal tax-exempt savings accounts and use the funds from those accounts to pay for the care of the individual with a disability, similar to so-called 529 accounts that allow tax-deferred savings for college expenses. Under federal law, a state may establish ABLÉ Act savings accounts only with the authorization of the state.

The bill authorizes the Treasurer of State to establish the ABLÉ ME Savings Program in compliance with the ABLÉ Act of 2014. The Treasurer of State is authorized to adopt routine technical rules to implement the program, including rules to establish the terms and conditions of the program.

### **Committee Amendment "A" (H-717)**

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

### **Enacted Law Summary**

Public Law 2017, chapter 394 authorizes the Treasurer of State to establish the ABLÉ ME Savings Program in compliance with the federal Achieving a Better Life Experience Act of 2014. Under the federal Achieving a Better Life Experience Act of 2014, also known as ABLÉ Act of 2014, individuals with disabilities and the families of those individuals may establish federal tax-exempt savings accounts and use the funds from those accounts to pay for the care of the individual with a disability, similar to so-called 529 accounts that allow tax-deferred savings for college expenses. Under federal law, a state may establish ABLÉ Act savings accounts only with the authorization of the State. The Treasurer of State may adopt routine technical rules to implement the program, including rules to

## *Joint Standing Committee on Insurance and Financial Services*

establish the terms and conditions of the program. Under federal law, a state may establish ABLE Act savings accounts only with the authorization of the state.

Public Law 2017, chapter 394 was enacted as an emergency measure effective April 18, 2018.

### **LD 1888     An Act To Amend the Workers' Compensation Laws Governing Affiliated Self-insurance Groups**

**PUBLIC 401**

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

This bill amends the workers' compensation laws governing self-insurers. It requires a group self-insurer that provides an irrevocable standby letter of credit as security to file with the Superintendent of Insurance a letter of credit and other agreements or documents relating to the employer's reimbursement obligations.

The bill amends the workers' compensation laws governing the participation of employers in a group self-insurance plan. It requires a group self-insurer to maintain an actuarially determined fully funded trust as security for self-insurance, except that the Superintendent of Insurance may authorize an affiliated group self-insurer meeting certain requirements to secure the liabilities of each of its members. It requires that if the status of a group self-insurer is terminated the required security remains subject to the control of the Workers' Compensation Board until claims against the group self-insurer have been discharged.

The bill removes a requirement that reinsurance contracts name the self-insurer as a coinsured with the Maine Self-Insurance Guarantee Association. It also authorizes a member of a group self-insurer and a successor employer of a member to apply for continuing membership in the group self-insurer.

#### **Enacted Law Summary**

Public Law 2017, chapter 401 amends the workers' compensation laws governing self-insurers. It requires a group self-insurer that provides an irrevocable standby letter of credit as security to file with the Superintendent of Insurance a letter of credit and other agreements or documents relating to the employer's reimbursement obligations.

The law amends the workers' compensation laws governing the participation of employers in a group self-insurance plan. It requires a group self-insurer to maintain an actuarially determined fully funded trust as security for self-insurance, except that the Superintendent of Insurance may authorize an affiliated group self-insurer meeting certain requirements to secure the liabilities of each of its members. It requires that if the status of a group self-insurer is terminated the required security remains subject to the control of the Workers' Compensation Board until claims against the group self-insurer have been discharged.

The law also removes a requirement that reinsurance contracts name the self-insurer as a coinsured with the Maine Self-Insurance Guarantee Association. It also authorizes a member of a group self-insurer and a successor employer of a member to apply for continuing membership in the group self-insurer.



*Joint Standing Committee on Insurance and Financial Services*

**SUBJECT INDEX**

**Banking and Credit Unions**

**Enacted**

LD 968 An Act To Help Prevent Financial Elder Abuse PUBLIC 390

**Not Enacted**

LD 389 An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law Veto Sustained

LD 1753 An Act To Protect Consumers from Bank Overdraft Fees by Prohibiting the Resequencing of Withdrawal Transactions ONTP

**Consumer Credit**

**Enacted**

LD 1663 An Act To Improve the Regulation of Debt Collectors PUBLIC 317

LD 1677 An Act Regarding the Information Required of Debt Buyers for Debt Collection PUBLIC 318

**Not Enacted**

LD 660 An Act To Allow Credit and Debit Card Surcharges Majority (ONTP) Report

**Insurance, Health**

**Enacted**

LD 696 An Act To Require Notification of Adverse Changes to Prescription Drug Formularies in Health Plans PUBLIC 429

LD 1030 An Act To Require Health Insurance Coverage for Covered Services Provided by Naturopathic Doctors PUBLIC 340

LD 1476 An Act To Ensure Continued Coverage for Essential Health Care PUBLIC 343

**Not Enacted**

LD 192 An Act To Require Insurance Coverage for Hearing Aids Veto Sustained

LD 453 Resolve, Regarding Insurance Coverage for Alternative Therapies for Addiction and Recovery Died Between Houses

LD 1032 An Act To Ensure Protection of Patients Veto Sustained

LD 1279 An Act To Ensure Patient Protections in the Health Insurance Laws Veto Sustained

LD 1407 An Act Regarding Prescription Drug Step Therapy Veto Sustained

LD 1417 An Act To Require Insurance Coverage for the Diagnosis and Treatment of Lyme Disease ONTP

LD 1792 An Act To Improve Market Stability for Maine Residents Purchasing Individual Health Insurance Coverage ONTP

**Insurance, Regulation and Practices**

**Enacted**

LD 1875 An Act To Amend the Maine Life and Health Insurance Guaranty Association Act PUBLIC 382

**Insurance, Workers' Compensation**

**Enacted**

LD 1888 An Act To Amend the Workers' Compensation Laws Governing Affiliated Self-insurance Groups PUBLIC 401

**Miscellaneous**

**Enacted**

LD 1881 An Act To Authorize the Treasurer of State To Facilitate the Establishment of ABLE Accounts for Qualified Persons PUBLIC 394 EMERGENCY

**Student Loans**

**Not Enacted**

LD 1507 An Act To Establish a Student Loan Bill of Rights To Regulate Student Loan Servicers Veto Sustained







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



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

**JOINT STANDING COMMITTEE ON INLAND FISHERIES  
AND WILDLIFE**

October 2018

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REP. RICHARD MASON



*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 11      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Establish the Right To Hunt and Fish**

**Died Between  
Houses**

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

This resolution was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This resolution proposes to amend the Constitution of Maine to provide that the right of the people of this State to hunt, fish and harvest game and fish, including by the use of traditional methods, may not be infringed, subject to reasonable laws and rules to promote wildlife conservation and management, to maintain natural resources in trust for public use and to preserve the future of hunting and fishing. It also provides that public hunting and fishing are a preferred means of managing and controlling wildlife.

**Committee Amendment "A" (H-589)**

This amendment, which is the minority report of the committee, references wildlife instead of game and provides that trapping is included in the right to hunt, fish and harvest wildlife and fish.

**LD 630      An Act To Prohibit Third Parties from Facilitating Transfers of Moose  
Permits for Consideration**

**PUBLIC 379**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D CYRWAY S	OTP-AM OTP-AM	H-660

This bill was reported out by the committee and then recommitted to the committee in the First Regular Session of the 128th Legislature; it was then carried over to to the Second Regular Session of the 128th Legislature by joint order, H.P. 1138.

The bill repeals the prohibition on the exchange for consideration of a moose permit in a designated hunting area, zone or season for another moose permit in a different designated hunting area, zone or season. The bill requires the Department of Inland Fisheries and Wildlife to establish an online transfer system for moose permits through which transfers of designated hunting areas, zones or seasons may be accomplished.

**Committee Amendment "C" (H-660)**

This amendment, which is the majority report of the committee, replaces the bill. Like the bill, the amendment repeals the prohibition on exchanging moose permits between permit holders for consideration, but, unlike the bill, the amendment does not direct the Department of Inland Fisheries and Wildlife to establish an online transfer system for permits. The amendment clarifies that the State bears no responsibility for enforcing the terms of the exchange between the permit holders. The amendment also prohibits persons other than the holders of moose permits who are exchanging those permits from facilitating the exchange for consideration and defines "facilitate for consideration" to mean to directly receive compensation or something of value solely as part of the exchange of moose permits. The amendment establishes that a person who facilitates for consideration an exchange of moose permits commits a Class E crime.

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

This amendment, which is the minority report of the committee, replaces the bill. The bill repeals the prohibition on

***Joint Standing Committee on Inland Fisheries and Wildlife***

exchanging a moose permit for consideration and directs the Department of Inland Fisheries and Wildlife to establish an online transfer system for permits. The amendment removes the provision of the bill that directs the department to establish an online transfer system for permits, but, like the bill, the amendment repeals the prohibition on exchanging moose permits for consideration. This amendment prohibits persons other than the holders of moose permits who are exchanging hunting zones, areas or seasons to facilitate the exchange. The amendment establishes that a person who facilitates an exchange of moose permits commits a Class E crime. The amendment clarifies that the State bears no responsibility for enforcing the terms of an exchange between the permit holders.

**Enacted Law Summary**

Public Law 2017, chapter 379 repeals the prohibition on exchanging moose permits between permit holders for consideration. Public Law 2017, chapter 379 clarifies that the State bears no responsibility for enforcing the terms of the exchange between the permit holders. Public Law 2017, chapter 379 also prohibits persons other than the holders of moose permits who are exchanging those permits from facilitating the exchange for consideration and defines "facilitate for consideration" to mean to directly receive compensation or something of value solely as part of the exchange of moose permits. Public Law 2017, chapter 379 establishes that a person who facilitates for consideration an exchange of moose permits commits a Class E crime.

**LD 768 An Act To Simplify Nonresident Hunting and Fishing Licenses**

**PUBLIC 427**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G MIRAMANT D	OTP-AM ONTP	H-615 H-803 HARLOW D

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill establishes resident and nonresident comprehensive hunting licenses that allow hunting of all legal species subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The fee for the resident comprehensive hunting license is \$38 and the fee for the nonresident comprehensive hunting license is \$143. The bill also establishes resident and nonresident comprehensive combination hunting and fishing licenses that allow fishing and hunting of all legal species, subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The fee for the resident comprehensive combination hunting and fishing license is \$55 and the fee for the nonresident comprehensive combination hunting and fishing license is \$178. The bill establishes January 1, 2018 as the effective date of these licenses.

This bill eliminates all alien licenses and permits and allows persons who are not citizens to purchase nonresident licenses and permits if they are not considered residents.

This bill allows the Commissioner of Inland Fisheries and Wildlife or a clerk or other agent appointed by the commissioner who issues licenses to inquire of a license applicant which species the applicant intends to hunt under the license and limit the license to the species specified. A license with this limitation must clearly indicate the limitation.

**Committee Amendment "A" (H-615)**

This amendment, which is the majority report of the committee, removes the provisions of the bill that establish comprehensive hunting licenses and comprehensive combination hunting and fishing licenses. The amendment also

*Joint Standing Committee on Inland Fisheries and Wildlife*

eliminates the provisions of the bill that allow the Commissioner of Inland Fisheries and Wildlife or a clerk or other agent appointed by the commissioner to inquire of a license applicant which species the applicant intends to hunt under the license and to limit the license to the species specified.

The amendment retains the provisions of the bill that eliminate all alien licenses and permits and that allow persons who are not citizens to purchase nonresident licenses and permits if they are not considered residents.

The amendment adds an effective date of January 1, 2019.

**House Amendment "A" To Committee Amendment "A" (H-803)**

This amendment provides that a nonresident who is not a citizen of the United States is eligible to purchase only a nonresident trapping license for beaver.

**Enacted Law Summary**

Public Law 2017, chapter 427 eliminates all alien licenses and permits and allows persons who are not citizens to purchase nonresident licenses and permits if they are not considered residents. Public Law 2017, chapter 427 provides that a nonresident who is not a citizen of the United States is eligible to purchase only a nonresident trapping license for beaver. Public Law 2017, chapter 427 has an effective date of January 1, 2019.

**LD 843      An Act To Adjust the Formula for Calculating the Allocation of Moose Permits for Hunting Lodges      PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM ONTP	H-217

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill amends the law regarding the number of moose permits made available through a chance drawing to hunting outfitters, which is currently calculated as 10% of the number of permits made available in the public chance drawing above 3,140. The bill sets the number of moose permits made available to hunting outfitters at 10% of the number of permits in excess of the average number of permits made available in the public chance drawing per year since 1982 or 100, whichever is greater.

**Committee Amendment "A" (H-217)**

This amendment replaces the bill. The amendment reduces the number of moose hunting permits that may be issued to nonresidents from 10% to 8% and allows up to 2% of moose hunting permits to be issued to hunting outfitters instead of basing the number of permits issued to hunting outfitters upon the number of permits available over 3,140, which is the current law.

**Enacted Law Summary**

Public Law 2017, chapter 458 reduces the number of moose hunting permits that may be issued to nonresidents from 10% to 8% and allows up to 2% of moose hunting permits to be issued to hunting outfitters instead of basing the number of permits issued to hunting outfitters upon the number of permits available over 3,140, which was the law prior to enactment of Public Law 2017, chapter 458.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1236 An Act To Improve Maine's Heritage Fish List**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill limits the Commissioner of Inland Fisheries and Wildlife to adding to the list of state heritage fish waters only those lakes and ponds identified as eastern brook trout waters and arctic charr waters that according to reliable records have not been stocked for at least 25 years or have never been stocked.

**LD 1391 An Act To Ensure the Continuation of the Landowner Relations Program**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E	OTP-AM	H-321

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session.

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

This bill proposes to identify long-term funding needs and possible funding sources for the landowner relations program within the Department of Inland Fisheries and Wildlife.

**Committee Amendment "A" (H-321)**

This amendment replaces the bill, which is a concept draft. The amendment provides \$150,000 per year to the Landowner Relations Fund, which funds the landowner relations program within the Department of Inland Fisheries and Wildlife to improve or maintain good relationships between landowners and outdoor recreationists.

**LD 1451 An Act To Promote Biosecurity and Better Regulate the Importation, Possession and Use of Aquatic Species**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill prohibits certain fish, amphibians and aquatic invertebrates from being introduced, imported or possessed by a person in the State unless a permit to do so has been issued by the Commissioner of Inland Fisheries and Wildlife. The bill provides that a permit is not required to introduce, import or possess other fish species kept in an aquarium. The bill prohibits the introduction, importation, transportation and possession of certain aquatic plants in the State.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1667      An Act To Prohibit the Entry of Anadromous Fish Species into Sheepscoot Pond for 3 Years and To Study the Consequences of the Presence of Anadromous Fish in Sheepscoot Pond      ONTP**

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

This bill requires the Commissioner of Inland Fisheries and Wildlife to prohibit the entry of anadromous fish into Sheepscoot Pond in the Town of Palermo through June 30, 2021. The bill also requires the commissioner, with the assistance of the Commissioner of Marine Resources and the Commissioner of Environmental Protection, to study the consequences of the presence of anadromous fish species in Sheepscoot Pond, including any changes resulting from the prohibition through June 30, 2021, and to report the yearly findings of that study to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 15th annually through 2022; a report of the cumulative effects of the prohibition is due by January 15, 2022.

**LD 1683      An Act To Extend the Term of Guide Licenses      PUBLIC 441**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TUELL W	OTP-AM	S-396 S-515    HAMPER J

This bill was carried over from the Second Regular Session of the 128th Legislature on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill establishes an exception to the requirement that a registered Maine guide applicant and a Maine guide licensed by the Department of Inland Fisheries and Wildlife submit to a background check when the applicant or guide holds or seeks to hold a guide license of the type for which passage of a background check is a prerequisite for any credential required to obtain that type of guide license. The bill also extends the term of a guide license from up to three years to up to five years.

**Committee Amendment "A" (S-396)**

This amendment replaces the bill, which creates an exception to the background check requirement for certain applicants for guide licenses. Like the bill, the amendment extends the term of a guide license from three years to five years, and it correspondingly increases the fee for a guide license from \$81 to \$135; however, unlike the bill, those changes take effect January 1, 2019. The amendment establishes a Class E crime for failing to notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that is grounds for the revocation, suspension or denial of a guide license within 30 days of the conviction or finding and provides that failure to notify is grounds for permanent revocation or denial of a guide license.

**Senate Amendment "A" To Committee Amendment "A" (S-515)**

This amendment removes the provision in Committee Amendment "A" that establishes a Class E crime for failing to notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that is grounds for the revocation, suspension or denial of a guide license within 30 days of the conviction or finding. It retains the provisions of Committee Amendment "A" that extend the term of and increase the fee for a guide license. It also removes the emergency preamble and clause.

**Enacted Law Summary**

Public Law 2017, chapter 441 extends the term of a guide license from three years to five years, and it

*Joint Standing Committee on Inland Fisheries and Wildlife*

correspondingly increases the fee for a guide license from \$81 to \$135. Public Law 2017, chapter 441 has an effective date of January 1, 2019.

**LD 1759      An Act To Rename the Coast of Maine Wildlife Management Area as the      PUBLIC 325**  
**Alan E. Hutchinson Wildlife Management Area**

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

This bill renames the Coast of Maine Wildlife Management Area as the Alan E. Hutchinson Wildlife Management Area in Mr. Hutchinson's honor and memory.

**Enacted Law Summary**

Public Law 2017, chapter 325 renames the Coast of Maine Wildlife Management Area as the Alan E. Hutchinson Wildlife Management Area in Mr. Hutchinson's honor and memory.

**LD 1790      An Act Regarding Youth Hunting Day for Hunting Bear and Carrying a      PUBLIC 357**  
**Handgun during the Regular Archery-only Season on Deer**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A	OTP-AM	S-369

This bill allows the Commissioner of Inland Fisheries and Wildlife to establish a youth hunting day for hunting bear. An adult supervisor, parent or guardian accompanying the youth is allowed to possess a firearm while the youth is hunting bear.

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

This amendment removes the provision of the bill that specifically provides that an adult supervisor, parent or guardian accompanying a youth on a youth hunting day for hunting bear may possess a firearm while the youth is hunting bear. The amendment also corrects a cross-reference in the section of law regarding carrying firearms during the regular archery-only season on deer to reflect that current law does not require a person eligible to carry a concealed handgun to obtain a permit to carry a concealed handgun in most circumstances.

**Enacted Law Summary**

Public Law 2017, chapter 357 allows the Commissioner of Inland Fisheries and Wildlife to establish a youth hunting day for hunting bear. Public Law 2017, chapter 357 corrects a cross-reference in the section of law regarding carrying firearms during the regular archery-only season on deer to reflect that current law does not require a person eligible to carry a concealed handgun to obtain a permit to carry a concealed handgun in most circumstances.

**LD 1816      An Act Regarding the Penalties for Hunting Deer over Bait      PUBLIC 355**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P MARTIN D	OTP	

Current law provides that a person who is convicted a second time of hunting deer over bait during an open season



*Joint Standing Committee on Inland Fisheries and Wildlife*

on deer is permanently ineligible to obtain a hunting license. This bill changes that permanent ineligibility to an ineligibility period of two years.

**Enacted Law Summary**

Public Law 2017, chapter 355 changes the penalty for a person who is convicted a second time of hunting deer over bait during an open season on deer from permanent ineligibility to obtain a hunting license to an ineligibility period of two years.

**LD 1823      An Act Regarding the Repeal of a Provision of Law Allowing Certain Nonresidents To Hunt Deer before the Open Season on Deer      PUBLIC 356**

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

This bill was reported by the committee pursuant to joint order H.P. 1249 and then referred back to the committee for processing in the normal course. The bill removes the provision of law that repeals on September 15, 2018 the law that allows a nonresident who owns 25 or more acres of land in the State and leaves that property open to hunting, who holds a valid hunting license and who is not otherwise prohibited from hunting deer to hunt deer on the Saturday preceding the first day of the open season on deer.

**Enacted Law Summary**

Public Law 2017, chapter 356 removes the provision of law that repeals on September 15, 2018 the law that allows a nonresident who owns 25 or more acres of land in the State and leaves that property open to hunting, who holds a valid hunting license and who is not otherwise prohibited from hunting deer to hunt deer on the Saturday preceding the first day of the open season on deer.

**LD 1824      An Act Regarding the Termination of the Authority To Issue a Permit for a Noise Suppression Device on a Firearm for Hunting      PUBLIC 366 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-639

This bill was reported by the committee pursuant to joint order H.P. 1250 and then referred back to the committee for processing in the normal course. The bill removes the provision of law that makes a permit issued by the Department of Inland Fisheries and Wildlife to use a noise suppression device with a firearm when hunting valid only until August 1, 2018. The bill also removes the provision of law that prohibits the Commissioner of Inland Fisheries and Wildlife from issuing a permit allowing a person to use a noise suppression device with a firearm when hunting after July 31, 2018.

**Committee Amendment "A" (H-639)**

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

**Enacted Law Summary**

Public Law 2017, chapter 366 removes the provision of law that makes a permit issued by the Department of Inland Fisheries and Wildlife to use a noise suppression device with a firearm when hunting valid only until August 1, 2018. The bill also removes the provision of law that prohibits the Commissioner of Inland Fisheries and Wildlife from issuing a permit allowing a person to use a noise suppression device with a firearm when hunting after July 31, 2018. Public Law 2017, chapter 366 was enacted as an emergency measure effective April 8, 2018.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1835     An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife**

**PUBLIC 423  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R CYRWAY S	OTP-AM	H-647 S-518    HAMPER J

This bill was carried over from the Second Regular Session of the 128th Legislature on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill directs the State Controller to transfer \$600,000 by June 30, 2018 from the Inland Fisheries and Wildlife carrying account, General Fund account within the Department of Inland Fisheries and Wildlife to the License and Registration General Fund account within the Department of Inland Fisheries and Wildlife.

**Senate Amendment "A" (S-518)**

This amendment alters the single transfer of \$600,000 by June 30, 2018 in the bill to two transfers of \$300,000, one occurring by June 30, 2018 and one occurring by June 30, 2019, and directs the money to the Warden Service General Fund account within the Department of Inland Fisheries and Wildlife instead of to the License and Registration General Fund account.

**Enacted Law Summary**

Public Law 2017, chapter 423 directs the State Controller to transfer \$300,000 on June 30, 2018 and \$300,000 on June 30, 2019 to the Warden Service General Fund account within the Department of Inland Fisheries and Wildlife.

Public Law 2017, chapter 423 was enacted as an emergency measure effective June 25, 2018.

**LD 1836     An Act To Exempt from Hunter Safety Courses Certain Veterans and Persons Who Have Completed Firearms Safety Courses**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S BRAKEY E	ONTP OTP	

This bill provides that a veteran of the Armed Forces of the United States is exempt from hunter safety course requirements if that veteran provides at the time of application for a Maine license to hunt with firearms that veteran's Armed Forces Report of Transfer or Discharge, DD Form 214, or its predecessor or successor forms, or certification from the United States Department of Veterans Affairs or the appropriate branch of the Armed Forces of the United States verifying the applicant's military service and honorable discharge.

It also provides that a person is exempt from hunter safety course requirements if that person provides at the time of application for a Maine license to hunt proof of having successfully completed a firearms safety course other than a program for training individuals in the safe handling of firearms pursuant to the Maine Revised Statutes, Title 12, section 10108, subsection 1.

# *Joint Standing Committee on Inland Fisheries and Wildlife*

## SUBJECT INDEX

### Deer

#### Enacted

LD 1823 An Act Regarding the Repeal of a Provision of Law Allowing Certain Nonresidents To Hunt Deer before the Open Season on Deer PUBLIC 356

### Department of Inland Fisheries and Wildlife

#### Enacted

LD 1835 An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife PUBLIC 423  
EMERGENCY

### Firearms

#### Enacted

LD 1824 An Act Regarding the Termination of the Authority To Issue a Permit for a Noise Suppression Device on a Firearm for Hunting PUBLIC 366  
EMERGENCY

### Fish and Fishing

#### Not Enacted

LD 1236 An Act To Improve Maine's Heritage Fish List ONTP

LD 1667 An Act To Prohibit the Entry of Anadromous Fish Species into Sheepscot Pond for 3 Years and To Study the Consequences of the Presence of Anadromous Fish in Sheepscot Pond ONTP

### Hunting

#### Enacted

LD 1790 An Act Regarding Youth Hunting Day for Hunting Bear and Carrying a Handgun during the Regular Archery-only Season on Deer PUBLIC 357

LD 1816 An Act Regarding the Penalties for Hunting Deer over Bait PUBLIC 355

#### Not Enacted

LD 11 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish Died Between Houses

LD 1836 An Act To Exempt from Hunter Safety Courses Certain Veterans and Persons Who Have Completed Firearms Safety Courses Majority (ONTP) Report

### Landowner Relations

#### Not Enacted

LD 1391 An Act To Ensure the Continuation of the Landowner Relations Program Died On Adjournment

**Licenses and Permits**

**Enacted**

LD 630	An Act To Prohibit Third Parties from Facilitating Transfers of Moose Permits for Consideration	PUBLIC 379
LD 768	An Act To Simplify Nonresident Hunting and Fishing Licenses	PUBLIC 427
LD 843	An Act To Adjust the Formula for Calculating the Allocation of Moose Permits for Hunting Lodges	PUBLIC 458
LD 1683	An Act To Extend the Term of Guide Licenses	PUBLIC 441

**Wildlife in Captivity**

**Not Enacted**

LD 1451	An Act To Promote Biosecurity and Better Regulate the Importation, Possession and Use of Aquatic Species	ONTP
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**Wildlife Sanctuaries and Preserves**

**Enacted**

LD 1759	An Act To Rename the Coast of Maine Wildlife Management Area as the Alan E. Hutchinson Wildlife Management Area	PUBLIC 325
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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

October 2018

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SEN. RODNEY L. WHITTEMORE  
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*Joint Standing Committee on Judiciary*

**LD 111      An Act To Establish an Additional Veterans Treatment Court**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B LIBBY N	OTP-AM OTP-AM	H-331 H-488 GUERIN S

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill directs the Chief Justice of the Supreme Judicial Court to establish a veterans treatment court in Androscoggin County.

**Committee Amendment "A" (H-331)**

This amendment is the majority report of the committee. This amendment replaces the bill, which requires the establishment of a veterans treatment court in Androscoggin County. Instead, this amendment relies on the enabling language already in statute for the Chief Justice of the Supreme Judicial Court to establish veterans treatment courts where appropriate and provides the funding for the courts as well as for the services to be provided.

**Committee Amendment "B" (H-332)**

This amendment is the minority report of the committee. This amendment replaces the bill, which requires the establishment of a veterans treatment court in Androscoggin County. Instead, this amendment relies on the enabling language already in statute for the Chief Justice of the Supreme Judicial Court to establish veterans treatment courts where appropriate and provides the funding for the courts as well as for the services to be provided for the 2018-2019 biennium only.

**House Amendment "B" To Committee Amendment "A" (H-488)**

This amendment strikes the ongoing funding for a veterans treatment court and instead provides funding for the next two biennia only.

**House Amendment "A" To Committee Amendment "A" (H-470)**

This amendment strikes the proposed ongoing funding for a veterans treatment court and instead provides funding for the next two biennia only.

This amendment was not adopted.

**LD 123      An Act To Recodify and Revise the Maine Probate Code**

**PUBLIC 402**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-762

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

## *Joint Standing Committee on Judiciary*

This bill, which was submitted pursuant to Resolve 2015, chapter 73, section 1, recodifies and revises the Maine Revised Statutes, Title 18-A and amends other laws affected by this recodification and revision accordingly.

Resolve 2013, chapters 5 and 82 directed the Probate and Trust Law Advisory Commission to review the existing Probate Code and the latest version of the Uniform Probate Code and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission submitted legislative recommendations in a report to the Joint Standing Committee on Judiciary of the 127th Legislature on December 6, 2014 and included revisions to the recommendations in a subsequent report submitted November 20, 2015. The purpose of this bill is to adopt the Uniform Probate Code as the Maine Uniform Probate Code, incorporating the changes recommended by the Probate and Trust Law Advisory Commission, and to reorganize the Probate Code to be more logical, while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 18-A.

The bill was carried over to the Second Regular Session to give the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission an opportunity to review the Uniform Law Commission's new Uniform Guardianship, Conservatorship and Other Protective Arrangements Act and make recommendations for including provisions as part of Article 5 in the Committee Amendment.

### **Committee Amendment "A" (H-762)**

This amendment is the product of extensive work of a subcommittee of the Judiciary Committee, as well as PATLAC, FLAC and many interested parties, incorporating the recommendations of the Probate and Trust Law Advisory Commission as well as the Family Law Advisory Commission.

This amendment updates many cross-references and makes many technical corrections, as well as making significant changes to the inheritance changes in Article 2 to be consistent with the Maine Parentage Act in Title 19-A, and including the majority of the new Uniform Guardianship, Conservatorship and Other Protective Arrangements Act as it pertains to adult guardianships and all conservatorships. Minor guardianships are based on the 2010 Uniform Probate Code as amended by the Family Law Advisory Commission. This amendment also makes changes to the adoption laws, as recommended by the Family Law Advisory Commission, to be consistent with constitutional requirements protecting fundamental parental rights, and to limit the annulment of adoptions after one year.

This amendment also incorporates the Uniform Real Property Transfer on Death Act, originally proposed as part of LD 969.

This amendment provides that the new Maine Uniform Probate Code takes effect July 1, 2019.

Part G of the amendment directs the Probate and Trust Law Advisory Commission, in consultation with the Family Law Advisory Commission, to develop Maine Uniform Probate Code Comments to accompany the statutory provisions of this legislation. The recommended comments must be submitted to the joint standing committee of the 129th Legislature having jurisdiction over judiciary matters no later than January 15, 2019. That committee is given authority to report out legislation to fix any errors and inconsistencies created by recent legislation and this legislation and to address other issues related to the recodification and revision of the Maine Probate Code. Part G takes effect 90 days after the Second Regular Session of the 128th Legislature adjourns.

### **Enacted Law Summary**

Public Law 2017, chapter 402 recodifies and revises the Maine Probate Code, repealing the Maine Revised Statutes, Title 18-A and replacing it with the Maine Uniform Probate Code, Title 18-C, effective July 1, 2019. The new Maine Uniform Probate Code is based on recommendations of the Probate and Trust Law Advisory Commission (PATLAC), which started with the 2010 Uniform Probate Code as its base. The Family Law Advisory Commission

***Joint Standing Committee on Judiciary***

(FLAC) made recommendations with regard to parental rights and responsibilities throughout the Probate Code, including in laws governing minor guardianship and adoption.

Chapter 402 includes the changes recommended by PATLAC and FLAC, incorporating many of the provisions of the new Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGCOPAA) with regard to adult guardianships and all conservatorships and other protective arrangements; the FLAC recommendations concerning minor guardianships, rather than the UGCOPAA proposals, are included. Chapter 402 also updates the adoption laws as recommended by FLAC.

Chapter 402 includes the Uniform Real Property Transfer on Death Act, as Part 4 of Article 6 governing nonprobate transfers.

The new Maine Uniform Probate Code takes effect July 1, 2019.

Part G of Chapter 402 directs the Probate and Trust Law Advisory Commission, in consultation with the Family Law Advisory Commission, to develop Maine Uniform Probate Code Comments to accompany the statutory provisions of this legislation. The recommended comments must be submitted to the joint standing committee of the 129th Legislature having jurisdiction over judiciary matters no later than January 15, 2019. That committee is given authority to report out legislation to fix any errors and inconsistencies created by recent legislation and this legislation and to address other issues related to the recodification and revision of the Maine Probate Code. Part G takes effect 90 days after the Second Regular Session of the 128th Legislature adjourns.

**LD 170      An Act To Allow and Recognize a Legal Name Change upon Marriage      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CHENETTE J	OTP-AM	H-274

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill allows a person who is getting married to change that person's name by indicating the new name on the application for recording notice of intent to marry, which becomes effective upon the completion of the marriage license.

**Committee Amendment "A" (H-274)**

This amendment provides funds to the Department of Health and Human Services for technology updates made necessary by the bill.

**LD 197      RESOLUTION, Proposing an Amendment to the Constitution of Maine      Died On  
To Explicitly Protect against Sex Discrimination      Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L VITELLI E	OTP-AM ONTP	H-133

***Joint Standing Committee on Judiciary***

This resolution was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This resolution was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This resolution proposes to amend the Constitution of Maine to prohibit the denial of equal rights based on the sex of an individual.

**Committee Amendment "A" (H-133)**

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

**LD 283      An Act To Increase the Jurisdictional Limits for Small Claims      Died Between Houses**

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

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

The bill increases the jurisdictional limit for small claims from \$6,000 to \$15,000.

**Committee Amendment "A" (H-590)**

This amendment, which is the minority report of the committee, adds a General Fund appropriation of \$43,200 per year for the additional mediation costs to the Judicial Department expected to result from increasing the small claims jurisdictional limit.

**LD 821      An Act To Enact the Revised Uniform Unclaimed Property Act      ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to adopt a law that is based on the Revised Uniform Unclaimed Property Act.

**LD 846      An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act      PUBLIC 359 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D	OTP-AM	H-691

## *Joint Standing Committee on Judiciary*

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill enacts the Revised Uniform Fiduciary Access to Digital Assets Act, adopted by the Uniform Law Commission in 2015, as the Maine Revised Uniform Fiduciary Access to Digital Assets Act, Article 10 in the Maine Revised Statutes, Title 18-A.

The Revised Uniform Fiduciary Access to Digital Assets Act ensures that Internet users retain control of their digital property and can plan for its ultimate disposition after their death but also takes into account the digital privacy that users and those with whom they communicate have a right to expect under federal law and the unique authentication issues inherent in a paperless record-keeping system. Unless the user instructs otherwise, legally appointed fiduciaries will have the same access to digital assets as they have always had to tangible assets and the same duty to comply with the user's instructions.

This bill modifies the Revised Uniform Fiduciary Access to Digital Assets Act to be consistent with existing Maine law with regard to conservators.

Part B amends the Maine Uniform Power of Attorney Act to specifically allow a power of attorney to grant authority to enable the agent to access the content of an electronic communication to be consistent with the grant of express authority required by Section 9 of the Revised Uniform Fiduciary Access to Digital Assets Act.

Part C provides that the provisions of this bill take effect January 1, 2018.

### **Committee Amendment "A" (H-691)**

This amendment revises definitions to accommodate practices in Maine with regard to certain guardians and with regard to small estates. The definition of "conservator" is amended to include a guardian when the guardian is exercising the powers of a conservator because no conservator has been appointed. To be consistent, the definition of "protected person" is amended to include a person for whom a guardian has been appointed when no conservator has been appointed. The definition of "personal representative" is amended to cover a person claiming to be a successor of the decedent user who presents an affidavit governing access to assets in a small estate. This amendment amends the definition of "property" that applies to the entire Probate Code to include a digital asset as defined in the bill.

This amendment adds an emergency preamble and emergency clause and changes the effective date to July 1, 2018.

### **Enacted Law Summary**

Public Law 2017, chapter 359 enacts the Revised Uniform Fiduciary Access to Digital Assets Act as the Maine Revised Uniform Fiduciary Access to Digital Assets Act, Article 10 in the Maine Revised Statutes, Title 18-A.

Chapter 359 ensures that Internet users retain control of their digital property and can plan for its ultimate disposition after their death but also takes into account the digital privacy that users and those with whom they communicate have a right to expect under federal law and the unique authentication issues inherent in a paperless record-keeping system. Unless the user instructs otherwise, legally appointed fiduciaries will have the same access to digital assets as they have always had to tangible assets and the same duty to comply with the user's instructions.

Chapter 359 amends the Maine Uniform Power of Attorney Act to specifically allow a power of attorney to grant authority to enable the agent to access the content of an electronic communication to be consistent with the grant of express authority required by the Revised Uniform Fiduciary Access to Digital Assets Act.

Chapter 359 was enacted as an emergency measure on April 4, 2018 and the law goes into effect July 1, 2018.

*Joint Standing Committee on Judiciary*

**LD 860 An Act To Establish a Statewide Electronic Warrant System**

**ONTP**

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

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

The bill directs the State Court Administrator to establish a secure electronic system for the application, issuance and return of arrest warrants and search warrants that provides access to authorized users statewide. The bill also amends the law on search warrants to require electronic application and issuance once the electronic system has been established. The bill further directs the Supreme Judicial Court to adopt amendments to Rule 4 of the Maine Rules of Unified Criminal Procedure, effective on the date of that the statewide electronic warrant system is established, to provide for the application, issuance and return of arrest warrants through electronic means.

**LD 934 An Act To Establish an Expedited Temporary Guardianship Process**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends the Probate Code to add an expedited process for the court to appoint a temporary guardian for a minor.

LD 123, Public Law 2017, Chapter 402 provides for the appointment of a guardian for a minor on an emergency basis.

**LD 969 An Act Regarding Nonprobate Transfers on Death**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill enacts as Article 6, Part 4 of the Maine Probate Code the Uniform Real Property Transfer on Death Act, adopted by the Uniform Law Commission in 2009. This bill amends the Maine Probate Code to provide for the nonprobate transfer of personal property not already covered by Article 6 of the Maine Probate Code by enacting a new Part 5. The bill allows the owner of personal property, whether tangible or intangible, to provide for the transfer of that property to take place at the death of the owner without the property being included in the estate of the deceased owner. Current law already provides for "payable on death" accounts and the registration of securities to be transferred on the death of the owner. Part 5 is modeled on Missouri law.

The text of Part 4, as amended by the committee, was incorporated into the Committee Amendment to LD 123, An

*Joint Standing Committee on Judiciary*

Act to Recodify and Revise the Maine Probate Code, now Public Law 2017, Chapter 402.

**LD 1187      An Act To Amend the Child Protective Services Statutes**

**PUBLIC 411**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-724

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

The bill makes the following changes to the laws governing child protective services.

1. It creates a rebuttable presumption that, when a child has been removed from the custody of the child's parent or parents, placement of the child with a relative is in the best interest of the child as long as the placement does not substantially interfere with parental reunification efforts.
2. It provides that in any hearing held by the court prior to issuing an order in a child protection proceeding, a parent of the child who is the subject of the proceeding has the right to hear all evidence presented, except for testimony by the guardian ad litem, prior to testifying in the hearing.
3. It changes the standard of proof at a summary preliminary hearing from a preponderance of the evidence to clear and convincing evidence.
4. It requires that the Department of Health and Human Services limit its use of preliminary protection orders to no more than 50% of the total child protection petitions it files in a calendar year.
5. It requires the department to report to the Legislature annually the number of preliminary protection orders it requested in the previous calendar year as well as the total number of child petitions it filed in that same calendar year.

**Committee Amendment "A" (H-724)**

This amendment replaces the bill and makes the following changes to the Child and Family Services and Child Protection Act.

1. It specifies that the standard of the best interest of the child set forth in the Maine Revised Statutes, Title 19-A, section 1653, subsection 3 applies to child protection proceedings.
2. It amends the definition of "relative" to be consistent with the Maine Parentage Act and the federal Indian Child Welfare Act of 1978.
3. It establishes the Legislature's intent that a child who has been removed from the custody of the child's parents be placed with as many of the child's siblings as is possible and consistent with the safety and well-being of the child and the child's siblings.
4. It outlines the process and timelines that the Department of Health and Human Services must follow to effectuate the Legislature's intent that the department place a child who has been removed from the custody of the child's parents with an adult relative rather than a nonrelated caregiver as long as the adult relative passes child welfare and criminal background checks and exercises due diligence to obtain a license as a family foster home.
5. It changes the laws outlining a court's authority to order grandparent visitation or access to a child and to order

## *Joint Standing Committee on Judiciary*

placement of a child with a relative and moves those laws to a section of the Act immediately following the section outlining the department's responsibilities for relative and sibling placement. The amendment authorizes the court to order a relative who requests placement to participate in mediation with the foster parents, if any, the guardian ad litem and the department, when appropriate. The court must consider but is not bound by an agreement involving placement or visitation reached by the parties at mediation. The amendment also provides that if a court orders that a child be placed with a relative as part of a permanency planning order, that placement is the preferred placement in all future proceedings on the child protection petition unless the court finds that remaining in that placement will negatively affect the child.

### **Enacted Law Summary**

Public Law 2017, chapter 411 makes the following changes to the Child and Family Services and Child Protection Act.

1. It specifies that the standard of the best interest of the child set forth in the Maine Revised Statutes, Title 19-A, section 1653, subsection 3 applies to child protection proceedings.
2. It amends the definition of "relative" to be consistent with the Maine Parentage Act and the federal Indian Child Welfare Act of 1978.
3. It establishes the Legislature's intent that a child who has been removed from the custody of the child's parents be placed with as many of the child's siblings as is possible and consistent with the safety and well-being of the child and the child's siblings.
4. It outlines the process and timelines that the Department of Health and Human Services must follow to effectuate the Legislature's intent that the department place a child who has been removed from the custody of the child's parents with an adult relative rather than a nonrelated caregiver as long as the adult relative passes child welfare and criminal background checks and exercises due diligence to obtain a license as a family foster home.
5. It changes the laws outlining a court's authority to order grandparent visitation or access to a child and to order placement of a child with a relative and moves those laws to a section of the Act immediately following the section outlining the department's responsibilities for relative and sibling placement. The court may order a relative who requests placement to participate in mediation with the foster parents, if any, the guardian ad litem and the department, when appropriate. The court must consider but is not bound by an agreement involving placement or visitation reached by the parties at mediation. If a court orders that a child be placed with a relative as part of a permanency planning order, that placement is the preferred placement in all future proceedings on the child protection petition unless the court finds that remaining in that placement will negatively affect the child.

### **LD 1190      An Act Regarding Driver's License Suspensions for Nondriving-related Violations**

**PUBLIC 462**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M KEIM L	OTP-AM ONTP	H-532 H-550    MOONEN M

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the special session by joint order S.P. 748.

This bill removes the provisions of law that allow driver's license suspensions for failure to pay a fine in offenses not related to driving. This bill provides that the statutory exemptions from attachment and execution for certain property apply to the enforcement of fines owed to the State.



## *Joint Standing Committee on Judiciary*

### **Committee Amendment "A" (H-532)**

This amendment adds a sunset to the bill of October 1, 2021, thus prohibiting driver's license suspensions for failure to pay a fine in offenses not related to driving until October 1, 2021, and allowing two full fiscal years of information about the fiscal effect of eliminating driver's license suspension as a tool to collect fines. Without further legislative action, the law in effect prior to this Act takes effect on October 1, 2021, reinstating the ability of the court to suspend driver's licenses for nonpayment of fines.

### **House Amendment "A" To Committee Amendment "A" (H-550)**

The bill eliminates the ability of the court to suspend a person's driver's license for failure to pay a court-ordered fine for an offense not related to driving. This amendment amends the committee amendment to give the court the option of restricting a person's driver's license to work, work-search or education purposes if the person has the ability to pay a fine and fails to do so.

### **Enacted Law Summary**

Public Law 2017, chapter 462 provides that driver's licenses may not be suspended for failure to pay a fine in offenses not related to driving. Chapter 462 provides that the statutory exemptions from attachment and execution for certain property apply to the enforcement of fines owed to the State. Chapter 462 includes a sunset of October 1, 2021, thus prohibiting driver's license suspensions for failure to pay a fine in offenses not related to driving until October 1, 2021. Without further legislative action, the law in effect prior to this Act takes effect on October 1, 2021, reinstating the ability of the court to suspend driver's licenses for nonpayment of fines. Chapter 462 gives the court the option of restricting a person's driver's license to work, work-search or education purposes if the person has the ability to pay a fine and fails to do so.

### **LD 1267     An Act To Protect Licensing Information of Medical Professionals**

**Veto Sustained**

Sponsor(s)

KATZ R  
TUELL W

Committee Report

OTP-AM

Amendments Adopted

S-424

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill provides that information concerning the application for and granting of licenses issued by the State Board of Nursing, the Board of Osteopathic Licensure and the Board of Licensure in Medicine is confidential, except that each board is required to allow inspection of certain information.

### **Committee Amendment "A" (S-424)**

This amendment replaces the bill. This amendment allows applicants and licensees of the State Board of Nursing, the Board of Osteopathic Licensure and the Board of Licensure in Medicine to review their own redacted licensing files before the respective board makes the file available for inspection or copying after the licensing file has been requested. The applicant or licensee has 10 business days from when the file is sent to stop the release of the redacted licensing file by filing an action in Superior Court to enjoin the release of the file because making the redacted file available to the public creates a potential risk to the personal safety of the applicant or licensee or any third party.

*Joint Standing Committee on Judiciary*

**LD 1355 An Act To Ensure the Timely and Proper Completion of Residential Foreclosures**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill makes changes to the laws governing the adjournment of a public sale of foreclosed premises and where such a sale must be conducted. It clarifies several aspects of the post-foreclosure sale process regarding the filing of reports of sale and mandates that the report be filed within 45 days of the sale. If a foreclosure sale produces proceeds beyond those payable to the mortgagee, the bill requires the mortgagee to pay the surplus to the mortgagor or other party entitled to it no later than the time of the filing of the report of sale and provides a means for the party entitled to the surplus to obtain a court order for the turnover of the surplus if the mortgagee fails to do so. The bill clarifies that, after the redemption period has expired, but before a sale, a mortgagee may agree with a mortgagor to a reinstatement of the mortgage, and that the mortgagee may, in connection with the reinstatement, waive the foreclosure judgment and restore all parties to the action to the positions that they were in before any foreclosure.

**LD 1406 An Act To Promote Prescription Drug Price Transparency**

**PUBLIC 406**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E FOLEY R	OTP-AM OTP-AM	S-452

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends the law governing profiteering in prescription drugs. The bill requires more disclosure of drug production, research and development costs, marketing and advertising costs and actual costs paid upon purchase. The bill allows investigations by the Attorney General of violations of these provisions.

**Committee Amendment "A" (S-451)**

This amendment is the majority report of the committee. The amendment replaces the bill and amends the statutes governing the Maine Health Data Organization to address the collection and reporting of information about prescription drug prices.

This amendment directs the Maine Health Data Organization, referred to as the "organization," to collect and report information with regard to the 25 prescription drugs that are the most frequently prescribed in the State, the 25 costliest as determined by the total amount spent on those drugs in the State and the 25 drugs that have the highest year-over-year cost increases in total spending in the State. The organization is required to post online a list of the identified prescription drugs, along with the corresponding wholesale acquisition cost and the percentage of wholesale acquisition cost increase, if applicable, for each identified prescription drug.

This amendment directs the organization to develop a plan to collect data from manufacturers that will help explain how prescription drug prices are established. The organization is required to work with other state and national agencies and organizations to determine how to conduct the data collection. The organization is required to submit the plan as well as any recommendations for legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters by April 1, 2019. That committee may report out legislation to the First or Second Regular Session of the 129th Legislature.

## *Joint Standing Committee on Judiciary*

Using the plan developed and reported to the Legislature, starting in 2019, the organization must require the manufacturer of each drug on the list to disclose drug production, research and development costs, marketing and advertising costs and actual costs paid by purchasers. The manufacturer must certify the accuracy of the information and provide it within 60 days after the information is requested by the organization. The organization is authorized to request additional information related to the required information.

The organization is required to submit an annual report to the Legislature based on the list of up to 75 drugs and the wholesale acquisition cost information. The organization may include in the report recommendations for increasing prescription drug pricing transparency. Once the organization starts collecting information from manufacturers in 2019, the report must also include at least a summary of the manufacturer information. The organization is required to post the report online.

This amendment replaces the penalties in the bill to provide that when a manufacturer violates the reporting requirements, the Board of Directors of the Maine Health Data Organization may impose a fine of not more than \$10,000 per day after the deadline for reporting required information. If the manufacturer fails to pay a fine, or if an injunction is necessary, the board may refer the matter to the Attorney General. The Attorney General may bring an action in Superior Court for injunctive relief, enforcement of fines, costs, attorney's fees and any other appropriate remedy.

The legislation does not restrict the legal ability of a prescription drug manufacturer to change prices to the extent permitted under federal law.

The amendment includes an appropriations and allocations section.

### **Committee Amendment "B" (S-452)**

This amendment is the minority report of the committee. This amendment directs the Maine Health Data Organization, referred to as the "organization," to collect and report information with regard to the 25 prescription drugs that are the most frequently prescribed in the State, the 25 costliest as determined by the total amount spent on those drugs in the State and the 25 drugs that have the highest year-over-year cost increases in total spending in the State. The organization is required to post online a list of the identified prescription drugs, along with the corresponding wholesale acquisition cost and the percentage of wholesale acquisition cost increase, if applicable, for each identified prescription drug.

This amendment directs the organization to develop a plan to collect data from manufacturers that will help explain how prescription drug prices are established. The organization is required to work with other state and national agencies and organizations to determine how to conduct the data collection. The organization is required to submit the plan as well as any recommendations for legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters by April 1, 2019. That committee may report out legislation to the First or Second Regular Session of the 129th Legislature.

The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2017, chapter 406 directs the Maine Health Data Organization to analyze and post pharmacy data it currently collects to identify prescription drugs, both brand name and generic, that are the 25 most frequently prescribed in the State, the 25 costliest drugs as determined by total spending in the State and the 25 drugs that have the highest year-over-year cost increases in the State. The Maine Health Data Organization is required to prepare the report annually, beginning with the first report by December 1, 2018.

Chapter 406 directs the Maine Health Data Organization to develop a plan to collect data from manufacturers that will help explain how prescription drug prices are established. The organization is required to work with other state

## Joint Standing Committee on Judiciary

and national agencies and organizations to determine how to conduct the data collection. The organization must submit the plan as well as any recommendations for legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters by April 1, 2019. That committee may report out legislation to the First or Second Regular Session of the 129th Legislature.

### **LD 1541 An Act To Protect Certain Administrative Licensing Files**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill makes polygraph examiner and professional investigator administrative licensing files confidential by law, except the final written decision of whether a license is issued or denied, or of whether, in response to a complaint, adverse action is taken against a licensee's license, is publicly accessible and records may be disclosed for criminal justice purposes or to a government licensing agency of this State or another state. In the case of the issuance or denial of a license, the final written decision must state the basis for which a license is issued or denied, and, in the case of a complaint against a licensee's license, the final written decision must state the basis for which adverse action was or was not taken against the license. The Private Security Guards Act also is amended to ensure consistency with the changes made to the Polygraph Examiners Act and Professional Investigators Act.

### **LD 1658 An Act To Make Criminal History Record Information Maintained in a Database Confidential**

**ONTP**

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

This bill makes criminal history record information contained in a database maintained or caused to be maintained by the Department of Public Safety, State Bureau of Identification confidential.

### **LD 1670 An Act To Revise the Grandparents Visitation Act**

**PUBLIC 328**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B	OTP-AM	H-597

This bill amends the Grandparents Visitation Act to alleviate the constitutional concerns raised by the Law Court in *Dorr v. Woodard*, 2016 ME 79, 140 A.3d 467. Specifically, the bill:

1. Requires that a grandparent seeking access to or visitation with a child under the Grandparents Visitation Act demonstrate standing to proceed at the outset of the case through a procedure that more closely tracks the procedure for demonstrating standing to obtain de facto parentage of a child under the Maine Parentage Act;
2. Amends the substantive test for a grandparent's standing by eliminating the automatic standing granted under current law to a grandparent when one of the child's parents or legal guardians has died. Under the bill, a grandparent has standing if the grandparent can demonstrate that the grandparent has a "sufficient existing relationship" with the child as that term is newly defined in the bill, that the absence of contact between the

## *Joint Standing Committee on Judiciary*

grandparent and the child will substantially and negatively affect the child or that any other compelling state interest justifies the court's interference with the parent's fundamental right to deny the grandparent access to the child;

3. Prohibits a court from ordering the parties to engage in mediation prior to a court determination that a grandparent has made a prima facie showing of standing; and

4. Clarifies that a grandparent's ability to file an action for de facto parentage or for guardianship of a child is not limited by the Grandparents Visitation Act.

### **Committee Amendment "A" (H-597)**

This amendment changes the substantive test set forth in the bill for a grandparent's standing to seek access to or visitation with a child under the Grandparents Visitation Act for purposes of clarity. To establish standing under the amendment, the grandparent must show either that the grandparent has a "sufficient existing relationship" with the child as that term is defined in the amendment or that any other compelling state interest justifies the court's interference with the parent's fundamental right to deny the grandparent access to the child.

Under the amendment, "sufficient existing relationship" is defined as a relationship involving extraordinary contact between the grandparent and the child, including but not limited to circumstances where the grandparent has been a primary caregiver and custodian of the child for a significant period of time. This definition of "sufficient existing relationship" is intended to codify the Law Court's decisions in *Rideout v. Riendeau*, 2000 ME 198, 761 A.2d 291, and *Robichaud v. Pariseau*, 2003 ME 54, 820 A.2d 1212.

The amendment also clarifies that a grandparent's ability to join with two or more other persons and file a child protection petition is not limited by the Grandparents Visitation Act.

### **Enacted Law Summary**

Public Law 2017, chapter 328 amends the Grandparents Visitation Act to alleviate the constitutional concerns raised by the Law Court in *Dorr v. Woodard*, 2016 ME 79, 140 A.3d 467. Specifically, it:

1. Requires that a grandparent seeking access to or visitation with a child under the Grandparents Visitation Act demonstrate standing to proceed at the outset of the case through a procedure that closely tracks the procedure for demonstrating standing to obtain de facto parentage of a child under the Maine Parentage Act;
2. Eliminates the automatic standing granted under prior law to a grandparent when one of the child's parents or legal guardians has died. Under chapter 328, to establish standing under the Grandparents Visitation Act the grandparent must demonstrate either that the grandparent has a sufficient existing relationship with the child or that any other compelling state interest justifies the court's interference with the parent's fundamental right to deny the grandparent access to the child. In accordance with the Law Court's decisions in *Rideout v. Riendeau*, 2000 ME 198, 761 A.2d 291, and *Robichaud v. Pariseau*, 2003 ME 54, 820 A.2d 1212, a "sufficient existing relationship" is defined as a relationship involving extraordinary contact between the grandparent and the child, including but not limited to circumstances where the grandparent has been a primary caregiver and custodian of the child for a significant period of time;
3. Prohibits a court from ordering the parties to engage in mediation prior to a court determination that a grandparent has made a prima facie showing of standing; and
4. Clarifies that a grandparent's ability to file an action for de facto parentage of a child, to file an action for guardianship of a child or to join with two or more other persons and file a child protection petition is not limited by the Grandparents Visitation Act.

*Joint Standing Committee on Judiciary*

**LD 1678     An Act To Amend the Laws Affecting the Judicial Branch Regarding  
Railroad Trespass Civil Violations and Fines for Civil Violations**

**PUBLIC 329**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M KEIM L	OTP-AM	H-591

This bill authorizes the Chief Judge of the District Court to establish a schedule of the fines to be imposed on individuals charged with specific civil violations who wish to waive their rights to contest the charges in court and instead admit to committing the violations.

The bill also reclassifies as "traffic infractions" rather than "civil violations" first-, second- and third-offense civil railroad trespasses involving walking or standing on a railroad track or bridge without permission. By reclassifying these offenses, the bill allows these offenses to be processed by the District Court's violations bureau in the same way that traffic infractions are processed.

**Committee Amendment "A" (H-591)**

This amendment clarifies that when the Chief Judge of the District Court establishes the schedule of fines for civil violations to be imposed on persons charged with civil violations who wish to admit to the violations and waive their rights to contest the charges in court, the fines on the schedule must be within the limits prescribed by law.

**Enacted Law Summary**

Public Law 2017, chapter 329 authorizes the Chief Judge of the District Court to establish, within the limits prescribed by law, a schedule of the fines to be imposed on individuals charged with specific civil violations who admit to committing the violations and agree to waive their rights to contest the charges in court.

Chapter 329 also reclassifies as "traffic infractions" rather than "civil violations" first-, second- and third-offense civil railroad trespasses involving walking or standing on a railroad track or bridge without permission. Once reclassified, these offenses can be processed by the District Court's violations bureau in the same way that traffic infractions are processed.

**LD 1691     Resolve, Directing the Secretary of State To Study the Revised Uniform  
Law on Notarial Acts**

**Died Between  
Houses**

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

This resolve directs the Secretary of State to review the Revised Uniform Law on Notarial Acts approved in 2010 by the National Conference of Commissioners on Uniform State Laws. The resolve directs the Secretary of State to submit a report, including a recommendation whether to adopt the uniform law along with any proposed implementing legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters, which is authorized to report out a bill to the 129th Legislature.

***Joint Standing Committee on Judiciary***

**LD 1695     An Act To Clarify Educational Placement and Notification in Regard to  
Parental Rights and Responsibilities**

**Accepted Majority  
(ONTP) Report**

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

This bill is a concept draft pursuant to Joint Rule 208 that proposes to clarify the law governing a school's responsibility to notify the parent of a minor child upon the registration in school of that child by another parent.

This bill was originally referred to the Joint Standing Committee on Education and Cultural Affairs, which recommended re-referring the bill to the Joint Standing Committee on Judiciary.

**Committee Amendment "A" (H-692)**

This amendment is the minority report of the committee. The amendment replaces the bill, which is a concept draft, and does the following.

1. It prohibits a parent from transferring a child from one primary or secondary school to a different primary or secondary school without the consent of all other persons having parental rights with respect to the child unless a court of competent jurisdiction has awarded the parent sole parental rights and responsibilities with respect to the child or has allocated to the parent the right to make education decisions for the child or the right to enroll the child in school. It requires the parent who seeks to transfer the child from one primary or secondary school to another primary or secondary school to provide written documentation demonstrating the parent's authority to enroll the child.
2. It authorizes a court that is determining parental rights and responsibilities to consider the fact that a parent who has not been granted the authority to make school enrollment decisions for a child has transferred the child to a different primary or secondary school without the consent of other persons having parental rights.

**LD 1716     An Act To Protect Persons Who Provide Assistance to Law Enforcement  
Dogs, Search and Rescue Dogs and Service Dogs**

**PUBLIC 338**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J DIAMOND B	OTP-AM	H-579 H-612 MOONEN M

This bill extends Good Samaritan liability protection to cover emergency medical services persons and law enforcement dog handlers who treat law enforcement dogs, search and rescue dogs and service dogs in emergency situations.

**Committee Amendment "A" (H-579)**

This amendment replaces the bill's definition of "emergency medical services person" with a definition cross-referencing the existing definition of "emergency medical services' person" in the Maine Emergency Medical Services Act of 1982.

**House Amendment "A" (H-612)**

This amendment revises the bill to allow any law enforcement officer who has been trained to provide rescue services to provide those services for a law enforcement dog, search and rescue dog or service dog while being

## Joint Standing Committee on Judiciary

subject to the bill's immunity. It defines the term "security services dog handler." It also clarifies that the immunity applies only if the law enforcement officer, security services dog handler or emergency medical services person has received training in the medical stabilization of dogs.

### Enacted Law Summary

Public Law 2017, chapter 338 provides Good Samaritan liability protection to cover emergency medical services persons, law enforcement dog handlers and security services dog handlers who treat law enforcement dogs, search and rescue dogs and service dogs in emergency situations as long as the emergency medical services person, the law enforcement officer or security services dog handler has received training in the medical stabilization of dogs.

### LD 1717 An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M HILL D	OTP-AM	H-596

This bill authorizes the Chief Medical Examiner to assume responsibility for the disposal of abandoned human remains that are the subject of a medical examiner case if no one takes custody and control of them 30 days after an autopsy or necessary examination has taken place. It also directs the Office of Chief Medical Examiner to charge \$100 per year, per case for forensic preservation of body fragments and fluids.

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

The Department of the Attorney General, Office of Chief Medical Examiner currently has authority to make appropriate disposition of unidentified human remains and identified human remains without a connection to the State. This amendment clarifies that the bill provides similar authorization to the Office of Chief Medical Examiner to make appropriate disposition of identified but abandoned human remains with a connection to the State and that the State is the payor of last resort.

### Enacted Law Summary

Public Law 2017, chapter 335 authorizes the Chief Medical Examiner to assume responsibility for the disposal of identified human remains with a connection to the State that are the subject of a medical examiner case if no one takes custody and control of them 30 days after an autopsy or necessary examination has taken place. The State is the payor of last result for the costs of appropriate disposition.

Chapter 335 also directs the Office of Chief Medical Examiner to charge \$100 per year, per case for forensic preservation of body fragments and fluids.

### LD 1763 An Act To Authorize Certain Health Care Professionals Who Are Not Physicians To Perform Abortions

Died On  
Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J KATZ R		

This bill was carried over from the Second Regular Session to the Second Special Session by joint order S.P. 748. This bill was not referred to committee.

This bill allows a physician assistant or an advanced practice registered nurse licensed as such in this State to



## *Joint Standing Committee on Judiciary*

perform abortions, in addition to a licensed allopathic or osteopathic physician.

**LD 1788      *An Act To Enhance Safety for Victims of Sexual Assault and Stalking  
and To Amend the Laws Governing Harassment and Protection from  
Abuse***

**PUBLIC 455**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S ROSEN K	OTP-AM	H-689 H-783    MOONEN M

This bill adds violations that may form the basis of the issuance of a protection from harassment order. It adds harassment by telephone or by electronic communication device to the list of types of cases in which a plaintiff is not required to file a copy of a notice to stop harassing the plaintiff issued to the defendant in order to commence a protection from harassment proceeding.

The bill provides that a person is guilty of harassment by telephone or by electronic communication device if by means of telephone or electronic communication device the person sends an image or video of a sexual act, of sexual contact or of the actor's or another person's genitals without the consent of the person called or contacted.

The bill adds violations that may form the basis of the issuance of a protection from abuse order to protect a minor.

The bill amends the law governing remedies available to tenants who are victims of domestic violence, sexual assault or stalking by expanding the forms of acceptable documentation that may be provided to landlords to include copies of police reports prepared in response to investigations of sexual assault or stalking and copies of criminal complaints, indictments or convictions for charges of sexual assault or stalking.

See also LD 1838 (Criminal Justice and Public Safety Committee), now Public Law 2017, chapter 397.

**Committee Amendment "A" (H-689)**

This amendment removes the expansion of the crime of harassment by telephone or by electronic communication device as proposed in the bill. It also removes the cross-references to the expanded crime in the protection from harassment and protection from abuse laws.

**House Amendment "A" to Committee Amendment "A" (H-783)**

This amendment updates provisions that relate to the crime of harassment by telephone or electronic communication device to conform to the new descriptions of conduct of that crime contained in Public Law 2017, chapter 397. This amendment ensures that harassment by telephone or electronic communication device as described in chapter 397 is conduct that can be subject to protection from harassment orders and protection from abuse orders.

**Enacted Law Summary**

Public Law 2017, chapter 455 adds violations that may form the basis of the issuance of a protection from abuse order to protect a minor and amends the law governing remedies available to tenants who are victims of domestic violence, sexual assault or stalking by expanding the forms of acceptable documentation that may be provided to landlords to include copies of police reports prepared in response to investigations of sexual assault or stalking and copies of criminal complaints, indictments or convictions for charges of sexual assault or stalking.

Chapter 455 updates the categories of conduct leading to a protection from harassment order to include the expanded crime of harassment by telephone or electronic communication device. Chapter 455 ensures that harassment by telephone or electronic communication device as described in Public Law 2017, chapter 397

*Joint Standing Committee on Judiciary*

(LD 1838, Criminal Justice and Public Safety Committee) is conduct that can be subject to protection from harassment orders and protection from abuse orders.

**LD 1793 An Act To Ensure Propane Delivery during Emergencies**

**ONTP**

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

This bill allows a person who is not the owner of a liquefied petroleum gas container to fill or refill that container with propane during the period for which the Governor has issued an emergency declaration relating to heating fuel shortages, if the owner of the container authorizes that person to fill or refill the container. The bill does not require a person who is authorized by an owner to fill or refill a liquefied petroleum gas container to fill or refill that container. The bill provides a limitation of liability for the liquefied petroleum gas container owner and the person who fills or refills the container.

**LD 1812 Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services**

**RESOLVE 52  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-657

This resolve is a recommendation of the Working Group to Improve the Provision of Indigent Legal Services. It directs the Legislative Council to contract for an independent, nonpartisan, objective evaluation of and report on the provision of indigent legal services with a nonprofit organization that conducts such evaluations. The joint standing committee of the 129th Legislature having jurisdiction over judiciary matters is authorized to report out legislation based on the report.

**Committee Amendment "A" (H-657)**

This amendment is the majority report of the committee. It replaces the appropriations and allocations section in the resolve to transfer funds from the All Other account of the Maine Commission on Indigent Legal Services to pay for the independent, nonpartisan study.

**Enacted Law Summary**

Resolve 2017, chapter 52 directs the Legislative Council to contract for an independent, nonpartisan, objective evaluation of and report on the provision of indigent legal services with a nonprofit organization that conducts such evaluations. The joint standing committee of the 129th Legislature having jurisdiction over judiciary matters is authorized to report out legislation based on the report.

Chapter 52 was finally passed as an emergency measure effective April 21, 2018.

**LD 1817 An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services**

**PUBLIC 430  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-756

## *Joint Standing Committee on Judiciary*

This bill was reported out of committee in the Second Regular session of the 128th Legislature. The bill was carried over the the next special session by joint order S.P. 748.

This bill is a recommendation of the Working Group to Improve the Provision of Indigent Legal Services. It amends the makeup of the Maine Commission on Indigent Legal Services, based on suggestions of the Sixth Amendment Center, to include appointments suggested by the Dean of the University of Maine School of Law and the president of a statewide organization representing attorneys. It also increases the number of appointments from a list suggested by the Chief Justice of the Supreme Judicial Court from one to two. The number of members required for a quorum is adjusted from three to five.

In order to ensure the independence of the commission and ensure no appearance of conflict of interest, the bill prohibits the appointment to the commission of a person who is a sitting judge, prosecutor, law enforcement official or indigent legal services provider, or an employee of such a person.

### **Committee Amendment "A" (H-756)**

This amendment is the majority report of the committee. This amendment replaces the bill while retaining the original purpose to expand the membership of the Maine Commission on Indigent Legal Services.

Like the bill, the amendment expands the number of commission members from five to nine. The Governor is still responsible for appointing all members. The amendment increases the number to be appointed from a list of qualified potential appointees provided by the Chief Justice of the Supreme Judicial Court from one, as in current law, to three. The amendment requires one appointment from a list of qualified potential appointees submitted by the Maine State Bar Association and one appointed from a list provided by a statewide organization, other than the Maine State Bar Association, that represents criminal defense attorneys. These members must provide indigent legal services as a majority of their practices, and are nonvoting members of the Commission. The amendment requires the Governor to appoint a member who has experience in administration and finance as well as a member who has experience providing representation in child protection proceedings.

Current law requires appointees to have the knowledge and skills required to ensure that quality of representation is provided in each area of law. The amendment removes the skill requirement. The amendment provides that no more than seven members may be attorneys engaged in the active practice of law.

The amendment also addresses issues regarding potential conflicts of interest. It provides that no voting members may receive compensation from the commission, other than the per diem and expenses authorized by statute, while a member of the commission. The limitation on compensation from the commission also applies to a member whose immediate family member living in the same household is receiving compensation from the commission. The limitation on compensation does not apply to any member serving on the commission on April 1, 2018, for the duration of that member's term. In addition, the amendment makes ineligible for appointment a person who is a sitting judge, a prosecutor or a law enforcement official or an employee of any of these individuals.

The amendment addresses the issue of how many members constitute a quorum. The amended language defines a quorum as a majority of the current voting members, which will allow the commission to function as it transitions from five members to seven voting members. As four additional members will be appointed to the commission, the amendment directs the Governor to designate one of the new members to serve a full three-year term, two members to serve an initial two-year term and one member to serve an initial term of one year.

### **Enacted Law Summary**

Public Law 2017, chapter 430 is based on a recommendation of the Working Group to Improve the Provision of Indigent Legal Services. It amends the makeup of the Maine Commission on Indigent Legal Services, based on suggestions of the Sixth Amendment Center, to expand the number of commission members from five to nine. The Governor is still responsible for appointing all members. The number to be appointed from a list of qualified

## *Joint Standing Committee on Judiciary*

potential appointees provided by the Chief Justice of the Supreme Judicial Court is increased from one, as in current law, to three. Chapter 430 requires one appointment from a list of qualified potential appointees submitted by the Maine State Bar Association and one appointed from a list provided by a statewide organization, other than the Maine State Bar Association, that represents criminal defense attorneys. These members must provide indigent legal services as a majority of their practices, and are nonvoting members of the Commission. Chapter 430 requires the Governor to appoint a member who has experience in administration and finance as well as a member who has experience providing representation in child protection proceedings. Chapter 430 provides that no more than seven members may be attorneys engaged in the active practice of law.

Chapter 430 also addresses issues regarding potential conflicts of interest. It provides that no voting members may receive compensation from the commission, other than the per diem and expenses authorized by statute, while a member of the commission. The limitation on compensation from the commission also applies to a member whose immediate family member living in the same household is receiving compensation from the commission. The limitation on compensation does not apply to any member serving on the commission on April 1, 2018 for the duration of that member's term. In addition, Chapter 430 makes ineligible for appointment a person who is a sitting judge, a prosecutor or a law enforcement official or an employee of any of these individuals.

Chapter 430 addresses the issue of how many members constitute a quorum. A quorum is defined as a majority of the current voting members, which will allow the commission to function as it transitions from five members to seven voting members. As four additional members will be appointed to the commission, chapter 430 directs the Governor to designate one of the new members to serve a full three-year term, two members to serve an initial two-year term and one member to serve an initial term of one year.

Public Law 2017, chapter 430 was enacted as an emergency measure effective July 1, 2018.

**LD 1821     An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-680

Current law requires officials elected to certain positions to complete training on the requirements of the Freedom of Access Act but does not require officials appointed to those positions to complete that training. This bill implements the recommendation of the Right To Know Advisory Committee that appointed officials also be required to complete the training.

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

This amendment is the majority report of the committee. It adds a mandate preamble to the bill. The costs incurred by local governments to comply with the bill's provisions have been estimated to be insignificant.

**LD 1827     An Act To Amend the Maine Uniform Trust Code Regarding Reporting by Trustees and the Duties of Trustees to Settlers**

**PUBLIC 349**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D	OTP-AM	H-636

This bill amends the Maine Uniform Trust Code in two ways. First, it corrects a gap in the statute governing a trustee's duties with regard to reporting to a beneficiary or another person designated by the trust's settlor. The

## *Joint Standing Committee on Judiciary*

correction allows the trustee to carry out the settlor's directions without violating the duty established by statute. Second, this bill corrects an ambiguity with regard to the duty the trustee owes to the settlor of a revocable trust during the settlor's lifetime, clarifying that the trustee has no duty to provide information and reports to distributees, permissible distributees or qualified beneficiaries while the settlor is alive.

### **Committee Amendment "A" (H-636)**

This amendment clarifies that the settlor of a trust has authority to waive one or more of the trustee's duties that are listed in the Maine Revised Statutes, Title 18-B, section 813, subsections 1, 2 and 3 with regard to giving notice, information and reports to qualified beneficiaries.

### **Enacted Law Summary**

Public Law 2017, chapter 349 amends the Maine Uniform Trust Code in two ways. First, it corrects a gap in the statute governing a trustee's duties with regard to reporting to a beneficiary or another person designated by the trust's settlor. The correction allows the trustee to carry out the settlor's directions without violating the duty established by statute; it clarifies that the settlor of a trust has authority to waive one or more of the trustee's duties that are listed in Title 18-B, section 813, subsections 1, 2 and 3 with regard to giving notice, information and reports to qualified beneficiaries. Second, this bill corrects an ambiguity with regard to the duty the trustee owes to the settlor of a revocable trust during the settlor's lifetime, clarifying that the trustee has no duty to provide information and reports to distributees, permissible distributees or qualified beneficiaries while the settlor is alive.

### **LD 1831     An Act Concerning Remote Participation in Public Proceedings**

**Accepted Majority  
(ONTP) Report**

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

This bill is in response to recommendations contained in the Right To Know Advisory Committee's 12th annual report concerning remote participation in public proceedings by members of public bodies that are subject to the Freedom of Access Act. The bill expressly prohibits a member of a body subject to the Freedom of Access Act from participating in the body's public proceedings if the member is not physically present.

Part A prohibits a member of a public body from participating in a public proceeding when that member is not physically present at the location of the public proceeding as indicated in the required public notice. The members of seven specific public bodies are currently statutorily authorized to participate remotely in the public proceedings of those bodies, and they may continue to do so as long as the statutes still authorize such participation. The seven bodies are the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority, the Maine Municipal Bond Bank, the Emergency Medical Services' Board and the Workers' Compensation Board.

Part B amends the statutes enabling remote participation for the seven bodies to repeal the authorization for remote participation July 1, 2020.

Part C amends the Freedom of Access Act to require the joint standing committee of the Legislature having jurisdiction over judiciary matters to conduct a review of any proposed statutory authorization of remote participation or change in accessibility with respect to public proceedings.

*Joint Standing Committee on Judiciary*

**LD 1832    An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation**

**Accepted Majority (ONTP) Report**

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

This bill implements the recommendation of the Right To Know Advisory Committee to clarify when members of public bodies may participate remotely in public proceedings of those bodies. The bill prohibits a body subject to the Freedom of Access Act from allowing its members to participate in its public proceedings through telephonic, video, electronic or other similar means of communication unless the body has adopted a written policy that authorizes remote participation in a manner that allows all members to simultaneously hear and speak to each other during the public proceeding and allows members of the public attending the public proceeding at the location identified in the meeting notice to hear all members of the body. If the policy allows remote participation in executive sessions, the policy must establish procedures and requirements that ensure the privacy of the executive session. The bill requires a quorum of the body to be physically present at the location identified in the meeting notice unless immediate action is imperative and physical presence of a quorum is not reasonably practicable within the period of time requiring action. The bill requires that each member participating remotely identify all persons present at the remote location, that all votes be taken by roll call and that members participating remotely receive documents or other materials presented or discussed at the public proceeding in advance or when made available at the meeting, if the technology is available. The bill prohibits members who are not physically present at the meeting location from participating and voting in adjudicatory proceedings.

The bill prohibits the Legislature from allowing its members to participate in its public proceedings through telephonic, video, electronic or other similar means of communication, but allows the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority, the Maine Municipal Bond Bank, the Emergency Medical Services' Board and the Workers' Compensation Board to continue allowing remote participation at their public proceedings as currently authorized in law.

**Committee Amendment "A" (H-735)**

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

1. It prohibits remote participation in executive session. It also prohibits a member who is participating remotely in a proceeding from voting on an issue that was discussed in executive session that immediately preceded the vote in the public proceeding.
2. It changes, for public bodies that consist of three or fewer members, the requirement that a quorum be physically present. It requires at least one member of the public body of three or fewer members to be physically present at the location identified in the meeting notice.
3. It requires that each member of a public body subject to the Freedom of Access Act be physically present in at least one public proceeding each year.
4. It requires that a state public body adopt its remote participation policy as a major substantive rule under the Maine Administrative Procedure Act.
5. It authorizes municipalities and counties to impose stricter requirements than are provided in this amendment and allows municipalities and counties to prohibit the use of remote participation by any public body under their jurisdictions. The stricter requirements or the prohibition must be imposed through the adoption of an ordinance by

*Joint Standing Committee on Judiciary*

the municipality or the county.

6. It provides that an elected public body may adopt a remote participation policy only after the constituency of the elected public body has voted to authorize the body to adopt the policy.

7. It provides, in Parts A and B, that the exemptions for the seven entities whose statutes currently provide for remote participation expire on July 1, 2022. Those entities will need to adopt policies that comply with the law to continue any remote participation.

8. It amends, in Part C, the Freedom of Access Act to require the joint standing committee of the Legislature having jurisdiction over judiciary matters to conduct a review of any proposed statutory authorization of remote participation or change in accessibility with respect to public proceedings.

**LD 1833 An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L MASON G	ONTP OTP-AM	

This bill establishes prohibitions concerning restricting the sharing and use of immigration and citizenship information. It prohibits restricting the enforcement of federal immigration law. It establishes a complaint process and a duty to report.

This bill also provides that if the Attorney General, upon investigation, determines that a government entity is violating these prohibitions, the Attorney General must issue an opinion stating that finding. The government entity has 30 days to appeal the finding to the Superior Court. If the Superior Court agrees with the Attorney General, the court must immediately enjoin the policy or practice. The government entity that continues the policy or practice is subject to a \$500 fine for each day the policy or practice remains in effect. If the Superior Court disagrees with the Attorney General, the Attorney General must immediately certify that the government entity is in compliance with the law.

See also LD 366 in the First Regular Session.

**Committee Amendment "A" (H-723)**

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

**Senate Amendment "A" (S-461)**

Under the bill, a government entity may not be limited or restricted from complying with an immigration detainer. This amendment limits that prohibition to immigration detainers that include written confirmation that the immigration detainer is based on probable cause.

This amendment was not adopted.

*Joint Standing Committee on Judiciary*

**LD 1854 An Act To Create the Office of the Public Defender and Amend the Duties of the Maine Commission on Indigent Legal Services**

**INDEF PP**

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

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748. This bill was not referred to committee

This bill establishes a statewide public defender system. The purposes of this bill are to:

1. Provide effective assistance of counsel to indigent criminal defendants, juvenile defendants and children and parents in child protective cases in courts of this State;
2. Ensure that the system is free from undue political interference and conflicts of interest;
3. Provide for the delivery of public defender services by qualified and quality counsel in a manner that is fair and consistent throughout the State;
4. Establish a system that uses state employees, contracted services and other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests;
5. Ensure that adequate public funding of the statewide public defender system is provided and the system is managed in a fiscally responsible manner;
6. Ensure that a person using the services of a statewide public defender system pay reasonable costs for services provided by the system based on the person's financial ability to pay;
7. Increase the size of the Maine Commission on Indigent Legal Services from five to nine members and change the responsibilities of the commission; and
8. Establish the Chief Public Defender as the person who makes indigency determinations.

**LD 1876 An Act Regarding Financial Orders Requested by the Attorney General**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY A HILL D	OTP-AM ONTP	H-763

This bill provides that, if the Governor disapproves or takes no action within 30 days of submission of a financial order request by the Attorney General regarding the compensation of staff attorneys, assistant attorneys general and the secretary to the Attorney General, the financial order is deemed approved as long as the positions are established and the compensations do not in the aggregate exceed the amount appropriated for the positions and do not result in an increased request to future Legislatures. It also provides that the Governor may not impose upon the Attorney General any precondition on the submission of a financial order request or the filling of any position that does not require a financial order.

**Committee Amendment "A" (H-763)**



## *Joint Standing Committee on Judiciary*

This amendment is the majority report of the committee. It replaces the bill. It removes the current requirement that the Governor approve salaries set by the Attorney General for the Deputy Chief Medical Examiner, staff attorneys, assistant attorneys general and secretary to the Attorney General. Compensations continue to be limited by the total amount appropriated for those positions and cannot result in increases in requests in future budgets.

The amendment gives the Attorney General the same authority within the Office of the Attorney General to approve financial orders as the Chief Justice has within the judicial branch. The Attorney General must provide a copy of each approved financial order to the Department of Administrative and Financial Services, Bureau of the Budget and the Office of Fiscal and Program Review.

### **LD 1884    An Act To Specify the Procedures Regarding the Court-ordered Surrender of Dangerous Weapons**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M GIDEON S	OTP-AM OTP-AM	S-489

This bill was reported out of committee during the Second Regular Session of the 128th Legislature. The bill was then carried over to the next special session by joint order S.P. 748.

This bill creates a community protection order through which a court may order a person to surrender that person's firearms temporarily for 21 days or on an extended basis for 180 days when it has been proved that the person poses a danger of causing personal injury to that person or another person. The bill provides that:

1. A law enforcement officer or a family or household member of a high risk individual may file a petition for a temporary community protection order, which expires in 21 days. A temporary community protection order may be issued on an ex parte basis. The court is required to hold a hearing to determine if the temporary community protection order should be extended for an additional 180 days;
2. A person who is the subject of a community protection order is required to surrender all firearms in the person's possession to a law enforcement officer. The firearms must be returned to the person at the expiration of the community protection order; and
3. A person who possesses firearms in violation of a community protection order commits a Class D crime. Part of the sentence must include a prohibition on possession of firearms for an additional two years.

#### **Committee Amendment "A" (S-488)**

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

1. It limits the definition of "family or household member" to include only a former or current spouse or domestic partner of the subject of the petition, an individual who formerly was or currently is living with the subject of the petition as a spouse, the parent of a child of the subject of the petition and household members related by consanguinity or affinity to the subject of the petition.
2. It changes the definition of "high-risk individual" to remove references to mental illness.
3. It enumerates specific factors that a court must consider when deciding whether to issue a temporary or extended community protection order.
4. It reduces the duration of a temporary community protection order from 21 days to 14 days.

## *Joint Standing Committee on Judiciary*

5. It removes the prohibition on ownership of a firearm by a restrained individual but continues to prohibit a restrained individual from having a firearm in the individual's custody or control or purchasing, possessing or receiving or attempting to purchase or receive a firearm.
6. It authorizes the court to issue a search warrant authorizing a law enforcement officer to seize any firearms that there is probable cause to believe the restrained individual possesses either concurrently with or subsequent to issuance of a temporary or extended community protection order.
7. It permits an individual restrained by an extended community protection order to submit one written request to dissolve the extended community protection order and requires law enforcement to update the Department of Public Safety database for protection orders when a community protection order is dissolved.
8. It requires, prior to the return of a firearm to an individual who was restrained by an expired or dissolved community protection order, that the law enforcement agency provide notice of the return of the firearm to the petitioner, if the petitioner is a family or household member of the restrained individual.
9. It requires law enforcement agencies to exercise reasonable care to avoid loss, damage or reduction in value of firearms surrendered by or seized from restrained individuals and provides that the Maine Tort Claims Act governs liability of law enforcement for damage to or reduction in value of such firearms.

Part B of the amendment authorizes a court to order a person admitted to a progressive treatment program not to possess firearms, muzzle-loading firearms, bows, crossbows or other specified dangerous weapons for the duration of the patient's court-ordered participation in the program. Possession of a firearm by a patient in violation of such an order is a Class D crime. A law enforcement officer to whom a patient surrenders a firearm must exercise reasonable care to avoid loss, damage or reduction in value of the surrendered firearm.

Part C provides funds to the Judicial Department for programming and related information technology costs for case management system changes necessary to implement the community protection order process.

### **Committee Amendment "B" (S-489)**

This amendment, which is the minority report of the committee, strikes and replaces the bill. The amendment authorizes a court to order a person admitted to a progressive treatment program not to possess firearms, muzzle-loading firearms, bows, crossbows or other specified dangerous weapons for the duration of the patient's court-ordered participation in the program. Possession of a firearm by a patient in violation of such an order is a Class D crime. A law enforcement officer to whom a patient surrenders a firearm must exercise reasonable care to avoid loss, damage or reduction in value of the surrendered firearm.

The amendment also directs a court of this State that enters an order dissolving, terminating or vacating an order or any portion of an order that constitutes grounds to prohibit a person from possessing a firearm pursuant to the Maine Revised Statutes, Title 15, section 393 to promptly notify the Department of Public Safety, Bureau of State Police, State Bureau of Identification of this information. The State Bureau of Identification is required to then promptly notify the Federal Bureau of Investigation and request that the National Instant Criminal Background Check System be promptly updated to reflect the dissolution, termination, vacation or modification of the underlying order.

### **House Amendment "A" To Committee Amendment "A" (H-784)**

This amendment requires any orders issued by a court pursuant to the requirements of this legislation to be forwarded on the same business day by e-mail to the Department of Public Safety for entry into the electronic records management system maintained by the department. This requirement expires once a case management system for the judicial branch is fully operational. This amendment also provides funding to the Department of Public Safety for this entry of the orders.

**Joint Standing Committee on Judiciary**

This amendment was not adopted.

**Senate Amendment "A" To Committee Amendment "A" (S-498)**

This amendment provides that a restrained individual is entitled to legal counsel and authorizes restrained individuals to request the court to appoint legal counsel. Upon a finding of indigency, the court must appoint legal counsel at public expense. It adds representation of restrained individuals to the purposes of the Maine Commission on Indigent Legal Services. It authorizes a restrained individual to move for dissolution of a temporary community protection order. It clarifies subsection headnotes. It adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1885      An Act To Implement the Recommendations of the Task Force To      Died On**  
**Address the Opioid Crisis in the State Regarding Increased Access to      Adjournment**  
**Drug Courts**

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

This bill was carried over from the Second Regular Session to the Second Special Session on the Special Appropriations Table by joint order S.P. 748.

This bill is reported out by the Joint Standing Committee on Judiciary to implement a recommendation in the report of the Task Force To Address the Opioid Crisis in the State. It provides additional funding for the Judicial Department to establish a new drug court in the State for up to 30 participants or to expand by up to 30 the number of participants served by existing drug courts in the State pursuant to the Maine Revised Statutes, Title 4, section 421. The bill also provides funding for the case management and ancillary services provided to drug court participants by the office of substance abuse and mental health services within the Department of Health and Human Services.

Public Law 2017, chapter 460, Part J provides the funding proposed by LD 1885.

**LD 1889      Resolve, To Establish the Blue Ribbon Commission on Community      Died On**  
**Safety      Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-776

This bill was reported out by the committee as a resolve. It was carried over from the Second Regular Session to the Second Special Session on the Special Study Table by joint order S.P. 748.

Under current law, for the purpose of admission to a progressive treatment program a determination that a person poses a likelihood of serious harm takes into consideration the likelihood that a person's mental health will deteriorate and that the person will in the foreseeable future pose a likelihood of serious harm. This bill expands the definition of "likelihood of serious harm" to apply those same considerations for purposes other than admission to a progressive treatment program.

**Committee Amendment "A" (H-776)**

This amendment replaces the bill with a resolve that establishes the Blue Ribbon Commission on Community Safety

## *Joint Standing Committee on Judiciary*

to explore appropriate methods to identify individuals who pose a significant risk of serious bodily injury or death to themselves or other persons and to intervene to diminish the risk while preserving the civil liberties of such individuals to the extent possible. The commission is required to submit a report by November 7, 2018, that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The joint standing committee of the Legislature having jurisdiction over judiciary matters is authorized to introduce legislation to the First Regular Session of the 129th Legislature related to the subject matter of the report. The amendment provides a new title, Resolve, To Establish the Blue Ribbon Commission on Community Safety.

**LD 1894     An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 475  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-782 S-494   KEIM L H-809   LUCHINI L

This bill was reported out by the committee during the Second Regular Session and carried over to the next special session by joint order S.P. 748.

This bill makes technical corrections in the laws of Maine.

### **Committee Amendment "A" (H-782)**

This amendment deletes sections 7 to 9, 24, 43, 48 to 54, 75, 76, 81 and 82 from the bill because the sections conflict with newly enacted legislation or legislation that is currently pending. This amendment deletes sections 65 and 73 from the bill and includes them in amended form in Part B. This amendment deletes sections 78 to 80 from the bill, which proposed to delete cross-references to the repealed gasoline tax indexing law. This amendment renumbers two sections of the bill to place them in the correct statutory order.

Part B of the amendment amends the Maine Revised Statutes, Title 32, section 2180, subsection 1 to clarify that the effective date of the Nurse Licensure Compact in this State is the date of legislative enactment of this compact into law by no fewer than 26 states or December 31, 2018, whichever is earlier. Part B also corrects an additional cross-reference to the tax credit for disability income protection plans in the workplace.

Part C makes the following corrections, which may be considered substantive.

1. Sections 1 and 3 correct cross-references to the Maine Uniform Building and Energy Code.
2. Section 2 corrects a formatting error in the Maine Administrative Procedure Act and makes grammatical changes.
3. Sections 4, 5 and 6 amend the laws governing the condemnation of property for the construction or expansion of school buildings or playgrounds to provide authority to regional school units.
4. Section 7 removes language that the Joint Standing Committee on Health and Human Services intended to remove in the majority committee amendment to L.D. 454 of the First Regular Session of the 128th Legislature, which was enacted by the Legislature.
5. Sections 8, 9 and 10 amend the deadlines for local option petitions, filing written objections to nomination papers or caucus nomination certificates and candidate withdrawals, respectively, to be consistent with a change made in the First Regular Session of the 128th Legislature.

## *Joint Standing Committee on Judiciary*

6. Section 11 corrects a clerical error in the involuntary hospitalization statutes.

7. Section 12 removes the application section of Public Law 2017, chapter 88, which refers to benefits paid to disability retirement benefit recipients, because the sections of the public law referenced do not refer to benefits paid.

8. Section 13 provides a new allocation section for the Commission on Governmental Ethics and Election Practices because of an error in Public Law 2017, chapter 284, Part ZZZZZZ, section 19 that resulted in a negative allocation for fiscal year 2018-19. Section 13 provides an allocation of \$3,976,470 to result in the correct allocation for fiscal year 2018-19.

### **House Amendment "A" (H-786)**

This amendment removes the emergency preamble and emergency clause.

This amendment was not adopted.

### **Senate Amendment "A" (S-493)**

This amendment removes the emergency preamble and emergency clause.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-494)**

This amendment reenacts the Appraisal Management Company Licensing Act, which was repealed by its own terms on March 15, 2018. Public Law 2017, chapter 351 attempted to retain the repealed Act but did not take effect until after the Act had been repealed. This amendment provides that a license issued to an appraisal management company by the Department of Professional and Financial Regulation, Board of Real Estate Appraisers and in effect on March 14, 2018 remains in effect until the date of expiration specified in the license. It requires the board to review and approve or deny an application for an appraisal management company license that was submitted to the board with the required fee on or before March 14, 2018, and that was not finally acted upon before March 15, 2018.

### **House Amendment "A" To Committee Amendment "A" (H-789)**

This amendment replaces the section of the committee amendment allocating funds to the Maine Clean Election Fund. Instead, this amendment requires the State Controller to:

1. Transfer \$3,000,000 from the Maine Clean Election Fund to the General Fund within 10 days of enactment; and
2. Transfer, as required by statute, \$3,000,000 into the Maine Clean Election Fund by January 1, 2019.

The amendment also provides for an allocation of funds in fiscal year 2017-18 to offset an error in Public Law 2017, chapter 284 that resulted in a negative allocation of funds in fiscal year 2018-19.

This amendment was not adopted.

### **House Amendment "C" To Committee Amendment "A" (H-796)**

This amendment requires the State Controller to:

1. Transfer \$1,000,000 from the Maine Clean Election Fund to the General Fund within 10 days of enactment; and
2. Transfer \$1,000,000 into the Maine Clean Election Fund by January 1, 2019.

## *Joint Standing Committee on Judiciary*

This amendment was not adopted.

### **House Amendment "B" To Committee Amendment "A" (H-795)**

This amendment requires the State Controller to:

1. Transfer \$1,500,000 from the Maine Clean Election Fund to the General Fund within 10 days of enactment; and
2. Transfer \$1,500,000 into the Maine Clean Election Fund by January 1, 2019.

This amendment was not adopted.

### **House Amendment "D" To Committee Amendment "A" (H-809)**

This amendment strikes from Committee Amendment "A" the section that corrects the negative allocation from the Clean Election Fund for fiscal year 2018-19.

### **Enacted Law Summary**

Public Law 2017, chapter 475 makes technical and substantive corrections in the laws of Maine.

Part A makes technical corrections.

Part B makes technical corrections. It amends clarifies that the effective date of the Nurse Licensure Compact in this State is the date of legislative enactment of this compact into law by no fewer than 26 states or December 31, 2018, whichever is earlier. Part B also corrects an additional cross-reference to the tax credit for disability income protection plans in the workplace.

Part C makes the following corrections, which may be considered substantive.

1. Sections 1 and 3 correct cross-references to the Maine Uniform Building and Energy Code.
2. Section 2 corrects a formatting error in the Maine Administrative Procedure Act and makes grammatical changes.
3. Sections 4, 5 and 6 amend the laws governing the condemnation of property for the construction or expansion of school buildings or playgrounds to provide authority to regional school units.
4. Section 7 removes language that the Joint Standing Committee on Health and Human Services intended to remove in the majority committee amendment to L.D. 454 of the First Regular Session of the 128th Legislature, which was enacted by the Legislature.
5. Sections 8, 9 and 10 amend the deadlines for local option petitions, filing written objections to nomination papers or caucus nomination certificates and candidate withdrawals, respectively, to be consistent with a change made in the First Regular Session of the 128th Legislature.
6. Section 11 corrects a clerical error in the involuntary hospitalization statutes.
7. Section 12 removes the application section of Public Law 2017, chapter 88, which refers to benefits paid to disability retirement benefit recipients, because the sections of the public law referenced do not refer to benefits paid.

Part D reenacts the Appraisal Management Company Licensing Act, which was repealed by its own terms on March 15, 2018. Public Law 2017, chapter 351 attempted to retain the repealed Act but did not take effect until after the Act had been repealed. Part D provides that a license issued to an appraisal management company by the Department of Professional and Financial Regulation, Board of Real Estate Appraisers and in effect on March 14,

*Joint Standing Committee on Judiciary*

2018 remains in effect until the date of expiration specified in the license. It requires the board to review and approve or deny an application for an appraisal management company license that was submitted to the board with the required fee on or before March 14, 2018, and that was not finally acted upon before March 15, 2018.

Chapter 475 was enacted as an emergency measure effective September 12, 2018.

**LD 1897    An Act To Reinstate Certain Other Special Revenue Funds Allocations  
for the Maine Commission on Indigent Legal Services**

**PUBLIC 395**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill allocates funds from the reimbursement of counsel fees paid by indigent legal services recipients and the payment of conference and training fees by attorneys, which were inadvertently omitted from the biennial budget. The bill was reported by the Joint Standing Committee on Judiciary and not referred back to the Judiciary Committee.

**Enacted Law Summary**

Public Law 2017, chapter 395 allocates funds from the reimbursement of counsel fees paid by indigent legal services recipients and the payment of conference and training fees by attorneys, which were inadvertently omitted from the biennial budget, Public Law 2017, chapter 284.





# *Joint Standing Committee on Judiciary*

## **SUBJECT INDEX**

### **Abortion Issues**

#### **Not Enacted**

LD 1763	An Act To Authorize Certain Health Care Professionals Who Are Not Physicians To Perform Abortions	Died On Adjournment
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### **Attorney General and Office of Chief Medical Examiner**

#### **Enacted**

LD 1717	An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains	PUBLIC 335
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#### **Not Enacted**

LD 1876	An Act Regarding Financial Orders Requested by the Attorney General	Veto Sustained
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### **Child Abuse and Child Protection**

#### **Enacted**

LD 1187	An Act To Amend the Child Protective Services Statutes	PUBLIC 411
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### **Constitutional Issues**

#### **Not Enacted**

LD 197	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination	Died On Adjournment
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LD 1833	An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities	Majority (ONTP) Report
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LD 1884	An Act To Specify the Procedures Regarding the Court-ordered Surrender of Dangerous Weapons	Veto Sustained
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LD 1889	Resolve, To Establish the Blue Ribbon Commission on Community Safety	Died On Adjournment
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### **Courts and Court Procedure**

#### **Enacted**

LD 1190	An Act Regarding Driver's License Suspensions for Non-driving-related Violations	PUBLIC 462
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LD 1678	An Act To Amend the Laws Affecting the Judicial Branch Regarding Railroad Trespass Civil Violations and Fines for Civil Violations	PUBLIC 329
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#### **Not Enacted**

LD 111	An Act To Establish an Additional Veterans Treatment Court	Died On Adjournment
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LD 283	An Act To Increase the Jurisdictional Limits for Small Claims	Died Between Houses
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LD 1885	An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts	Died On Adjournment
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**Domestic Violence/Protection from Abuse**

**Enacted**

LD 1788	An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse	PUBLIC 455
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**Family Law, General**

**Enacted**

LD 1670	An Act To Revise the Grandparents Visitation Act	PUBLIC 328
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**Not Enacted**

LD 170	An Act To Allow and Recognize a Legal Name Change upon Marriage	Veto Sustained
LD 1695	An Act To Clarify Educational Placement and Notification in Regard to Parental Rights and Responsibilities	Majority (ONTP) Report

**Freedom of Access/Confidentiality/Privacy**

**Not Enacted**

LD 1267	An Act To Protect Licensing Information of Medical Professionals	Veto Sustained
LD 1541	An Act To Protect Certain Administrative Licensing Files	ONTP
LD 1658	An Act To Make Criminal History Record Information Maintained in a Database Confidential	ONTP
LD 1821	An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials	Died Between Houses
LD 1831	An Act Concerning Remote Participation in Public Proceedings	Majority (ONTP) Report
LD 1832	An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation	Majority (ONTP) Report

**Legal Services**

**Enacted**

LD 1812	Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services	RESOLVE 52 EMERGENCY
LD 1817	An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services	PUBLIC 430 EMERGENCY
LD 1897	An Act To Reinstate Certain Other Special Revenue Funds Allocations for the Maine Commission on Indigent Legal Services	PUBLIC 395

**Not Enacted**

LD 1854	An Act To Create the Office of the Public Defender and Amend the Duties of the Maine Commission on Indigent Legal Services	INDEF PP
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**Not Enacted**

LD 1793 An Act To Ensure Propane Delivery during Emergencies ONTP

**Miscellaneous**

**Enacted**

LD 1406 An Act To Promote Prescription Drug Price Transparency PUBLIC 406

**Not Enacted**

LD 821 An Act To Enact the Revised Uniform Unclaimed Property Act ONTP

LD 860 An Act To Establish a Statewide Electronic Warrant System ONTP

LD 1355 An Act To Ensure the Timely and Proper Completion of Residential Foreclosures ONTP

LD 1691 Resolve, Directing the Secretary of State To Study the Revised Uniform Law on Notarial Acts Died Between Houses

**Probate Code and Trust Code**

**Enacted**

LD 123 An Act To Recodify and Revise the Maine Probate Code PUBLIC 402

LD 846 An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act PUBLIC 359 EMERGENCY

LD 1827 An Act To Amend the Maine Uniform Trust Code Regarding Reporting by Trustees and the Duties of Trustees to Settlers PUBLIC 349

**Not Enacted**

LD 934 An Act To Establish an Expedited Temporary Guardianship Process ONTP

LD 969 An Act Regarding Nonprobate Transfers on Death ONTP

**Statutes**

**Enacted**

LD 1894 An Act To Correct Errors and Inconsistencies in the Laws of Maine PUBLIC 475 EMERGENCY

**Torts and Immunity**

**Enacted**

LD 1716 An Act To Protect Persons Who Provide Assistance to Law Enforcement Dogs, Search and Rescue Dogs and Service Dogs PUBLIC 338







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



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

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,  
RESEARCH AND ECONOMIC DEVELOPMENT**

October 2018

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REP. KAREN R. VACHON

\*Committee member for a portion of the session





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

**LD 285      An Act To Provide Funding for the Maine Coworking Development Fund**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R CYRWAY S	OTP-AM ONTP	H-114

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides one-time funds to the Department of Economic and Community Development to support collaborative workspace businesses.

**Committee Amendment "A" (H-114)**

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

**LD 367      An Act To Implement the Recommendations of the Government Oversight Committee To Develop a Long-range Strategic Plan for Economic Improvement in the State**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-493

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides additional clarity, requirements and resources for the Maine Economic Growth Council's efforts to fulfill its current statutory mandate to develop, monitor and maintain a long-range strategic economic improvement plan for the State. It also includes provisions to support the State's achievement of the goals and objectives in that plan by establishing requirements for the Governor, Legislature and agencies with relevant programs and activities to consider the long-range strategic economic improvement plan and provide information to the Maine Economic Growth Council at the request of the council. This bill would increase the annual General Fund appropriation to the Maine Economic Growth Council from its current \$55,000 to \$175,000 and would provide a one-time additional appropriation of \$150,000 for development of the initial plan in order to meet the timelines required in this bill.

**Committee Amendment "A" (H-493)**

This amendment makes the following changes to the bill.

1. It specifies that membership of the Maine Economic Growth Council must include members with expertise in both large and small business.
2. It adds educational and science and technology factors to the list of factors that must be addressed by the long-range strategic economic improvement plan.

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

3. It adds a requirement that the Maine Economic Growth Council must consider the impact of tax policy, energy costs and regulation on competitiveness, the demographic composition of the State's workforce and the optimization of the return on investment in the State when developing the plan.
4. It adds a requirement that the plan include goals and objectives that support economic opportunity for all people in the State and that the plan include actions to accomplish plan benchmarks based upon the best practices in this State, other states and other countries.
5. It authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to submit to the Legislature any bill it considers necessary to improve the required elements of the strategic plan or the process through which it is developed, maintained or communicated.
6. It directs the Maine Economic Growth Council to develop by January 15, 2018 proposed review criteria suitable for use by the joint standing committees of the Legislature when the committees are considering legislative proposals that may affect the plan developed by the council. The Joint Standing Committee on Labor, Commerce, Research and Economic Development may report out a bill to the Second Regular Session of the 128th Legislature based on the report.

**LD 503      An Act To Continue the Doctors for Maine's Future Scholarship Program**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R HYMANSON P	OTP-AM ONTP	S-31

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to make a one-time General Fund appropriation in fiscal year 2018-19 to the Finance Authority of Maine for the establishment of an endowment to continue the Doctors for Maine's Future Scholarship Program under the Maine Revised Statutes, Title 20-A, section 12103-A.

**Committee Amendment "A" (S-31)**

This amendment is the majority report of the committee. This amendment replaces the bill, which is a concept draft, and provides for a one-time General Fund appropriation of \$16,000,000 to establish an endowment to continue the Doctors for Maine's Future Scholarship Program under the Maine Revised Statutes, Title 20-A, section 12103-A.

The funding requested in this bill was partially provided in the First Regular Session in Part LLLLLLL of the Biennial Budget, Public Law 2017, chapter 284 (LD 390), which requires the State Controller to make one payment of \$400,000 by June 30, 2018 and a second payment of \$400,000 by June 30, 2019 from the General Fund unappropriated surplus to the Finance Authority of Maine to be deposited in the Doctors for Maine's Future Scholarship Fund. To offset the funds deposited in the Doctor's For Maine's Future Scholarship Fund, Part LLLLLLL requires that \$320,000 from the Board of Licensure in Medicine's Other Special Revenue Funds account and \$80,000 from the Board of Osteopathic Licensure's Other Special Revenue Funds account be transferred to the General Fund unappropriated surplus by June 30, 2018 and that a second set of identical transfers be made by June 30, 2019.

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

**LD 656      An Act To Improve the Ability of Maine Companies To Manufacture  
and Market Biobased Products**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J TIPPING R	OTP-AM ONTP	S-43

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill provides a one-time appropriation to the Maine Technology Institute to provide competitive grants for the development, production and marketing of bioplastics.

**Committee Amendment "A" (S-43)**

This amendment is the majority report of the committee. It specifies that the grants are for the development, production and marketing of biobased products.

**LD 669      An Act To Address the Unmet Workforce Needs of Employers and To  
Improve the Economic Future of Workers**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R PIERCE J	OTP-AM	S-399

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

This bill proposes to enact a comprehensive package of proposals designed to address the unmet workforce needs of employers and to improve the economic future of workers. These proposals may include, but are not limited to, proposals to:

1. Identify workforce needs;
2. Connect businesses with trained workers;
3. Maximize the benefits of educational assessment funding by focusing the funds on the students;
4. Provide incentives for educational institutions receiving state training funds to place graduates into the employment or school of the graduates' choice;
5. Strengthen the ability of the Maine Quality Centers, established in the Maine Revised Statutes, Title 20-A, section 12725, to fulfill their mission of meeting the workforce education and training needs of new and expanding businesses in the State and providing new employment and career advancement opportunities for Maine people;
6. Design diverse programs to meet the needs of Maine employers;

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

7. Prepare untrained workers to meet immediate and long-term needs;
8. Allow military training to count towards required training for certain certifications and licenses;
9. Establish a clearinghouse to connect workers with employers;
10. Identify educational programs necessary for specific types of employment and create a process to preemploy prospective workers while they are being trained;
11. Provide to people receiving public assistance the opportunity to permanently leave poverty behind by providing skills training that offers academic degrees, certifications or credentials and leads to employment with wages that can sustain families;
12. Establish workforce training programs targeted exclusively at individuals who are on public assistance or whose incomes meet certain criteria and provide transitional benefits including child care, health care, transportation supports and educational supports;
13. Align Maine's system of learning results with technical skills for current employment needs, support technical courses in high schools and integrate those courses with the high school curriculum and identify for middle school and secondary school students career paths that include alternatives that do not require college educations;
14. Identify barriers to the reentry by older citizens into the workforce;
15. Establish a program to identify and eliminate unfavorable tax policies with respect to retirement income and pensions and tax policies that discourage older citizens and retirees from returning to the workforce; and
16. Promote education to allow seniors to develop new skills.

### **Committee Amendment "A" (S-399)**

This amendment strikes the bill, which is a concept draft, and replaces it with a number of changes to the Competitive Skills Scholarship Program administered by the Department of Labor, including the following.

1. It requires that the Department of Labor's outreach efforts regarding the program be tailored to focus on unemployed and underemployed workers, veterans, immigrants, recipients of benefits under the statewide food supplement program, low-skilled manufacturing workers and students enrolled in postsecondary education.
2. It directs the Department of Labor to collaborate with other entities to improve program outreach to target demographics, including, at a minimum, collaboration with the Maine Community College System.
3. It makes changes to the criteria used to determine approved education and training under the program, including consideration of employer input, changing demographics and traditional industries in the State in which innovations and new technologies are creating a demand for skilled workers.
4. It requires that a program participant be given information about the family development account program under the Maine Revised Statutes, Title 10, chapter 110, subchapter 4-A and the allowable uses of such an account.
5. It adds a requirement that a participant be offered comprehensive career planning services prior to the program's development of an individual career plan with the participant and permits the Department of Labor to partner with other entities to provide this service. It directs the department to include in this partnership, at a minimum, the Maine Community College System with respect to participants enrolled or seeking enrollment in a training or education course provided by the Maine Community College System. It also directs the Maine Community College System to assist the Department of Labor in program management and oversight for such participants.

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

6. It repeals the January 1, 2020 repeal provision on the eligibility for the program of a full-time student at a public secondary school enrolled in a career and technical education program at a career and technical education center or a career and technical education region.

This amendment also amends the law allowing a minor 16 or 17 years of age to be employed in an otherwise hazardous occupation for which the minor has been trained or certified from a vocational, career and technical or cooperative education program approved by the Department of Education, if the minor has graduated from the program, by adding a requirement that the minor has also graduated from high school.

**LD 700      An Act To Give Flexibility to Employees and Employers for Temporary Layoffs**

**PUBLIC 453  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W BELLOWS S	OTP-AM	H-749 S-456 VOLK A S-521 HAMPER J

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138. This bill was reported out of committee and then carried over on the Special Appropriations Table from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill creates an exemption from the eligibility requirements for unemployment benefits dealing with work search for an individual otherwise eligible for unemployment benefits when that individual has been temporarily laid off with a definite recall date of not more than 12 weeks from the date of the individual's temporary layoff.

**Committee Amendment "A" (H-749)**

This amendment strikes and replaces the bill. It creates an exemption from the eligibility requirements for unemployment benefits dealing with work search. Under this new exemption, an individual who has been temporarily laid off by an employer with a definite recall date and is otherwise eligible for unemployment benefits is exempt from the requirement to search for work while receiving benefits, as long as the individual remains in contact with and is able and available to work for that employer. This exemption may be used up to six weeks during an individual's unemployment benefit year, and may be used beyond six weeks subject to approval by the Department of Labor.

The amendment limits the area in which an individual must be able and available to work to a geographic area that is not more than 35 miles from the individual's residence, and it limits the reemployment services and eligibility assessment requirements to individuals who have not completed those requirements in the prior five years. It also adds an emergency preamble and clause and an appropriations and allocations section.

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

This amendment adds to the Committee Amendment a requirement that the Department of Labor report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2021, regarding the effects of the exemption created to allow a temporarily laid off employee to obtain benefits from the Unemployment Trust Fund without completing the work search requirements, including aggregate data regarding the employees and employers affected and the amount of benefits paid. The committee is authorized to report out a bill to the First Regular Session of the 130th Legislature related to the report.

**Senate Amendment "B" To Committee Amendment "A" (S-521)**

This amendment changes the allocation to fiscal year 2018-19.

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

**Enacted Law Summary**

Public Law 2017, chapter 453 creates an exemption from the eligibility requirements for unemployment benefits dealing with work search. Under this new exemption, an individual who has been temporarily laid off by an employer with a definite recall date and is otherwise eligible for unemployment benefits is exempt from the requirement to search for work while receiving benefits, as long as the individual remains in contact with and is able and available to work for that employer. This exemption may be used up to six weeks during an individual's unemployment benefit year, and may be used beyond six weeks subject to approval by the Department of Labor.

This law also limits the area in which an individual must be able and available to work to a geographic area that is not more than 35 miles from the individual's primary residence, and it limits the reemployment services and eligibility assessment requirements to individuals who have not completed those requirements in the prior five years.

It requires the Department of Labor to report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2021 regarding the effects of the exemption that allows a temporarily laid off employee to obtain unemployment benefits without completing the work search requirements, including aggregate data regarding the employees and employers affected and the amount of benefits paid. The committee is authorized to report out a bill to the First Regular Session of the 130th Legislature related to the report.

Public Law 2017, chapter 453 was enacted as an emergency measure effective July 9, 2018.

**LD 912 An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R BRAKEY E	OTP-AM OTP-AM OTP-AM ONTP	H-745 S-490 KATZ R

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138. The bill was reported out of committee during the Second Regular Session. On adjournment of the Second Regular Session, Committee Amendment "A" (H-745) had been adopted in the House and Committee Amendment "C" (H-747) had been adopted in the Senate in non-concurrence. The bill was then carried over from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to amend the current law to establish that practices or treatments that seek to change an individual's sexual orientation or gender identity are prohibited for certain professionals licensed under the Maine Revised Statutes, Title 32 and to establish penalties for that conduct.

**Committee Amendment "A" (H-745)**

This amendment is the majority report of the committee and replaces the bill, which is a concept draft. This amendment does the following.

1. It defines "conversion therapy" as any practice or treatment that seeks to change an individual's sexual orientation or gender identity, except for counseling or treatment intended to assist an individual undergoing a gender transition; counseling intended to provide acceptance, support and understanding to the individual; and counseling intended to facilitate the individual's coping, social support or identity exploration and development, including any therapeutic intervention such as talk therapy that is neutral with regard to sexual orientation, and that seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to

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

change the individual's sexual orientation or gender identity.

2. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice, unless the action is performed by a member of clergy who is performing counseling services as part of religious duties in connection with a specific synagogue or church of any religious denomination and not in exchange for monetary compensation. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.

3. It prohibits certified school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants, and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license or certification, including but not limited to suspension or revocation of the license or certification.

4. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

5. It adds a statement of legislative findings and intent.

This amendment was adopted by both the House and the Senate.

### **Committee Amendment "C" (H-747)**

This amendment is one of three minority reports of the committee and replaces the bill, which is a concept draft. This amendment does the following.

1. It defines conversion therapy as any aversive practice or treatment that seeks to change an individual's sexual orientation or gender identity and clarifies that talk therapy is not considered conversion therapy.

2. It defines aversive practice or treatment as any practice or treatment that is intended to induce changes in behavior through unpleasant stimuli or punishment and provides examples of aversive practices or treatments.

3. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.

4. It prohibits certified school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants, and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license or certification, including but not limited to suspension or revocation of the license or certification.

5. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

This amendment was originally adopted by the Senate, but the Senate later reconsidered that action and adopted the majority committee report (H-745).

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

### **Committee Amendment "B" (H-746)**

This amendment is one of three minority reports of the committee and replaces the bill, which is a concept draft. This amendment does the following.

1. It defines "conversion therapy" as any practice or treatment that seeks to change an individual's sexual orientation, gender identity or gender expression or to reduce or eliminate sexual or romantic attractions or feelings toward individuals of the same gender except for counseling or treatment intended to assist an individual undergoing a gender transition; counseling intended to provide acceptance, support and understanding to the individual; counseling intended to facilitate the individual's coping, social support or identity exploration and development, including any therapeutic intervention that is neutral with regard to sexual orientation and seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change the individual's sexual orientation or gender identity; and talk therapy that is intended to assist an individual who has expressed the individual's own goal of changing the individual's sexual orientation, gender identity or gender expression or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender.
2. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice unless the action is performed by a member of clergy who is performing counseling services as part of religious duties and in connection with a specific synagogue or church of any religious denomination or when the action is performed by a licensed or certified professional who is subject to professional discipline for engaging in conversion therapy.
3. It prohibits certified school psychologists and guidance counselors; nurses; doctors; physician assistants; psychologists; psychological examiners; alcohol and drug counselors and aides; social workers; pharmacists and pharmacy technicians; professional counselors; marriage and family therapists; pastoral counselors; speech-language pathologists and assistants; and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license or certification, including but not limited to suspension or revocation of the license or certification.
4. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

### **Senate Amendment "A" To Committee Amendment "A" (S-483)**

This amendment specifies that the exemption from the Unfair Trade Practices Act for a priest, rabbi, member of the clergy or minister does not apply if that priest, rabbi, member of the clergy or minister receives monetary compensation in excess of the monetary compensation received as an employee of a specific synagogue or church.

This amendment was not adopted.

### **Senate Amendment "B" To Committee Amendment "A" (S-490)**

This amendment clarifies that a school psychologist or guidance counselor who administers conversion therapy is subject to sanctions, which could include certificate revocation and suspension, and only for conduct that occurred within five years. The amendment specifies that the legislation does not apply to the activities of a priest, rabbi, member of the clergy or minister unless that person receives monetary compensation specifically for those activities. This amendment also removes from the legislative findings and intent section language regarding the United Nations Committee against Torture and Human Rights.



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

**LD 958      An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act**

**PUBLIC 396**

Sponsor(s)

DION M

Committee Report

OTP-AM

Amendments Adopted

S-401

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to adopt a law based on the Uniform Emergency Volunteer Health Practitioners Act. In addition to any substantive changes to the uniform act recommended by the National Conference of Commissioners on Uniform State Laws that may be adopted by the Legislature, the basic numbering system, the mechanical structure and the internal organization of the uniform law will be altered to conform to the numbering, structure and organization of the Maine Revised Statutes.

**Committee Amendment "A" (S-401)**

This amendment strikes and replaces the bill, which is a concept draft, and adopts selected provisions of the Uniform Emergency Volunteer Health Practitioners Act. This amendment does the following.

1. It defines "volunteer health practitioner" as an individual who provides health services or veterinary services while an emergency declaration is in effect, whether or not the individual receives compensation, as long as the individual is not providing services in this State as part of a preexisting employment relationship. "Volunteer health practitioner" also includes individuals who are not state residents who provide health services or veterinary services in this State while employed by a disaster relief organization.
2. It provides for advanced registration of volunteer health practitioners from this State or other states who agree to provide health services or veterinary services during a civil emergency or health emergency in this State declared by the Governor or the Department of Health and Human Services. Registration systems must determine whether registrants are licensed to provide health services or veterinary services and are in good standing with the relevant licensing entities in this State and other states.
3. It authorizes volunteer health practitioners licensed in other states to provide health services and veterinary services in this State during a declared civil emergency or public health emergency. While an emergency declaration is in effect, the Department of Health and Human Services, in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, may limit the duration and geographical areas in which a volunteer health practitioner may practice as well as types of volunteer health practitioners who are authorized to provide health services or veterinary services.
4. It requires a volunteer health practitioner to comply with both the scope of practice laws in this State and the scope of practice laws in the state where the individual is licensed while providing health services or veterinary services in this State during a declared emergency. The Governor or the Governor's designee may by order modify or restrict the health services or veterinary services that a volunteer health practitioner may provide during a declared emergency.
5. It subjects a volunteer health practitioner to discipline by the appropriate state licensing board for health services or veterinary services provided in this State during a declared emergency. An individual who is licensed in Maine and who provides health services or veterinary services during a declared emergency in another state as a volunteer health practitioner is also subject to discipline by the appropriate state licensing board.
6. It protects a volunteer health practitioner from civil liability for injury or death arising out of the provision of

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

health services or veterinary services in accordance with the requirements of the uniform act to the same extent that a health care practitioner in this State is protected from civil liability for volunteer activities under the Maine Health Security Act.

7. It authorizes the Department of Health and Human Services to adopt rules to implement the uniform act in consultation with the Maine Emergency Management Agency and rule-making agencies in other states that have adopted similar legislation.

### **Enacted Law Summary**

Public Law 2017, chapter 396 adopts and modifies selected provisions of the Uniform Emergency Volunteer Health Practitioners Act. Specifically, Public Law 2017, chapter 396:

1. Defines "volunteer health practitioner" as an individual who provides health services or veterinary services while an emergency declaration is in effect, whether or not the individual receives compensation, as long as the individual is not providing services in this State as part of a preexisting employment relationship. "Volunteer health practitioner" also includes individuals who are not state residents who provide health services or veterinary services in this State while employed by a disaster relief organization.

2. Provides for advanced registration of volunteer health practitioners from this State or other states who agree to provide health services or veterinary services during a civil emergency or health emergency in this State declared by the Governor or the Department of Health and Human Services. Registration systems must determine whether registrants are licensed to provide health services or veterinary services and are in good standing with the relevant licensing entities in this State and other states.

3. Authorizes volunteer health practitioners licensed in other states to provide health services and veterinary services in this State during a declared civil emergency or public health emergency. While an emergency declaration is in effect, the Department of Health and Human Services, in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, may limit the duration and geographical areas in which a volunteer health practitioner may practice as well as types of volunteer health practitioners who are authorized to provide health services or veterinary services.

4. Requires a volunteer health practitioner to comply with both the scope of practice laws in this State and the scope of practice laws in the state where the individual is licensed while providing health services or veterinary services in this State during a declared emergency. The Governor or the Governor's designee may by order modify or restrict the health services or veterinary services that a volunteer health practitioner may provide during a declared emergency.

5. Subjects a volunteer health practitioner to discipline by the appropriate state licensing board for health services or veterinary services provided in this State during a declared emergency. An individual who is licensed in Maine and who provides health services or veterinary services during a declared emergency in another state as a volunteer health practitioner is also subject to discipline by the appropriate state licensing board.

6. Protects a volunteer health practitioner from civil liability for injury or death arising out of the provision of health services or veterinary services in accordance with the requirements of the uniform act to the same extent that a health care practitioner in this State is protected from civil liability for volunteer activities under the Maine Health Security Act.

7. Authorizes the Department of Health and Human Services to adopt rules to implement the uniform act in consultation with the Maine Emergency Management Agency and rule-making agencies in other states that have adopted similar legislation.

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

**LD 1006 An Act Regarding Housing Insecurity of Older Citizens**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM ONTP	H-210

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to establish a statewide commission to study housing insecurity in the context of aging in place. The commission created under this bill would be tasked with exploring:

1. The long-term implications associated with the State's aging population;
2. The status of available affordable housing options in the State;
3. The availability of weatherization and repair programs that would allow older individuals to remain in their homes;
4. Various models of affordable and appropriate housing opportunities for older citizens that are in place in other states; and
5. The establishment of a statewide program facilitating the building for older persons of small accessory dwelling units that are located on the same grounds as, or attached to, a primary residence belonging to a family member of the older person.

**Committee Amendment "A" (H-210)**

This amendment, which is the majority report of the committee, replaces the bill, which is a concept draft. This amendment establishes the Advisory Council on Senior Housing to study the unmet need for affordable housing units for elderly residents of the State as well as the financial burden of home modifications and repairs necessary to enable the State's elderly residents to remain in their homes. The council is directed to make recommendations to the director of the Maine State Housing Authority for the development by January 1, 2023 of a strategic housing plan enabling elderly residents of the State to live in affordable, safe housing as they age. The director is directed to report to the joint standing committee of the Legislature having jurisdiction over housing matters on the development or implementation of the strategic housing plan by March 15th of the first regular session of each Legislature. The amendment also adds an appropriations and allocations section.

**LD 1244 An Act To Support Small Manufacturers in the State**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

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

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to enact measures to support small manufacturers in the State.

## **LD 1280 An Act To Require Drug Manufacturers To Comply with Federal Law**

**PUBLIC 434**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-153
GATTINE D	ONTP	S-297 JACKSON T S-309 JACKSON T

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill amends the Maine Pharmacy Act to require that a drug distributed in this State must be made available for sale in this State to an "eligible product developer," which is defined as a person seeking to develop an application for the approval of the drug under the Federal Food, Drug, and Cosmetic Act or the licensing of a biological product under the federal Public Health Service Act. It establishes disciplinary actions for noncompliance and further authorizes the Attorney General to bring an action for injunctive relief to enforce the bill's requirements.

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

This amendment, which is the majority report of the committee, clarifies that the bill's requirement that a drug distributed in this State be made available for sale to an eligible product developer applies only to manufacturers and wholesalers of drugs licensed in this State under the Maine Pharmacy Act. The sale must be made at the fair market price and the licensed manufacturer or wholesaler may not impose any restriction on the sale that would block or delay the eligible product developer's application in a manner inconsistent with Section 505-1(f)(8) of the Federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 355-1(f)(8) (2016).

The amendment further provides that if the Attorney General prevails in an enforcement action, the court must order the defendant to reimburse the State for the costs of prosecuting the action, including reasonable attorney's fees.

### **Senate Amendment "C" To Committee Amendment "A" (S-299)**

This amendment requires a drug manufacturer or wholesaler to make a drug available for sale at a price no greater than the wholesale acquisition cost rather than at the fair market price as provided in Committee Amendment "A" and adds an intent section.

This amendment was not adopted.

### **Senate Amendment "B" To Committee Amendment "A" (S-297)**

The bill, as amended by Committee Amendment "A," requires that a drug distributed in this State be made available for sale to an eligible product developer by a manufacturer or wholesaler of drugs licensed in this State under the Maine Pharmacy Act. This amendment provides that a manufacturer or wholesaler is not liable for injuries alleged to have been caused by the failure to include adequate safety warnings on a product's label or by a defect in the product's design if that product was not manufactured or sold by that manufacturer or wholesaler.

### **Senate Amendment "A" To Committee Amendment "A" (S-295)**

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

This amendment amends Committee Amendment "A" to authorize the Attorney General to accept private funds, including, but not limited to, funds from corporations, private foundations and individuals, to defend the constitutionality of the requirements placed on manufacturers and wholesalers in the bill, as amended.

This amendment was not adopted.

### **Senate Amendment "D" To Committee Amendment "A" (S-309)**

This amendment requires a drug manufacturer or wholesaler to make a drug available for sale to an eligible product developer at a price no greater than the wholesale acquisition cost rather than at the fair market price as provided in Committee Amendment "A" and limits the price charged to customers for a drug manufactured by the eligible product developer to no more than that wholesale acquisition cost. This amendment also adds an intent section.

### **Enacted Law Summary**

Public Law 2017, chapter 434 requires that drug manufacturers and wholesalers licensed in this State under the Maine Pharmacy Act make a drug that is distributed in this State available for sale in this State to a person, known as an "eligible product developer," that seeks to develop an application for the approval of a drug under the Federal Food, Drug, and Cosmetic Act or the licensing of a biological product under the federal Public Health Service Act. The licensed drug manufacturer or wholesaler must make the drug available at a price no greater than the wholesale acquisition cost and without any restriction that would block or delay the eligible product developer's application for federal approval in a manner that is inconsistent with the Federal Food, Drug, and Cosmetic Act.

An eligible product developer who purchases a drug from a licensed drug manufacturer or wholesaler at a price no greater than the wholesale acquisition cost for that drug in accordance with this Act must sell the drug manufactured by that eligible product developer to consumers in this state at an equal or lesser price.

A licensed drug manufacturer or wholesaler who makes products distributed in this State available to an eligible product developer as required by this Act is not liable for injuries alleged to have been caused by the failure to include adequate safety warnings on a product's label or by a defect in the product's design if that product was not manufactured or sold by that manufacturer or wholesaler.

Entities licensed under the Maine Pharmacy Act that fail to comply with the requirements of this Act are subject both to administrative discipline and to suits for injunctive relief brought by the Attorney General. If the Attorney General prevails in an enforcement action, the court must order the defendant to reimburse the State for the costs of prosecuting the action, including reasonable attorney's fees.

### **LD 1308      **Resolve, To Expedite the Processing of Applications for Certification under the Work Opportunity Tax Credit****

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R WOODSOME D	OTP-AM ONTP	H-118

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

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

This bill proposes to implement programs to facilitate the transition of persons from rehabilitation for drug or

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

alcohol addiction or economic dependency to self-sufficiency by providing employment opportunities while allowing their employers to reduce their tax liability.

This bill would create a program, modeled on the federal Work Opportunity Tax Credit program operated by the United States Department of Labor, to encourage employers to hire from certain population segments, such as MaineCare and Medicare recipients, veterans, persons in the Temporary Assistance for Needy Families program or receiving general assistance, persons convicted of a crime who have been released from prison, persons recently out of residential treatment or detoxification for substance use disorder or who recently began medication-assisted treatment and disadvantaged teens. The incentives would consist of tax credits based on the wages paid to qualified persons and financial assistance for training costs.

### **Committee Amendment "A" (H-118)**

This amendment is the majority report of the committee. It replaces the bill, which is a concept draft, with a resolve that directs the Department of Labor to establish a new permanent position in the Bureau of Employment Services to expedite the processing of employer applications for certification required for the federal work opportunity tax credit under Section 51 of the United States Internal Revenue Code. The amendment also requires the Department of Labor to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with information concerning applications submitted by employers in 2017, including information on the extent of any backlog in application processing, by February 1, 2018. The amendment adds an appropriations and allocations section.

### **LD 1327 An Act To Expedite Health Care Employment for Military Veterans**

**PUBLIC 326**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B THIBODEAU M	OTP-AM	H-581

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill allows a former United States Army medic, United States Air Force medical technician, United States Navy corpsman or United States Coast Guard health services technician to perform medical services that reflect the person's medical training and experience under the supervision of a person licensed by the Board of Osteopathic Licensure, Board of Licensure in Medicine or Board of Licensure of Podiatric Medicine or under the supervision of a health care facility that is itself supervised by a licensee. The medical services must be delegated to the person by the supervising licensee and set forth in a medical practice agreement approved by the relevant board.

### **Committee Amendment "A" (H-581)**

This amendment strikes and replaces the bill. The amendment establishes the Health Care Employment for Military Veterans Program within the Department of Labor and charges the program with creating a "military-to-civilian crosswalk" that compares the military training and experience obtained by individuals who have served in specific military health care occupational specialties and the education and experience required to obtain national certification or state licensure or certification in equivalent or similar civilian health care occupations. The program is also charged with providing direct assistance to eligible veterans who seek to enroll in postsecondary education institutions and obtain academic credit for their military training and experience as well as eligible veterans who seek to secure an apprenticeship or employment in a health care occupation in the State. The department is required to operate the program using existing resources or available grant funding and, to the extent resources are limited, the program is required to give priority to eligible veterans who were discharged or released from military service no longer than two years prior to seeking assistance.

### **Enacted Law Summary**

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

Public Law 2017, chapter 326 establishes the Health Care Employment for Military Veterans Program within the Department of Labor and charges the program with creating a "military-to-civilian crosswalk" that compares the military training and experience obtained by individuals who have served in specific military health care occupational specialties and the education and experience required to obtain national certification or state licensure or certification in equivalent or similar civilian health care occupations. The program is also charged with providing direct assistance to eligible veterans who seek to enroll in postsecondary education institutions and obtain academic credit for their military training and experience as well as eligible veterans who seek to secure an apprenticeship or employment in a health care occupation in the State. The department is required to operate the program using existing resources or available grant funding and, to the extent resources are limited, the program is required to give priority to eligible veterans who were discharged or released from military service no longer than two years prior to seeking assistance.

**LD 1343      An Act To Promote Downtown Revitalization by Creating the Locating  
Businesses Downtown Loan Program      Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J FECTEAU R	OTP-AM ONTP	S-152

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill establishes the Locating Businesses Downtown Loan Program within the Communities for Maine's Future Program to provide forgivable loans for businesses seeking to initially locate or to relocate in a downtown area, village area or along a main street within the State. Applications for loans under the program are evaluated by the Department of Economic and Community Development in conjunction with a loan review panel. Successful applicants must execute a loan agreement prepared by the department specifying the terms and conditions of the loan, including the length of time that a business must remain in the downtown area, village area or along a main street within the State for the loan to be forgiven.

**Committee Amendment "A" (S-152)**

This amendment is the majority report of the committee. It changes the appointing authority for one member of the Locating Businesses Downtown Loan Review Panel established by the bill. Instead of one representative from a statewide organization that advocates for economic development that preserves the quality of life in local communities being jointly appointed by the President of the Senate and the Speaker of the House, this panel member is appointed by the Maine Development Foundation.

**LD 1542      An Act To Support Lead Abatement in Older Residential Properties      Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N	OTP-AM	H-628

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature. The bill was then reported out of committee in the Second Regular Session and carried over to the Second Special Session on the Special Appropriations Table by joint order S.P. 748.

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

The bill establishes a residential housing lead abatement program, administered by the Maine State Housing Authority. The purpose of the program is to provide grants to municipalities that have administered a lead abatement program in the past five years for use on housing units and housing projects that meet specified eligibility standards. Priority for lead abatement projects funded by the program is given to residences occupied by children who have tested positive for lead poisoning. The program is funded by a real estate transfer tax surtax of \$0.30 per \$500 of the value of property transferred by deed or property in which a controlling interest is transferred.

### **Committee Amendment "A" (H-628)**

This amendment removes the restrictions in the bill regarding which municipalities are eligible to receive grants from the Lead Abatement Fund and decreases the portion of the abatement costs that the owner of housing that receives lead abatement assistance must pay. The amendment also changes the funding for the lead abatement program, eliminating the provision of the bill that increases the real estate transfer tax and instead making a one-time allocation of \$4,000,000 from the Fund for a Healthy Maine.

The content of this bill, as amended, was incorporated by the Appropriations and Financial Affairs Committee in its amendment to LD 925, which was enacted as Public Law 2017, chapter 460.

### **LD 1566 An Act To Enact the Maine Fair Chance Employment Act**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VOLK A	OTP-AM ONTP	H-705 H-750 TALBOT ROSS R

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out of committee and then carried over on the Special Appropriations Table from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill enacts the Maine Fair Chance Employment Act and adds restrictions to the use of criminal history information in the context of employment decisions by private employers and the State and its political subdivisions and of licensing decisions by licensing agencies.

It prohibits an employer from asking an applicant for employment to disclose information concerning the applicant's criminal history, or considering such information, until after the applicant has received a conditional offer of employment. It restricts the way a private employer, or the State and its political subdivisions, may use criminal history information in the course of making employment decisions and adds similar restrictions to the existing restrictions applicable to licensing agencies' consideration of criminal history information. It also makes certain criminal history information in the possession of the State and its political subdivisions confidential and makes all criminal background check information obtained by the State in connection with an employment decision confidential.

The Maine Human Rights Commission is charged with enforcement of the Maine Fair Chance Employment Act and may seek civil penalties against a private employer for a violation of \$1,000 for the first violation and \$2,000 for each subsequent violation.

The bill also creates a private right of action that may be brought by an affected individual against a private employer that has violated the Maine Fair Chance Employment Act and, upon prevailing, the affected individual is entitled to such legal or equitable relief as the court may determine appropriate and reasonable attorney's fees and costs.

### **Committee Amendment "A" (H-705)**



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

This amendment is the majority report of the committee. It strikes and replaces the bill with requirements regarding the inquiry into and consideration of the criminal history information of job applicants by public employers, including the following.

1. It prohibits a public employer from requesting criminal history information on an initial employment application form, except when a federal or state law prohibits persons with certain criminal histories from holding the position.
2. It allows a public employer to request criminal history information during an interview or after the prospective employee has been determined otherwise qualified for the position.
3. It prohibits a public employer from considering certain categories of criminal history information, unless specifically required by federal or state law.
4. It requires a public employer who denies an employment applicant a position solely or in part based on the applicant's criminal history information to provide the applicant written information on the basis for the denial and any available process for contesting the denial.
5. It requires a public employer to maintain statistical information regarding the public employer's use of criminal background checks, including the number of denials of applicants based on those criminal background checks. These records are public records subject to Maine's Freedom of Access Act.
6. It designates as confidential any information pertaining to an employment applicant's criminal history information that was obtained by a public employer in conjunction with the hiring process and prohibits disclosure of such information by the public employer except as otherwise specifically required by law.

The amendment also includes an appropriations and allocations section.

### **House Amendment "A" To Committee Amendment "A" (H-750)**

This amendment applies the requirements in the committee amendment only to state government employers. It removes school administrative units, municipalities, counties and other political subdivisions of the State from the requirements in the committee amendment. The amendment also reduces the appropriation in the committee amendment to reflect a revised cost estimate.

#### **LD 1587      **Resolve, To Study the Feasibility of the Establishment of Paid Family Leave in the State****

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM ONTP	H-699

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill creates a paid family medical leave program. The qualifying conditions for the program are patterned after the unpaid family medical leave program in current law but are extended to allow leave for the serious health condition of a half-sibling, step-sibling, parent-in-law, brother-in-law, sister-in-law and for the death or serious health condition of such relative while on active duty with the military.

The program requires employers that employ 15 or more employees to deduct contributions from employee paychecks, which must be no more than 0.5% of the employee's wages, and for the employers to submit contributions to the Department of Labor, Bureau of Unemployment Compensation, which is charged with administering the program. Smaller employers may opt in to the program, in one year intervals (or up to three year

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

intervals, depending on rulemaking). Self-employed persons may opt in to the program for at least two years (or up to four years, depending on rulemaking) and must pay their contributions directly to the bureau.

In order to be eligible for benefits, an individual must be an employee entitled to benefits under the unemployment compensation system, or a self-employed person, and have contributed to the program for 12 of the last 18 months. The program pays benefits of up to 66% of an employee's wages or self-employed person's earnings capped at the same maximum amount as available for unemployment benefits.

The bill directs the Department of Labor to develop an implementation plan dealing with staffing, technology, start-up expense, rulemaking and scheduling to begin the program on its effective date of October 1, 2019. The bill also repeals the current unpaid family medical leave law effective October 1, 2019.

### **Committee Amendment "A" (H-699)**

This amendment is the majority report of the committee. It strikes the bill and replaces it with a resolve that directs the University of Maine System to carry out a study to examine costs and benefits of implementing a paid family leave program in the State, if funding resources are available to enable the University of Maine System to conduct such a study, and to submit a report of its findings to the joint standing committee of the Legislature having jurisdiction over labor matters. The committee is authorized to report out a bill based on the report to the First Regular Session of the 129th Legislature.

### **LD 1654     An Act To Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits and Making Other Changes to the Program**

**PUBLIC 440**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T FREDETTE K	OTP-AM	S-472

This bill extends by five years the end date for Pine Tree Development Zone certification and benefits.

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

This amendment strikes the bill and changes the title. It amends the Pine Tree Development Zone program as follows.

1. It extends the end date for Pine Tree Development Zone certification and benefits by three years, instead of five years as proposed in the bill.
2. It requires the Pine Tree Development Zone program to be evaluated in accordance with existing tax expenditure review provisions in the Maine Revised Statutes, Title 3, chapter 37 and specifies the public policy objective of the program that should be used for evaluation as well as performance measures to be considered for that objective. It also requires the Office of Program Evaluation and Government Accountability to submit a report of its evaluation of the program by January 15, 2021 and authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to report out a bill to the First Regular Session of the 130th Legislature in response to the report's recommendations.
3. It amends the reporting requirements of qualified Pine Tree Development Zone businesses, the Commissioner of Economic and Community Development and the State Tax Assessor by requiring the annual reports to contain additional specific categories of information and changing the date those reports are due.
4. For businesses applying to the program on or after January 1, 2019, it requires a qualified Pine Tree Development Zone business to obtain certification from the Commissioner of Economic and Community

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

Development that the business has added at least one new qualified employee before being eligible for a sales tax exemption with respect to sales of tangible personal property and the transmission and distribution of electricity.

5. For businesses applying to the program on or after January 1, 2019, it provides for sales tax reimbursements to a qualified Pine Tree Development Zone business with respect to sales taxes paid for tangible personal property and the transmission and distribution of electricity for the period of time between the time the business became a qualified Pine Tree Development Zone business and the time the business received a sales tax exemption certificate and limits this benefit to a period of two years.

6. It directs the Department of Economic and Community Development to study whether the income levels currently required for qualified Pine Tree Development Zone employees should be amended in order to more effectually describe high-quality jobs and whether the geographical limitations of the program should be amended in light of the public policy objectives of the program and to submit a report of its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over economic development matters.

7. It requires a signed and notarized statement from a business applying for certification as a qualified Pine Tree Development Zone business that the establishment or expansion of operations within the Pine Tree Development Zone would not occur within the State absent the availability of the Pine Tree Development Zone benefits.

This amendment also includes an appropriation to allow the Department of Economic and Community Development to update tax incentive software to meet the reporting requirements specified in the amendment.

### **Enacted Law Summary**

Public Law 2017, chapter 440 makes changes to the Pine Tree Development Zone program as follows.

1. It extends the end date for Pine Tree Development Zone certification and benefits by three years, instead of five years as proposed in the bill.
2. It requires the Pine Tree Development Zone program to be evaluated in accordance with existing tax expenditure review provisions in the Maine Revised Statutes, Title 3, chapter 37 and specifies the public policy objective of the program that should be used for evaluation as well as performance measures to be considered for that objective. It also requires the Office of Program Evaluation and Government Accountability to submit a report of its evaluation of the program by January 15, 2021 and authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to report out a bill to the First Regular Session of the 130th Legislature in response to the report's recommendations.
3. It amends the reporting requirements of qualified Pine Tree Development Zone businesses, the Commissioner of Economic and Community Development and the State Tax Assessor by requiring the annual reports to contain additional specific categories of information and changing the date those reports are due.
4. For businesses applying to the program on or after January 1, 2019, it requires a qualified Pine Tree Development Zone business to obtain certification from the Commissioner of Economic and Community Development that the business has added at least one new qualified employee before being eligible for a sales tax exemption with respect to sales of tangible personal property and the transmission and distribution of electricity.
5. For businesses applying to the program on or after January 1, 2019, it provides for sales tax reimbursements to a qualified Pine Tree Development Zone business with respect to sales taxes paid for tangible personal property and the transmission and distribution of electricity for the period of time between the time the business became a qualified Pine Tree Development Zone business and the time the business received a sales tax exemption certificate and limits this benefit to a period of two years.

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

6. It directs the Department of Economic and Community Development to study whether the income levels currently required for qualified Pine Tree Development Zone employees should be amended in order to more effectually describe high-quality jobs and whether the geographical limitations of the program should be amended in light of the public policy objectives of the program and to submit a report of its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over economic development matters.

7. It requires a signed and notarized statement from a business applying for certification as a qualified Pine Tree Development Zone business that the establishment or expansion of operations within the Pine Tree Development Zone would not occur within the State absent the availability of the Pine Tree Development Zone benefits.

This law also includes an appropriation to allow the Department of Economic and Community Development to update tax incentive software to meet the reporting requirements specified in the amendment.

**LD 1718 An Act To Empower Maine's Rural Economy and Workforce**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208 that proposes to empower Maine's rural economy and workforce.

**LD 1757 An Act To Protect Maine's Economy by Slowing the Rate at Which the State's Minimum Wage Will Increase and Establishing a Training and Youth Wage**

**Died Between Houses**

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

This bill affects the minimum wage by:

1. Reducing the minimum wage from \$10 per hour to \$9.50 per hour beginning June 1, 2018;
2. Reducing the amount by which the minimum hourly wage rates are scheduled to increase annually on January 1st from 2019 to 2021 from \$1 per year to 50 cents per year, and decreasing from \$12 to \$11 the minimum hourly wage rate required to be paid in 2021;
3. Eliminating the cost-of-living adjustment to the minimum wage; and
4. Establishing a training minimum wage for employees 18 years of age or older and under 20 years of age for the first 90 days of employment and a youth minimum wage for employees under 18 years of age.

**Committee Amendment "A" (H-666)**

This amendment is the minority report of the committee. It strikes and replaces the bill. It amends the minimum wage law by keeping the current minimum wage of \$10 per hour until January 1, 2020, when the minimum hourly wage rate is increased to \$10.50. On January 1st from 2021 to 2023 the minimum hourly wage rate is increased 50¢ per year, ending in a \$12 minimum hourly wage rate in 2023. Beginning January 1, 2024, the minimum hourly wage rate is increased by any increase in the annual cost of living, as is scheduled in current law for 2021.

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

The amendment also establishes a special minimum wage applicable to unemancipated minors under 18 years of age for the first 200 work hours of employment. This wage must be at least the minimum wage required by the federal Fair Labor Standards Act or 80% of the generally applicable minimum wage under state law, whichever is greater.

**Senate Amendment "A" To Committee Amendment "A" (S-428)**

This amendment changes the timing for minimum wage increases by starting with \$10.50 per hour on January 1, 2019 and increasing it by 50¢ per hour each year until it reaches \$12.00 per hour on January 1, 2022. Starting January 1, 2023 and annually thereafter the minimum wage is increased by any increase in the cost of living as measured by the federal Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W. The amendment also strikes from Committee Amendment "A" the provisions that establish a special minimum wage applicable to unemancipated minors under 18 years of age for the first 200 work hours of employment. The amendment also removes the emergency preamble and emergency clause.

**LD 1768      An Act To Reduce Impairment on the Job and Improve Workplace Safety by Amending the Laws Governing Employment Practices Concerning Substance Use Testing      ONTP**

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

This bill makes changes to the laws governing employment practices concerning substance abuse testing, including the following.

1. It replaces the phrases "substance abuse test" and "substance abuse testing" with "substance use test" and "substance use testing" to reflect current usage.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It narrows the definition of "employee" and provides that a full-time employee is an employee who works at least 36 hours a week.
4. It authorizes an employer that has employees subject to a federally mandated substance use testing program to extend federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must prepare a substance use testing plan for employees who are not federally regulated, provide a copy of the plan to the employees and the Department of Labor before testing, follow federal notification and procedural protocols for such employees and annually report the results of testing to the department.
5. It streamlines the current substance use testing policy approval by requiring the Department of Labor to develop a uniform impairment and substance use testing policy applicable to all employers. Employers must certify their adoption of the policy and be approved by the Department of Labor prior to conducting substance use testing.
6. It removes the "probable cause" standard and replaces it with an "impairment detection" standard required before the employer may conduct substance use testing. For employers authorized to conduct substance use testing, only an employer or employee approved for impairment detection by the Department of Labor or a licensed physician or nurse may make an impairment detection. This detection may be based on a single work-related accident, unlike the "probable cause" standard under current law. The employer may immediately remove the employee from the workplace pending resolution of the impairment detection.
7. It adds an "impairment determination" process that may be used as an alternative or in addition to a substance

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

use test. Under this process, an occupational health care provider conducts a medical review in order to confirm the impairment detection, which may include a substance use test that includes testing for prescription drugs. If the impairment is confirmed, the employer may take employment action including firing or disciplining the employee, subject to any limitations under the Maine Human Rights Act and any other state or federal law. If the occupational health care provider finds that the employee was not impaired or that such impairment did not pose a safety risk, the employee is entitled to full reinstatement to the employee's position.

8. It adds a violation of an established drug-free workplace policy as grounds for employment action and provides for a treatment period of 12 weeks at the employee's expense.

9. It eliminates the requirement that, prior to establishing a substance use testing program, an employer with over 20 full-time employees have a functioning employee assistance program and instead authorizes employers to have an employee assistance program.

10. It expands the number of establishments that may undertake companywide random substance use testing by authorizing such testing for companies with 10 or more employees instead of with 50 or more employees, as is the current standard.

11. It provides that a confirmed positive substance use test may be reported to the employee only by a medical review officer and allows an employee to provide a legitimate medical explanation for a positive test result for legally obtained medications, preventing the medical review officer from reporting a positive test for that substance to the employer.

12. It allows testing laboratories to use federal testing standards.

13. It adds a new civil violation for any employer noncompliance with the substance use testing laws, for which a fine of not more than \$500 for the first violation, \$750 for the second violation and \$1,000 for the third and subsequent violations may be adjudged.

### **LD 1769     An Act To Conform the Laws Regarding a Salaried Employee Who Is Exempt from Overtime and Minimum Wage Requirements to Federal Law**

**Died Between Houses**

Sponsor(s)

VOLK A

Committee Report

ONTP  
OTP-AM

Amendments Adopted

This bill amends the description of a salaried employee for the laws governing limits on mandatory overtime and the definition of "employee" in the laws governing minimum wages to conform with the federal guidelines established by the United States Department of Labor under the federal Fair Labor Standards Act. It sets the minimum salary at the threshold established by the United States Department of Labor under that Act. It eliminates the requirement that the salary threshold be tied to the state minimum wage.

#### **Committee Amendment "A" (S-404)**

This amendment is the minority report of the committee. It strikes and replaces the bill, amending the description of a salaried employee in the laws governing exemptions to limits on mandatory overtime and the definition of "employee" in the laws governing exemptions to the minimum wage by eliminating any increase to the salary threshold due to the cost-of-living adjustment to the minimum wage after January 1, 2020.

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

**LD 1770 An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM OTP-AM	S-473 S-485 VOLK A S-532 VOLK A

This bill was reported out of committee and then carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

This bill changes the laws governing how benefits paid to an eligible individual under the Employment Security Law are charged against the experience rating record of the individual's previous employers. It changes the employer chargeability from "a ratio inversely proportional" to the claimant's most recent employer, as enacted by the biennial budget, to an "inverse chronological order" standard, and delays the effective date of this change to January 1, 2020. Until January 1, 2020, the experience rating record of the most recent subject employer may not be charged with benefits paid to an eligible individual whose work record with that employer totaled five consecutive weeks or less, as was the law in effect prior to the biennial budget.

The bill also provides that certain decisions made by the Commissioner of Labor are subject to review by the Department of Labor, Division of Administrative Hearings, rather than by the Maine Unemployment Insurance Commission.

**Committee Amendment "A" (S-473)**

This amendment which is the majority report of the committee, adds several provisions to the bill to make the following changes to the Employment Security Law.

1. It requires the Department of Labor to fill vacancies for six different position types for which funding is provided.
2. It requires the Department of Labor to provide options to an Internet-based system for the filing of claims for unemployment benefits, including the filing of work search documentation, and for obtaining information. The options must include filing by telephone, using a telephone system that allows a claimant to leave a message or request a return telephone call. The individual making a claim for unemployment benefits may choose which option to use.
3. It requires the Department of Labor to maintain a claimant service response telephone system that allows a claimant to leave a message or request a return telephone call in order to enable the department to promptly receive and promptly respond to claimant inquiries. If a claimant timely contacts the claimant service response telephone system, the department must consider that contact when determining if the claimant had good cause for not complying with the requirements to file a timely claim for benefits, register for work and actively search for work, file work search documentation or participate in reemployment services and eligibility assessment.
4. It clarifies that only the most recent employer from which the claimant's employment separation occurred may contest whether a disqualification may be applied to the claimant for reasons related to the separation.

The amendment also directs the Department of Labor to provide until January 1, 2019 an opportunity for all unemployment insurance claimants denied benefits for failure to file a timely claim for benefits or work search documentation in any week during the period from December 1, 2017 until July 1, 2018 to apply for those benefits and provides that the Department of Labor must grant good cause for failure to file a timely claim for benefits or

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

work search documentation for those weeks if the claimant asserts that the claimant's inability to use the department's Internet-based filing system was the basis for the claimant's failure to file.

In 2009, Maine received a \$28,200,000 distribution to the Unemployment Trust Fund under the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5, 123 Stat. 115 (2009), which may be used to maintain the State's unemployment and public employment system or to pay regular unemployment benefits. There is \$27,503,000 remaining from this distribution. The amendment authorizes the use of \$895,156 of those funds to meet the allocation required in the amendment. The funds will be used to maintain and operate the State's unemployment and employment programs, including paying the administrative costs required to administer the unemployment insurance program and delivering employment assistance services through the Department of Labor's career center system. The intent of the authorization of funds is to provide the Department of Labor with funding necessary to implement the provisions of this amendment.

### **Committee Amendment "B" (S-474)**

This amendment is the minority report of the committee. It adds to the bill a requirement that the Department of Labor provide an alternative method to an Internet-based system for filing of unemployment claims and work search documentation and obtaining information. The alternative must include a method such as a telephone system or in person.

### **Senate Amendment "A" To Committee Amendment "A" (S-485)**

This amendment removes the requirement in Committee Amendment "A" that the telephone system maintained by the Department of Labor allow a claimant to leave a message or request a return telephone call. It also removes a provision in Committee Amendment "A" that authorizes an allocation of funds in the Unemployment Trust Fund.

### **Senate Amendment "B" To Committee Amendment "A" (S-532)**

This amendment removes the emergency preamble and emergency clause. The amendment also incorporates the provisions of Senate Amendment "A" to Committee Amendment "A."

### **LD 1772      **Resolve, Directing the Attorney General To Update the Portions of the Consumer Law Guide Pertaining to Implied Warranties****

**RESOLVE 42  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G ESPLING E	OTP-AM ONTP	S-374

This bill is a concept draft pursuant to Joint Rule 208 that proposes to establish a study commission to examine the State's implied warranty laws and the arbitration process for those laws.

### **Committee Amendment "A" (S-374)**

This amendment is the majority report of the committee. The amendment replaces the bill, which is a concept draft, with a resolve directing the Attorney General to review and update the Attorney General's Consumer Law Guide as it pertains to implied warranties on consumer goods other than motor vehicles by July 1, 2018.

### **Enacted Law Summary**

Resolve 2017, chapter 42 directs the Attorney General to review and update the Attorney General's Consumer Law Guide as it pertains to implied warranties on consumer goods other than motor vehicles by July 1, 2018. At a minimum, the update must clarify the scope of a consumer's responsibility to follow the operation and maintenance guidelines in the user manual of a consumer good and the effect of a failure to follow those guidelines on the availability of relief under the State's implied warranty laws.



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

Resolve 2017, chapter 42 was finally passed as an emergency measure effective April 5, 2018.

**LD 1787 An Act To Provide for the 2018 and 2019 Allocations of the State Ceiling on Private Activity Bonds**

**P & S 12  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R	OTP-AM	S-375

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2018 and 2019 among the state-level issuers of tax-exempt bonds.

**Committee Amendment "A" (S-375)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2017, chapter 12 establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2018 and 2019 among the state-level issuers of tax-exempt bonds.

Private and Special Law 2017, chapter 12 was enacted as an emergency measure effective March 23, 2018.

**LD 1825 An Act To Implement the Recommendations of the Board of Dental Practice**

**PUBLIC 388**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-669

This bill was reported by the committee pursuant to Public Law 2015, chapter 429, section 25 and then referred back to the committee for processing in the normal course. The bill contains the recommendations of the Board of Dental Practice for amending the laws governing the scopes of practice of dental practitioners, dental practice settings, dental services delivery models and other aspects of dental practice. The bill makes the following changes to the Dental Practice Act.

1. It eliminates the charitable dentist and clinical dentist educator license categories.
2. It authorizes a student enrolled in a board-approved dental radiography program to practice under the supervision of the student's instructors without first obtaining a license from the Board of Dental Practice.
3. It eliminates the requirement that dental or denturist student externs register with the Board of Dental Practice.
4. It creates a new denturist trainee registration category for individuals who have completed the educational requirements for licensure as a denturist but who wish to practice under the supervision of a dentist or a denturist prior to obtaining a denturist license.
5. It authorizes independent practice dental hygienists to supervise dental radiographers.
6. It streamlines the scope of practice provisions for expanded function dental assistants and dental hygienists by clarifying that these licensees may perform the activities that a dentist may delegate to a supervised unlicensed individual.

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

7. It authorizes dental hygienists and faculty dental hygienists to apply sealants under the general supervision of a dentist without requiring that a dentist first make the determination and diagnosis as to the surfaces on which the sealants should be applied.

8. It makes technical changes and removes antiquated language.

### **Committee Amendment "A" (H-669)**

This amendment authorizes a student enrolled in a dental assisting program to practice under the supervision of the student's instructors without first obtaining a license from the Board of Dental Practice. The amendment also removes an unnecessary definition and clarifies that the crime of unlawful practice applies when a person employs an unlicensed person to provide services for which any type of license is required by the Dental Practice Act.

The bill eliminates the charitable dentist license and clinical dentist educator license categories. The amendment clarifies that a charitable dentist license and a clinical dentist educator license issued by the Board of Dental Practice and in effect on the effective date of this legislation remain in effect until the date of expiration specified in the license.

### **Enacted Law Summary**

Public Law 2017, chapter 388 makes the following changes to the Dental Practice Act.

1. It eliminates the charitable dentist and clinical dentist educator license categories but provides that a charitable dentist license and a clinical dentist educator license issued by the Board of Dental Practice and in effect on the effective date of this legislation remain in effect until the date of expiration specified in the license.
2. It clarifies that the crime of unlawful practice applies when a person employs an unlicensed person to provide services for which any type of license is required by the Dental Practice Act.
3. It authorizes a student enrolled in a dental assisting program or a board-approved dental radiography program to practice under the supervision of the student's instructors without first obtaining a license from the Board of Dental Practice.
4. It eliminates the requirement that dental or denturist student externs register with the Board of Dental Practice.
5. It creates a new denturist trainee registration category for individuals who have completed the educational requirements for licensure as a denturist but who wish to practice under the supervision of a dentist or a denturist prior to obtaining a denturist license.
6. It authorizes independent practice dental hygienists to supervise dental radiographers.
7. It streamlines the scope of practice provisions for expanded function dental assistants and dental hygienists by clarifying that these licensees may perform the activities that a dentist may delegate to a supervised unlicensed individual.
8. It authorizes dental hygienists and faculty dental hygienists to apply sealants under the general supervision of a dentist without requiring that a dentist first make the determination and diagnosis as to the surfaces on which the sealants should be applied.
9. It makes technical changes and removes antiquated language.

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

**LD 1826     An Act To Repeal the Sunset Date on the Laws Governing Licensure of Appraisal Management Companies**

**PUBLIC 351  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to the Maine Revised Statutes, Title 32, section 14049-K, subsection 2. The bill repeals the March 15, 2018 sunset provision in the laws governing the licensure of appraisal management companies in the Maine Revised Statutes, Title 32, chapter 124-A.

**Enacted Law Summary**

Public Law 2017, chapter 351 attempted to repeal the March 15, 2018 sunset provision in the laws governing the licensure of appraisal management companies in the Maine Revised Statutes, Title 32, chapter 124-A.

Public Law 2017, chapter 351 was enacted as an emergency measure effective April 1, 2018, but the laws governing the licensure of appraisal management companies in the Maine Revised Statutes, Title 32, chapter 124-A had already been automatically repealed on March 15, 2018. Re-enactment of Title 32, chapter 124-A was ultimately effectuated through a floor amendment to the errors bill (LD 1894), which was enacted in the Second Special Session of the 128th Legislature as Public Law 2017, chapter 475.

**LD 1856     An Act Regarding Permits for Burial of Cremated Remains**

**PUBLIC 363  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

JACKSON T

OTP

Current law requires a person in charge of a public burying ground or, if no such person exists, an official of the municipality where the public burying ground is located, to endorse and provide the date cremated remains were buried on the permit for burial of cremated remains and return the permit to the State Registrar of Vital Statistics or the clerk of the municipality in which the public burying ground is located. It also requires the funeral director or authorized person to present a copy of each permit, after endorsement, to the State Registrar of Vital Statistics or the clerk of the municipality where the death occurred and to the clerk who issued the permit. This bill makes these required actions voluntary.

**Enacted Law Summary**

Public Law 2017, chapter 363 makes the permit process for the burial of cremated remains in a public burying ground optional instead of required.

Public Law 2017, chapter 363 was enacted as an emergency measure effective April 4, 2018.

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

**LD 1857      An Act To Address Maine's Nursing Shortage by Creating an Apprenticeship Pathway for Licensure of Health Care-trained Veterans and Expanding Access to Nursing Education      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-718

This bill was reported by the committee pursuant to Resolve 2017, chapter 27 and then referred back to committee for processing in the normal course. The amended bill was reported out of committee in the Second Regular Session of the 128th Legislature and placed on the Special Appropriations Table. The bill was then carried over on the Special Appropriations Table from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill implements a recommendation of the Commission To Streamline Veterans' Licensing and Certification regarding licensure of military medics and corpsmen as licensed practical nurses. This bill allows a person who served on active duty in the medical corps of any branch of the Armed Forces of the United States, has completed the basic course of instruction in nursing required by the branch of the Armed Forces of the United States in which the applicant served and was honorably discharged is eligible to take the examination for licensure as a licensed practical nurse.

**Committee Amendment "A" (H-718)**

The bill authorizes a person with specific military training and experience to take the examination for licensure as a licensed practical nurse. This amendment requires such a person to complete a practical nursing preparation program approved by the State Board of Nursing and designed specifically for applicants with military training and experience prior to taking the licensing examination. The program may include a combination of apprenticeship and traditional educational experiences. The board is directed to adopt provisional, major substantive rules establishing the requirements for approval of the program by March 1, 2019 and is directed to invite the participation of stakeholders in the rule-making process.

The amendment also implements a recommendation of the Task Force on Maine's 21st Century Economy and Workforce by providing \$650,000 in ongoing funding to support the hiring of additional nursing faculty and the acquisition of equipment and instructional space to expand nursing classes at Southern Maine Community College, Central Maine Community College and Eastern Maine Community College as well as \$200,000 in one-time funding to support the acquisition of a nursing simulator at Northern Maine Community College.

After the Governor's veto of the amended version of LD 1857 was sustained, the Governor submitted LD 1917, containing language identical to the original text of LD 1857, to the Second Special Session.

**LD 1879      An Act To Enhance and Increase the Availability of Mental Health Providers in Maine      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J MILLETT R	OTP-AM	H-759

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over to the Second Special Session on the Special Appropriations Table by joint order S.P. 748.

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

This bill establishes and provides funding for the Maine Mental Health Providers Loan Repayment Program to be administered by the Finance Authority of Maine. Under the program, mental health providers may have portions of their student loans repaid annually for up to five years, as long as the participants meet certain criteria, including agreeing to practice in an underserved practice area for at least five years after acceptance into the program.

**Committee Amendment "A" (H-759)**

The bill establishes the Maine Mental Health Providers Loan Repayment Program, which allows certain types of licensed social workers and professional counselors to apply for loan repayment assistance, as long as the applicants agree to practice for five years in one of a list of underserved practice areas in the State. This amendment expands the pool of providers eligible to apply for the program to include all social workers licensed by the State Board of Social Worker Licensure and all counselors licensed by the Board of Counseling Professionals Licensure and expands the categories of underserved practice areas to include federally qualified health centers, community-based behavioral health centers and organizations exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(6).

The amendment further clarifies that the program is funded through a one-time appropriation of \$1,000,000, rather than an ongoing appropriation as in the bill.

The amendment also repeals the currently unfunded Social Work Education Loan Repayment Program in the Maine Revised Statutes.

**LD 1880      An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITE D CUSHING A		

This bill was not referred to committee.

This bill was carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

This bill prohibits a person from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations.

**LD 1887      An Act To Create Fairness in Maine's Unemployment Insurance System by Increasing the Amount Paid in Unemployment Tax by Certain Employers      Accepted Majority (ONTP) Report**

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

This bill was reported out of committee and then carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

This bill amends the laws governing employer contributions for unemployment compensation to impose an additional shared cost assessment tax on employers in contribution categories 19 and 20, increasing the percentage

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

of unemployment tax paid by those employers. Beginning January 1, 2019, an employer in category 19 is assessed an additional unemployment tax of 15% of that employer's taxable payroll and an employer in category 20 is assessed an additional unemployment tax of 20% of that employer's taxable payroll. Adding this shared cost assessment provides benefit costs beyond the normal experience rating process to the Unemployment Compensation Fund.

### **Committee Amendment "A" (H-742)**

This amendment directs the Department of Labor to convene a working group to study tax fairness in the State's unemployment compensation system with a particular focus on employers with negative reserve balances and to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by April 1, 2019. It allows the committee to report out a bill based on the recommendations of the working group to the First Regular Session of the 129th Legislature.

### **LD 1892     An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists**

**PUBLIC 417  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S WOODSOME D	OTP-AM ONTP	H-744

This bill clarifies that a pharmacist may prescribe and dispense naloxone hydrochloride to an individual of any age who is at risk of experiencing an opioid-related drug overdose; who is a member of the immediate family of, or a friend of, an individual at risk of experiencing an opioid-related drug overdose; or who is in a position to assist an individual at risk of experiencing an opioid-related drug overdose.

### **Committee Amendment "A" (H-744)**

This amendment is the majority report of the committee. It clarifies that a pharmacist must follow protocols adopted by the Maine Board of Pharmacy when that pharmacist prescribes and dispenses naloxone hydrochloride to an individual of any age who is at risk of experiencing an opioid-related drug overdose; who is a member of the immediate family of, or a friend of, an individual at risk of experiencing an opioid-related drug overdose; or who is in a position to assist an individual at risk of experiencing an opioid-related drug overdose.

In addition, this amendment makes technical changes so as to conform with the effect of Public Law 2017, chapter 364. (Public Law 2017, chapter 364 derived from LD 565, a bill that was referred to the Joint Standing Committee on Health and Human Services.)

### **Enacted Law Summary**

Public Law 2017, chapter 417 authorizes a pharmacist to prescribe and dispense naloxone hydrochloride, in accordance with protocols adopted by the Maine Board of Pharmacy, to an individual of any age who is at risk of experiencing an opioid-related drug overdose; who is a member of the immediate family of, or a friend of, an individual at risk of experiencing an opioid-related drug overdose; or who is in a position to assist an individual at risk of experiencing an opioid-related drug overdose.

Public Law 2017, chapter 417 was enacted as an emergency measure effective May 2, 2018.

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

**LD 1893      An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of a Federal Immigration Verification System      INDEF PP**

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

This bill was not referred to committee.

This bill was carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

This bill requires every public employer and public contractor to register with and use a federal immigration verification system, currently known as E-Verify, to determine the work eligibility status of new employees physically performing services within the State.

**LD 1905      An Act To Allow Minors To Work in a Family Business without Obtaining a Work Permit      INDEF PP**

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

This bill was not referred to committee.

This bill was carried over from the Second Regular Session to the Second Special Session of the 128th Legislature by joint order S.P. 748.

This bill allows children who are authorized to work for their parents under state and federal law to do so without filing for or obtaining a work permit with or from the Department of Labor.

**LD 1913      An Act To Slow the Rate at Which the State's Minimum Wage Increases and To Eliminate Cost-of-living Increases to the Minimum Wage      Died On Adjournment**

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

This bill was not referred to committee.

This bill:

1. Slows the rate at which the State's minimum wage increases by starting with \$10.50 per hour on January 1, 2020 and increasing it by 50¢ per hour each year until it reaches \$12.00 per hour on January 1, 2023; and
2. Eliminates the requirement that the minimum wage increase each year by the percentage increase in the cost of living.

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

**LD 1917    An Act To Employ Veterans in Health Care To Meet Workforce Needs  
and Provide Funding to the Community College System To Support the  
Training of Nursing Students**

**PUBLIC 476**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J		S-544    VOLK A

This bill was not referred to committee.

The bill, the text of which is identical to LD 1857, implements a recommendation of the Commission To Streamline Veterans' Licensing and Certification regarding licensure of military medics and corpsmen as licensed practical nurses. The bill allows a person who served on active duty in the medical corps of any branch of the Armed Forces of the United States, was completed the basic course of instruction in nursing required by the branch of the Armed Forces of the United States in which the applicant served and was honorably discharged is eligible to take the examination for licensure as a licensed practical nurse.

**Senate Amendment "A" (S-544)**

The amendment implements a recommendation of the Task Force on Maine's 21st Century Economy and Workforce by providing \$650,000 in ongoing funding to support the hiring of additional nursing faculty and the acquisition of equipment and instructional space to expand nursing classes at Southern Maine Community College, Central Maine Community College and Eastern Maine Community College as well as \$200,000 in one-time funding to support the acquisition of a nursing simulator at Northern Maine Community College.

**Enacted Law Summary**

Public Law 2017, chapter 476 permits a person who served on active duty in the medical corps of any branch of the Armed Forces of the United States, completed the basic course of instruction in nursing required by the branch of the Armed Forces of the United States in which the applicant served and was honorably discharged to obtain licensure as a licensed practical nurse without completing an additional board-approved nursing education program as long as the person passes the applicable licensing examination.

Public Law 2017, chapter 476 also provides \$650,000 in ongoing funding to support the hiring of additional nursing faculty and the acquisition of equipment and instructional space to expand nursing classes at Southern Maine Community College, Central Maine Community College and Eastern Maine Community College as well as \$200,000 in one-time funding to support the acquisition of a nursing simulator at Northern Maine Community College.

**LD 1927    An Act To Restore the Integrity of the Unemployment Compensation  
System**

**Died On  
Adjournment**

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

This bill was not referred out to committee.

The bill reverses the changes to the eligibility requirements for unemployment benefits made by Public Law 2017, chapter 453, "An Act To Give Flexibility to Employees and Employers for Temporary Layoffs." It repeals a requirement that the Department of Labor examine the effect of Public Law 2017, chapter 453 on the State's account



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

in the federal Unemployment Trust Fund and report to the joint standing committee of the Legislature having jurisdiction over labor matters. It also deallocates one-time funds that were allocated pursuant to Public Law 2017, chapter 453.



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

## **SUBJECT INDEX**

### **Business Regulation**

#### **Enacted**

LD 1856      An Act Regarding Permits for Burial of Cremated Remains      PUBLIC 363  
EMERGENCY

### **Child Labor**

#### **Not Enacted**

LD 1905      An Act To Allow Minors To Work in a Family Business without Obtaining a Work Permit      INDEF PP

### **Consumer Protection**

#### **Enacted**

LD 1772      Resolve, Directing the Attorney General To Update the Portions of the Consumer Law Guide Pertaining to Implied Warranties      RESOLVE 42  
EMERGENCY

### **Economic Development**

#### **Enacted**

LD 1654      An Act To Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits and Making Other Changes to the Program      PUBLIC 440

LD 1787      An Act To Provide for the 2018 and 2019 Allocations of the State Ceiling on Private Activity Bonds      P & S 12  
EMERGENCY

#### **Not Enacted**

LD 285      An Act To Provide Funding for the Maine Coworking Development Fund      Died On  
Adjournment

LD 367      An Act To Implement the Recommendations of the Government Oversight Committee To Develop a Long-range Strategic Plan for Economic Improvement in the State      Died On  
Adjournment

LD 1244      An Act To Support Small Manufacturers in the State      Leave to Withdraw  
Pursuant to Joint  
Rule 310

LD 1343      An Act To Promote Downtown Revitalization by Creating the Locating Businesses Downtown Loan Program      Died On  
Adjournment

### **Employee Benefits**

#### **Not Enacted**

LD 1587      Resolve, To Study the Feasibility of the Establishment of Paid Family Leave in the State      Veto Sustained

## **Employment Practices**

### **Not Enacted**

LD 1566	An Act To Enact the Maine Fair Chance Employment Act	Veto Sustained
LD 1768	An Act To Reduce Impairment on the Job and Improve Workplace Safety by Amending the Laws Governing Employment Practices Concerning Substance Use Testing	ONTP
LD 1893	An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of a Federal Immigration Verification System	INDEF PP

## **Housing**

### **Not Enacted**

LD 1006	An Act Regarding Housing Insecurity of Older Citizens	Died On Adjournment
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## **Housing Safety**

### **Not Enacted**

LD 1542	An Act To Support Lead Abatement in Older Residential Properties	Died On Adjournment
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## **Labor Relations**

### **Not Enacted**

LD 1880	An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment	INDEF PP
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## **Occupational and Professional Regulation**

### **Enacted**

LD 958	An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act	PUBLIC 396
LD 1280	An Act To Require Drug Manufacturers To Comply with Federal Law	PUBLIC 434
LD 1327	An Act To Expedite Health Care Employment for Military Veterans	PUBLIC 326
LD 1825	An Act To Implement the Recommendations of the Board of Dental Practice	PUBLIC 388
LD 1826	An Act To Repeal the Sunset Date on the Laws Governing Licensure of Appraisal Management Companies	PUBLIC 351 EMERGENCY
LD 1892	An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists	PUBLIC 417 EMERGENCY
LD 1917	An Act To Employ Veterans in Health Care To Meet Workforce Needs and Provide Funding to the Community College System To Support the Training of Nursing Students	PUBLIC 476

### **Not Enacted**

LD 912	An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy	Veto Sustained
LD 1857	An Act To Address Maine's Nursing Shortage by Creating an Apprenticeship Pathway for Licensure of Health Care-trained Veterans and Expanding Access to Nursing Education	Veto Sustained

## **Research and Development**

### **Not Enacted**

LD 656	An Act To Improve the Ability of Maine Companies To Manufacture and Market Biobased Products	Died On Adjournment
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## **Unemployment Compensation**

### **Enacted**

LD 700	An Act To Give Flexibility to Employees and Employers for Temporary Layoffs	PUBLIC 453 EMERGENCY
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### **Not Enacted**

LD 1770	An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation	Veto Sustained
LD 1887	An Act To Create Fairness in Maine's Unemployment Insurance System by Increasing the Amount Paid in Unemployment Tax by Certain Employers	Majority (ONTP) Report
LD 1927	An Act To Restore the Integrity of the Unemployment Compensation System	Died On Adjournment

## **Wages**

### **Not Enacted**

LD 1757	An Act To Protect Maine's Economy by Slowing the Rate at Which the State's Minimum Wage Will Increase and Establishing a Training and Youth Wage	Died Between Houses
LD 1769	An Act To Conform the Laws Regarding a Salaried Employee Who Is Exempt from Overtime and Minimum Wage Requirements to Federal Law	Died Between Houses
LD 1913	An Act To Slow the Rate at Which the State's Minimum Wage Increases and To Eliminate Cost-of-living Increases to the Minimum Wage	Died On Adjournment

## **Workforce Development**

### **Not Enacted**

LD 669	An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers	Veto Sustained
LD 1308	Resolve, To Expedite the Processing of Applications for Certification under the Work Opportunity Tax Credit	Died On Adjournment
LD 1718	An Act To Empower Maine's Rural Economy and Workforce	ONTP
LD 1879	An Act To Enhance and Increase the Availability of Mental Health Providers in Maine	Died On Adjournment

## **Workforce Investment**

### **Not Enacted**

LD 503	An Act To Continue the Doctors for Maine's Future Scholarship Program	Died On Adjournment
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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

October 2018

**MEMBERS:**

SEN. JOYCE A. MAKER, CHAIR  
SEN. ERIC L. BRAKEY  
SEN. ELOISE A. VITELLI

REP. WALTER A. KUMIEGA III, CHAIR  
REP. MICHAEL G. DEVIN  
REP. ROBERT W. ALLEY, SR.  
REP. LYDIA C. BLUME  
REP. STEPHANIE HAWKE  
REP. KEVIN J. BATTLE  
REP. WILLIAM R. TUELL  
REP. DAVID G. HAGGAN  
REP. ABDEN S. SIMMONS  
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*Joint Standing Committee on Marine Resources*

**LD 703      An Act To Address Marine Debris Resulting from Commercial Activities**

**Accepted Majority  
(ONTP) Report**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

This bill proposes to address the problem of marine debris resulting from commercial activities such as commercial fishing and aquaculture.

The bill uses current knowledge, information and data generated by previous meetings and conferences and scientific publications along with accepted fishing and aquaculture practices to advance an approach to address marine debris while recognizing that healthy commercial fishing and aquaculture industries are paramount for the economic health of this State.

**Committee Amendment "A" (H-617)**

This amendment is the minority report of the committee. The amendment replaces the bill, which is a concept draft, with a resolve that establishes the Commission To Study the Effects of Marine Debris, which is a 13-member commission tasked with studying marine debris and how it has affected or potentially will affect Maine's ocean and coastal ecosystem, habitats and species. The commission is required to meet at least four times and must submit a report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than November 7, 2018.

**LD 922      An Act Directing the Commissioner of Marine Resources To Investigate  
the Conditions of Sheepscot Pond Related to a Management Plan for  
Anadromous Fish Species**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J VITELLI E	OTP-AM ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill directs the Commissioner of Marine Resources to open and keep operational from April 15th to June 30th annually the fishway on the Sheepscot River located at the outlet of Sheepscot Pond in the Town of Palermo and to investigate the conditions of the pond for the purpose of developing a management plan for anadromous fish species.

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

This amendment, which is the majority report of the committee, removes the provisions of the bill that direct the Commissioner of Marine Resources to develop a management plan for anadromous fish in Sheepscot Pond and that direct the Commissioner of Inland Fisheries and Wildlife to cooperate in that effort. The amendment delays until 2020 the requirement in the bill that the Commissioner of Inland Fisheries and Wildlife open and keep operational

## *Joint Standing Committee on Marine Resources*

the fishway at the outlet of Sheepscot Pond from April 15th to June 30th annually to allow the passage of anadromous fish. The amendment also requires the Commissioner of Inland Fisheries and Wildlife to provide, no later than January 15, 2020, a report to the joint standing committees of the Legislature having jurisdiction over inland fisheries and wildlife and marine resources matters detailing how the Department of Inland Fisheries and Wildlife, with the cooperation of the Department of Marine Resources, as necessary, will address concerns related to opening the fishway regarding managing any biosecurity concerns at the Palermo Rearing Station on Sheepscot Pond, allowing lamprey eels to exit Sheepscot Pond and managing the migration of alewives out of Sheepscot Pond. The amendment allows each joint standing committee to report out legislation based on the report to the Second Regular Session of the 129th Legislature.

**LD 1519     An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances**

**PUBLIC 350**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M VITELLI E	ONTP OTP-AM	H-611

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends the law regarding municipal shellfish conservation programs to clarify that the intertidal zone extends from the high-water mark to the extreme low-water mark and that the shellfish conservation ordinances apply only within the intertidal zones of municipalities.

**Committee Amendment "A" (H-611)**

This amendment is the minority report of the committee. The amendment provides that, for the purposes of municipal shellfish conservation programs, the intertidal zone is the area below the high-water mark and above subtidal lands, instead of the area between the high-water mark and the extreme low-water mark, as the bill provided.

**Enacted Law Summary**

Public Law 2017, chapter 350 provides that, for the purposes of municipal shellfish conservation programs, the intertidal zone is the area below the high-water mark and above subtidal lands.

**LD 1652     An Act To Authorize the Commissioner of Marine Resources To Limit the Number of Shrimp Licenses That May Be Used in Certain Seasons**

**PUBLIC 346**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B	OTP-AM	S-376

This bill authorizes the Commissioner of Marine Resources to adopt rules to establish a system by which the use of commercial northern shrimp licenses may be limited in a season when the total allowable catch is less than 2,000 metric tons.

**Committee Amendment "A" (S-376)**

This amendment, like the bill, authorizes the Commissioner of Marine Resources to adopt rules to establish a system by which the number of commercial northern shrimp licenses issued may be limited in a season when the total allowable catch for Maine is less than 2,000 metric tons. The amendment requires the commissioner to consult with members of the northern shrimp industry prior to initiating rulemaking to limit the number of commercial northern shrimp licenses. The amendment also requires the commissioner, if the commissioner limits the number of commercial northern shrimp licenses, to provide a report to the joint standing committee of the Legislature having

## *Joint Standing Committee on Marine Resources*

jurisdiction over marine resources matters regarding management of the northern shrimp resource and the northern shrimp fishing industry. The joint standing committee may report out legislation based upon that report.

### **Enacted Law Summary**

Public Law 2017, chapter 346 authorizes the Commissioner of Marine Resources to adopt rules to establish a system by which the number of commercial northern shrimp licenses issued may be limited in a season when the total allowable catch for Maine is less than 2,000 metric tons. Public Law 2017, chapter 346 requires the commissioner to consult with members of the northern shrimp industry prior to initiating rulemaking to limit the number of commercial northern shrimp licenses. Public Law 2017, chapter 346 also requires the commissioner, if the commissioner limits the number of commercial northern shrimp licenses, to provide a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding management of the northern shrimp resource and the northern shrimp fishing industry. The joint standing committee may report out legislation based upon that report.

<b>LD 1659</b>	<b>An Act To Amend Maine's Marine Resources Laws Regarding Certain License Fees and Surcharges That Were Amended by Recently Enacted Legislation</b>	<b>PUBLIC 320</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	OTP	

This bill reduces the Class I lobster and crab fishing license fee for applicants under 18 years of age from \$65 to \$60; clarifies lobster license surcharge fees to avoid conflicts; fixes an error regarding resident apprentice licenses for applicants 18 years of age or older; and repeals conflicting language regarding sea urchin and scallop diving tender license surcharges to reflect current practice.

### **Enacted Law Summary**

Public Law 2017, chapter 320 reduces the Class I lobster and crab fishing license fee for applicants under 18 years of age from \$65 to \$60; clarifies lobster license surcharge fees to avoid conflicts; fixes an error regarding resident apprentice licenses for applicants 18 years of age or older; and repeals conflicting language regarding sea urchin and scallop diving tender license surcharges to reflect current practice.

<b>LD 1720</b>	<b>An Act To Increase Flexibility in the Temporary Medical Allowance for Lobster and Crab Fishing License Holders</b>	<b>PUBLIC 352</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J VITELLI E	OTP-AM	H-616

This bill extends the maximum duration of a temporary medical allowance for lobster and crab fishing license holders from one year to two years.

The bill also creates a temporary terminal illness medical allowance that allows an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder when the individual is a spouse or child of the license holder and has completed the lobster apprentice program and the license holder has been diagnosed with a terminal illness and harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary terminal illness medical allowance. The bill requires the license holder to be present on the vessel for at least half of the hours during which the individual is fishing under the authority of the license on which the temporary terminal illness medical allowance is based. The temporary terminal illness medical allowance may not exceed one year in duration and may be renewed up to two times.

## *Joint Standing Committee on Marine Resources*

### **Committee Amendment "A" (H-616)**

This amendment, which is the unanimous report of the committee, replaces the bill. The amendment removes the provision of the bill that extends the maximum duration of a temporary medical allowance for lobster and crab fishing license holders from one year to two years and instead provides that the Commissioner of Marine Resources may renew an existing temporary medical allowance for up to one year upon application of the holder of the license upon which the allowance is based. As with current law, the amendment provides that a temporary medical allowance may not exceed one year, but the amendment provides that, upon renewal, the temporary medical allowance may not exceed a total of two consecutive years.

The amendment removes the provisions of the bill that create a temporary terminal illness medical allowance for lobster and crab fishing license holders diagnosed with a terminal illness.

### **Enacted Law Summary**

Public Law 2017, chapter 352 provides that the Commissioner of Marine Resources may renew an existing temporary medical allowance for lobster and crab fishing license holders for up to one year upon application of the holder of the license upon which the allowance is based. Upon renewal, the temporary medical allowance may not exceed a total of two consecutive years.

<b>LD 1767</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a Major Substantive Rule of the Department of Marine Resources</b>	<b>RESOLVE 43 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-632

This resolve provides for legislative review of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a major substantive rule of the Department of Marine Resources.

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

This amendment authorizes final adoption of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a provisionally adopted major substantive rule of the Department of Marine Resources, only if the rule is amended to remove the provisions providing additional draws in the scallop limited entry program lotteries for previous work in the scallop industry and for previously holding a scallop fishing license. Instead, the amendment directs the department to amend the rule to recognize an applicant's prior unsuccessful attempts in the lotteries.

### **Enacted Law Summary**

Resolve 2017, chapter 43 authorizes final adoption of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a provisionally adopted major substantive rule of the Department of Marine Resources, only if the rule is amended to remove the provisions providing additional draws in the scallop limited entry program lotteries for previous work in the scallop industry and for previously holding a scallop fishing license. Instead, Resolve 2017, chapter 43 directs the department to amend the rule to recognize an applicant's prior unsuccessful attempts in the lotteries.

Resolve 2017, chapter 43 was finally passed as an emergency measure effective April 8, 2018.

*Joint Standing Committee on Marine Resources*

**LD 1791 An Act To Continue the Maine Lobster Marketing Collaborative**

**PUBLIC 368**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM	H-640

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 12, section 6455, subsection 8. The bill removes the October 1, 2018, repeal of the section of law that establishes the Maine Lobster Marketing Collaborative and that sets the surcharges on various types of licenses to fund the collaborative. The bill continues through 2020 the surcharges that have been in place since 2016.

**Committee Amendment "A" (H-640)**

This amendment, which is the majority report of the committee, establishes an executive committee of the Maine Lobster Marketing Collaborative to take certain actions on behalf of the collaborative and specifies which actions are prohibited. The amendment retains the provision in the bill that removes the October 1, 2018, repeal of the section of law that establishes the collaborative and instead changes the repeal date to October 1, 2021. The amendment continues through 2021 the surcharge amounts on various types of licenses to fund the collaborative that have been in place since 2016. The amendment directs the Commissioner of Marine Resources to investigate whether the surcharges assessed on a wholesale seafood license with lobster permits or a supplemental lobster transportation license may be amended to reflect the amount of lobster bought, sold, shipped or transported by the license holder or a class of license holders and to provide a report of recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2019.

**Committee Amendment "B" (H-641)**

This amendment, which is the minority report of the committee, establishes an executive committee of the Maine Lobster Marketing Collaborative to take certain actions on behalf of the collaborative and specifies which actions are prohibited. The amendment retains the provision in the bill that removes the October 1, 2018, repeal of the section of law that establishes the collaborative and instead changes the repeal date to October 1, 2021. The amendment continues through 2021 the surcharge amounts on various types of licenses to fund the collaborative that have been in place since 2016, except that this amendment makes those surcharges voluntary for years 2019 to 2021. The amendment directs the Commissioner of Marine Resources to investigate whether the surcharges assessed on a wholesale seafood license with lobster permits or a supplemental lobster transportation license may be amended to reflect the amount of lobster bought, sold, shipped or transported by the license holder or a class of license holders and to provide a report of recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2019.

**Enacted Law Summary**

Public Law 2017, chapter 368 removes the October 1, 2018, repeal of the section of law that establishes the Maine Lobster Marketing Collaborative and instead changes the repeal date to October 1, 2021. Public Law 2017, chapter 368 continues through 2021 the surcharge amounts on various types of licenses to fund the collaborative that have been in place since 2016. Public Law 2017, chapter 368 establishes an executive committee of the Maine Lobster Marketing Collaborative to take certain actions on behalf of the collaborative and specifies which actions are prohibited. Public Law 2017, chapter 368 directs the Commissioner of Marine Resources to investigate whether the surcharges assessed on a wholesale seafood license with lobster permits or a supplemental lobster transportation license may be amended to reflect the amount of lobster bought, sold, shipped or transported by the license holder or a class of license holders and to provide a report of recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2019.





# *Joint Standing Committee on Marine Resources*

## **SUBJECT INDEX**

### ***Aquaculture, Shellfish, Scallops and Marine Worms***

#### **Enacted**

LD 1767	Resolve, Regarding Legislative Review of Portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a Major Substantive Rule of the Department of Marine Resources	RESOLVE 43 EMERGENCY
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### ***Commercial Fisheries Management***

#### **Enacted**

LD 1519	An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances	PUBLIC 350
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LD 1652	An Act To Authorize the Commissioner of Marine Resources To Limit the Number of Shrimp Licenses That May Be Used in Certain Seasons	PUBLIC 346
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### ***Fisheries Management***

#### **Not Enacted**

LD 922	An Act Directing the Commissioner of Marine Resources To Investigate the Conditions of Sheepscot Pond Related to a Management Plan for Anadromous Fish Species	INDEF PP
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### ***Lobsters and Crabs***

#### **Enacted**

LD 1720	An Act To Increase Flexibility in the Temporary Medical Allowance for Lobster and Crab Fishing License Holders	PUBLIC 352
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LD 1791	An Act To Continue the Maine Lobster Marketing Collaborative	PUBLIC 368
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### ***Marine Environment***

#### **Not Enacted**

LD 703	An Act To Address Marine Debris Resulting from Commercial Activities	Majority (ONTP) Report
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### ***Technical Changes***

#### **Enacted**

LD 1659	An Act To Amend Maine's Marine Resources Laws Regarding Certain License Fees and Surcharges That Were Amended by Recently Enacted Legislation	PUBLIC 320
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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT SELECT COMMITTEE ON MARIJUANA  
LEGALIZATION IMPLEMENTATION**

October 2018

**MEMBERS:**

SEN. ROGER J. KATZ, CHAIR  
SEN. KIMBERLEY C. ROSEN  
SEN. JOYCE A. MAKER  
SEN. MARK N. DION  
SEN. SUSAN A. DESCHAMBAULT

REP. TERESA S. PIERCE, CHAIR  
REP. KIMBERLY J. MONAGHAN  
REP. AARON M. FREY  
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REP. DONALD G. MAREAN  
REP. BRUCE A. BICKFORD  
REP. LANCE EVANS HARVELL  
REP. PATRICK W. COREY  
REP. MICHAEL D. PERKINS\*  
REP. JEFFREY P. HANLEY\*  
REP. KENT ACKLEY

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\*Committee member for a portion of the session



***Joint Select Committee on Marijuana Legalization Implementation***

**LD 164      An Act To Require Tamper-evident Packaging for Recreational  
Marijuana Products**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill requires that all retail marijuana and retail marijuana products sold at a retail marijuana store be in tamper-evident packaging, which involves a device or process such as a seal, label or marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

**LD 215      An Act To Require a License for the Possession, Sale, Cultivation or  
Transportation of Marijuana for Recreational Use**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATTLE K DOW D		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to further regulate the cultivation, transportation, sale and possession of marijuana and marijuana products by:

1. Establishing tiered licenses, issued by the State, for possession, cultivation and sale based on quantity.
  - A. Tiers for personal possession would be set at up to one ounce, more than one ounce to no more than two ounces and more than two ounces to no more than three ounces.
  - B. Possession of more than three ounces would require a commercial license, which would also be tiered, based on the quantity above three ounces.
  - C. Tiers for personal cultivation would be established at one to 50 plants and 51 to 100 plants.
  - D. Cultivation of more than 100 plants would require a commercial license, which would also be tiered, based on the quantity above 100 plants.
  - E. Tiers for engaging in the sale of marijuana and marijuana products would be based on the quantity of marijuana in the products sold.

The cost of a tiered license would increase progressively based on the quantity possessed, cultivated or sold;

2. Requiring a state-issued license for the transportation of marijuana or marijuana products by motor vehicle, watercraft or airplane within the State;

***Joint Select Committee on Marijuana Legalization Implementation***

- 3. Prohibiting from possessing or using marijuana or marijuana products and subjecting to random drug testing certain persons, including health care workers such as physicians and nurses, commercial truck drivers, passenger or commercial vessel operators, taxi drivers, law enforcement officials, correctional officers and emergency first responders; and
- 4. Allowing nonresidents to purchase a temporary possession license.

**LD 231      An Act To Allow Municipalities To Regulate the Growing of Marijuana      Died On Adjournment**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748; on the adjournment of the Second Special Session, this bill had not been reported out of committee.

The bill allows a municipality to restrict the cultivation of marijuana for recreational or medical use to certain areas in the municipality or to prohibit cultivation entirely within the municipality. The bill applies to cultivation of marijuana under the Marijuana Legalization Act and the Maine Medical Use of Marijuana Act.

**LD 301      An Act To Protect Children from Marijuana Sales by Prohibiting Retail Marijuana Establishments and Social Clubs near Schools      Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill restricts the licensing authority of the Department of Agriculture, Conservation and Forestry under the Marijuana Legalization Act by prohibiting the issuance of a license under that Act to operate a retail marijuana establishment or a retail marijuana social club that is to be located within 2,000 feet of the property line of a preexisting school.

**LD 310      An Act To Responsibly Implement an Adult Use Cannabis Program      Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.



***Joint Select Committee on Marijuana Legalization Implementation***

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the provisions of the Marijuana Legalization Act, as approved at referendum on November 2016.

**LD 387      An Act To Provide for Oversight of Maine's Recreational Marijuana Laws**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G MCCREA D		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill directs the Statewide Coordinating Council for Public Health to serve in an advisory capacity on public health matters related to retail marijuana to the Commissioner of Agriculture, Conservation and Forestry acting as chief administrative officer of the state licensing authority for the cultivation, manufacture, distribution, testing and sale of retail marijuana.

**LD 433      An Act To Allow Municipalities To Apply a Local Option Sales Tax to the Sale of Marijuana**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill allows a municipality that approves the location of a retail marijuana store or a retail marijuana social club to impose a local option sales tax. Revenue from the local option sales tax after deduction for the cost of state administration is distributed to the municipality.

**LD 498      An Act Regarding Marijuana Licensing**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill requires an applicant for a marijuana license under the Maine Revised Statutes, Title 7 who is a natural person to have been a resident of the State for at least one year continuously prior to application for a license. It requires an applicant that is a business entity organized under Title 13-B or 13-C that applies for a marijuana license under Title 7 to have been organized for at least one year continuously prior to application for a license and requires an individual who submits the application for the business to have been a resident of the State for at least one year continuously prior to application for a license.

***Joint Select Committee on Marijuana Legalization Implementation***

The bill also requires an applicant for a marijuana license under Title 7 to disclose the applicant's financial interest in the license, including, but not limited to, investment interest and salary or other reimbursement that may become due to the applicant from any other person or business if the license is granted.

**LD 499      An Act To Allow Municipalities To Prohibit Retail Marijuana Facilities  
in Safe Zones** **Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN B COLLINS R		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill allows municipalities to adopt ordinances prohibiting the location of retail marijuana establishments and retail marijuana social clubs under the Marijuana Legalization Act.

**LD 545      An Act To Ensure Maine's Unorganized Townships and Plantations  
Maintain Local Control under Laws Legalizing Marijuana** **Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S BRAKEY E		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to ensure that unorganized townships and plantations maintain local control under laws legalizing marijuana.

**LD 596      An Act To Promote Highway Safety by Restricting the Use of Marijuana  
and Possession of an Open Marijuana Container in a Motor Vehicle** **Leave to Withdraw  
Pursuant to Joint  
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P ROSEN K		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill makes it a traffic infraction to consume marijuana or a marijuana product or to possess an open container of marijuana or a marijuana product in the passenger area of a motor vehicle. The bill is similar to the provisions of law making consuming alcohol or having an open container of alcohol in the passenger area of a motor vehicle a traffic infraction.

***Joint Select Committee on Marijuana Legalization Implementation***

**LD 625      An Act To Prohibit the Location of a Marijuana Facility within 2,000 Feet of a House of Public Worship or Property Associated with a House of Public Worship**      **Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill prohibits a retail marijuana establishment or retail marijuana social club from being located within 2,000 feet of a house of public worship or property associated with a house of public worship.

**LD 626      An Act To Provide Funding for County Jails from Sales Tax Collected on Retail Sales of Marijuana and Marijuana Products**      **Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J WHITTEMORE R		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill distributes 25% of tax revenues from the sales tax on retail marijuana and retail marijuana products to the counties to support county jail operations. The funds distributed to the counties under this bill must be distributed according to the formula established for funds in the County Jail Operations Fund and must be used to supplement and not to supplant funding provided to the counties for jail operations from other funding sources.

**LD 627      An Act To Establish a Data Collection Program To Monitor Effects of Marijuana Regulation**      **Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill establishes a program in the Department of Health and Human Services, Maine Center for Disease Control and Prevention to collect data for the purpose of monitoring the effect on the State from the legalization and regulation of retail marijuana. Reports must be published at least annually to provide data to the Legislature, the Governor's Office and appropriate state government departments overseeing the implementation of the retail marijuana laws to be used to inform needed adjustments, and law and rule changes to minimize the financial and social costs to the people of this State.

***Joint Select Committee on Marijuana Legalization Implementation***

**LD 667      An Act To Repeal the Legalization of Recreational Marijuana**

**INDEF PP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748. During the Second Special Session, the bill was taken from committee without a committee report pursuant to Joint Rule 309.

The bill repeals the Marijuana Legalization Act, which allows the commercial cultivation, sale, purchase, manufacture, possession and use of marijuana and marijuana products; the personal cultivation, possession and use of marijuana and marijuana products; and the taxation on the sale of marijuana and marijuana products, if approved by the voters at a referendum held in November 2018. The bill also amends related provisions of law.

**LD 672      An Act To Clarify a Municipality's Authority To Adopt and Enforce  
Land Use Regulations for Marijuana Facilities**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides that a municipal ordinance or regulation may not conflict with or be more restrictive than state law with respect to an individual's use, possession or transportation of medical or recreational marijuana. It further provides that a municipality may adopt and enforce land use regulations that apply to marijuana facilities that grow, process, package, distribute, sell or provide medical or recreational marijuana in the same regulatory manner as any other activities generating similar land use and compatibility effects.

**LD 734      An Act Extending the Time Period for Municipalities To Approve  
Marijuana Businesses**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill extends the time period, from 14 business days to 60 business days, within which a municipality is required to either approve or deny an application for a marijuana business.

***Joint Select Committee on Marijuana Legalization Implementation***

**LD 797      An Act To Fund Railroad Infrastructure and Operations**

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748; on the adjournment of the Second Special Session, this bill had not been reported out of committee.

The bill requires 20% of revenue from the sales tax on retail marijuana and retail marijuana products to be transferred to the Multimodal Transportation Fund to be used for the multimodal forms of transportation, limited to passenger marine, road surface and passenger rail transit, of the State, municipalities and multimodal providers supporting passenger rail operations. Priority investment must be targeted to those railroad corridors that could support passenger and freight operations and enhance the movement of agricultural products.

**LD 798      An Act To Clarify the Intent of the Licensing Provisions in the  
Marijuana Legalization Act**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill amends the Marijuana Legalization Act to require the state licensing authority, when issuing a license under the Act, to give preference to individuals who are residents of this State and to businesses that are organized or incorporated in this State. The bill also requires any licenses issued for retail marijuana cultivation facilities to be issued in an equal number between those facilities with 3,000 square feet or less of plant canopy and those with more than 3,000 square feet of plant canopy.

**LD 799      An Act To Protect Landlords and Tenants from the Deleterious Effects  
of Marijuana Use**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill allows a landlord to restrict or prohibit the cultivation, possession or use of marijuana on residential premises rented by that landlord. The bill, similar to the law allowing a landlord to restrict smoking of tobacco on leased premises, requires the landlord to develop a policy regarding the allowance or prohibition of the cultivation, possession or use of marijuana, detailing those areas where it is allowed or prohibited, and provide notice of the

***Joint Select Committee on Marijuana Legalization Implementation***

policy to tenants and prospective tenants. The bill does not give a person who is aggrieved by the failure of the landlord to provide the policy or another tenant to abide by the policy a cause of action against the landlord.

**LD 806      An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill allows a taxpayer, either an individual or corporation, that operates a registered dispensary of medical marijuana pursuant to the Maine Medical Use of Marijuana Act to deduct from income the costs of operating that registered dispensary. The bill also allows a qualified patient to deduct from income the costs of medical marijuana purchased by that qualifying patient. The bill also provides a statutory requirement that registered primary caregivers under the Maine Medical Use of Marijuana Act register to collect sales tax.

**LD 854      An Act To Correct Errors and Inconsistencies in the Marijuana Legalization Act as Approved by the Voters**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S BRAKEY E		

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to correct errors and inconsistencies in the Marijuana Legalization Act as approved at referendum in November 2016.

**LD 855      An Act To Protect Children from Edible Cannabis Products**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill amends the Marijuana Legalization Act to require the state licensing authority to develop rules that prohibit the manufacture, distribution and sale of edible retail marijuana products in packaging or shapes that appeal to children. Under current law, the possession of any edible retail marijuana product is prohibited until February 1, 2018, so the effective date of this legislation is delayed until then.

***Joint Select Committee on Marijuana Legalization Implementation***

**LD 938      An Act To Harmonize Provisions of "An Act To Legalize Marijuana" with Related Provisions of the Maine Medical Use of Marijuana Act**

**Leave to Withdraw Pursuant to Joint Rule**

Sponsor(s)

HAMANN S

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to harmonize certain public health provisions applicable to the medical and adult recreational use of marijuana, including, but not limited to, laboratory testing of product, product labeling requirements, child-safe packaging requirements and inspection requirements. The bill would require that registered dispensaries and registered caregivers in the Maine medical use of marijuana program comply with the testing requirements that apply to adult recreational sales of marijuana.

**LD 1197      An Act to Support Substance Use Disorder Prevention, Treatment and Recovery**

**Leave to Withdraw Pursuant to Joint Rule**

Sponsor(s)

BEEBE-CENTER P  
MAKER J

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill establishes the Fund for Substance Use Disorder Prevention, Treatment and Recovery and funds it by requiring 10% of the tax revenue from the retail sale of marijuana and marijuana products to be deposited in the fund. The fund is used for substance use disorder prevention, recovery and treatment programs administered by the Department of Health and Human Services and the Maine Center for Disease Control and Prevention. The bill specifies that the additional funding for existing programs for substance use disorder, treatment and recovery is intended to supplement, not supplant, funding appropriated for those purposes.

**LD 1209      An Act To Reserve for County Government One Percent of the Excise Tax Revenue from the Sale of Retail Marijuana**

**Leave to Withdraw Pursuant to Joint Rule**

Sponsor(s)

MARTIN D

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill requires that 1% of the revenue from sales tax imposed on the sale of retail marijuana and retail marijuana products be provided to the counties to offset the costs of planning, policy development, monitoring and enforcement with respect to the Marijuana Legalization Act.

***Joint Select Committee on Marijuana Legalization Implementation***

**LD 1431    An Act To Dedicate a Portion of the Tax on the Sale of Marijuana to Substance Abuse Prevention and Treatment, Law Enforcement Costs and Regulatory Oversight**

**Died On  
Adjournment**

Sponsor(s)

CRAIG G

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. It was again carried over to the Second Special Session by joint order S.P. 748; on the adjournment of the Second Special Session, this bill had not been reported out of committee.

The bill establishes the Substance Abuse Education, Prevention and Treatment Fund to provide funding for:

1. Programs for education regarding prevention of and support and treatment for substance abuse, including the prevention of marijuana use by minors;
2. Regulatory oversight of the retail marijuana industry; and
3. Increased costs to law enforcement agencies and the courts associated with the retail marijuana industry.

The fund is administered by the Department of Health and Human Services and disbursed based on the recommendations of the Substance Abuse Services Commission and is funded by an increase in the tax imposed on the retail sale of marijuana and marijuana products from 10% to 15%, an increase on the tax imposed on medical marijuana from 5.5% to 15% and a wholesale tax imposed on the sale of marijuana and marijuana products for retail sale of 3%. Five percent of the revenue from these taxes is deposited in the Substance Abuse Education, Prevention and Treatment Fund; the balance is deposited in the General Fund.

**LD 1448    An Act To Clarify Certain Provisions of the Marijuana Legalization Act and To Deter the Use of Marijuana by Minors**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

Sponsor(s)

HARRINGTON M

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides clarifications to the Marijuana Legalization Act, as approved at referendum in November 2016, as follows.

1. It specifies that, for purposes of the Marijuana Legalization Act, a minor is a person who is under 21 years of age. The bill prohibits the possession, purchase and transportation of marijuana by minors, and the furnishing of marijuana to minors, except when permitted under the Maine Medical Use of Marijuana Act and in other certain circumstances. The prohibitions in this bill are modeled on the statutes prohibiting the possession, purchase and transportation of alcohol by minors.
2. It specifies that the state licensing authority is the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.



***Joint Select Committee on Marijuana Legalization Implementation***

3. It allows for the limited sale of adult use marijuana while the bureau begins the rule-making process and issuing licenses for retail marijuana establishments pursuant to those rules by allowing medical marijuana dispensaries to sell limited marijuana retail products to persons 21 years of age or older in accordance with certain conditions. These early sales begin on the effective date of this bill and end December 31, 2018 unless the bureau has not yet begun issuing licenses for retail marijuana establishments. In that case, medical marijuana dispensaries can continue to sell limited marijuana retail products until the bureau begins, through final agency action, to issue licenses for retail marijuana establishments. It allows dispensaries to purchase prepared marijuana and marijuana products from registered primary caregivers for purposes of distribution to persons 21 years of age and older. It imposes a marijuana tax of 10% of the sale price of limited marijuana retail products. It allocates 10% of the tax revenue to the host community where the dispensary is located, 45% of the special tax revenue to the Department of Health and Human Services to fund regulatory oversight and enforcement of sales of limited marijuana retail products, as well as efforts by the department to deter use of marijuana by persons under 21 years of age, and the remaining 45% to the Department of Agriculture, Conservation and Forestry or the bureau to fund administration, regulatory development and enforcement of the Marijuana Legalization Act. It also imposes state sales tax on limited marijuana retail products.

4. It imposes a cap on the issuance of primary caregiver registry identification cards.

**LD 1491      An Act To Provide for Safety, Quality and Transparency in the Retail Marijuana Industry**

**Leave to Withdraw Pursuant to Joint Rule**

Sponsor(s)

KATZ R

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill amends the laws regarding the sale and distribution of marijuana for adult use and medical purposes as follows.

1. It transfers the state licensing authority from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.

2. It allows for the limited sale of marijuana for adult use while the bureau begins the rule-making process and issuing licenses for retail marijuana establishments pursuant to those rules by allowing dispensaries registered under the Maine Medical Use of Marijuana Act to sell limited marijuana retail products to persons 21 years of age or older in accordance with certain conditions. These early sales provisions are repealed December 31, 2018 unless the bureau has not, as of December 31, 2018, begun issuing licenses for retail marijuana establishments, in which case the dispensaries can continue to sell limited marijuana retail products until the bureau begins, through final agency action, to issue licenses for retail marijuana establishments. It allows registered dispensaries to purchase marijuana and marijuana products from registered primary caregivers for purposes of distribution to persons 21 years of age and older. It imposes a tax of 10% of the sale price of limited marijuana retail products. It allocates 10% of the tax revenue to the municipality where the tax-paying dispensary is located, 45% of the tax revenue to the Department of Health and Human Services to fund regulatory oversight and enforcement of sales of limited marijuana retail products, as well as efforts by the department to deter use of marijuana by persons under 21 years of age, and the remaining 45% to the bureau to fund administration, regulatory development and enforcement of the Marijuana Legalization Act. It also imposes state sales tax on limited marijuana retail products.

3. It imposes additional financial qualifications on applicants for retail marijuana establishments and retail marijuana social clubs to ensure future regulatory compliance.

## *Joint Select Committee on Marijuana Legalization Implementation*

4. It imposes annual financial audit responsibilities on all license holders.
5. It removes the requirement that a dispensary under the Maine Medical Use of Marijuana Act be incorporated under the Maine Nonprofit Corporation Act and operated on a not-for-profit basis and exempts such reorganizations from the requirement to obtain court approval or provide notice.
6. It imposes Maine state residency requirements on all applicants. It also allows for the transfer of a retail marijuana establishment or social club license to a person or entity that does not meet the residency requirement and allows for investment in a retail marijuana establishment or social club license by a person or entity that does not meet the residency requirement once the retail marijuana establishment or social club licensee has been operational for two years.
7. It allows for an entity or individual with a minority ownership interest in a retail marijuana testing facility to also have an ownership interest in a retail marijuana establishment or retail marijuana social club to encourage investment in retail marijuana testing facilities. It prohibits testing facilities from testing retail marijuana and retail marijuana products from or intended to be sold at a medical dispensary, by a caregiver or at a retail marijuana establishment or social club in which the retail marijuana testing facility licensee has any financial interest.

### **LD 1499      An Act To Better Regulate Marijuana**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

Sponsor(s)

JACKSON T

Committee Report

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to revise the laws regarding recreational marijuana sales and use to:

1. Change the state licensing authority from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations;
2. Clarify the licensing preferences for medical marijuana dispensaries and caregivers under the Marijuana Legalization Act;
3. Establish a provisional license to allow marijuana dispensaries licensed under the Maine Medical Use of Marijuana Act to participate in the retail sale of marijuana prior to the establishment of licenses for retail marijuana establishments;
4. Expand protections for minors by modeling the laws regarding distribution, possession and use of marijuana by persons under 21 years of age on the laws prohibiting the distribution, possession and use of alcohol by persons under 21 years of age;
5. Establish a special marijuana tax at the rate of 10% on the retail sale of marijuana by marijuana dispensaries. This tax is in addition to the sales tax currently imposed on medical marijuana and is only imposed until the retail sale of marijuana by other establishments is authorized by the bureau;
6. Modify the record-keeping, audit and other compliance requirements of a person licensed as a retail marijuana

***Joint Select Committee on Marijuana Legalization Implementation***

establishment or retail marijuana social club;

7. Authorize a nonprofit medical marijuana dispensary to reorganize as a for-profit entity; and

8. Increase the sales tax on retail marijuana and marijuana products from 10% to 20%.

**LD 1596 An Act To Establish the Cannabis Advisory Commission**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill establishes the Cannabis Advisory Commission for the purpose of conducting a continuing study of the laws related to cannabis.

**LD 1650 An Act To Amend the Marijuana Legalization Act**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP OTP-AM ONTP	S-345 KATZ R

This bill was reported by the committee pursuant to joint order H.P. 96. The bill, which is the majority report of the committee, implements the recommendations of the committee regarding the development and administration of a regulated marketplace in the State for adult use marijuana and the regulation of the personal use of marijuana and the home cultivation of marijuana for personal adult use pursuant to the Marijuana Legalization Act, as approved by the voters at referendum in November 2016.

Part A of the bill repeals the Marijuana Legalization Act, as codified in the Maine Revised Statutes, Title 7, chapter 417, and recodifies it as the Marijuana Legalization Act, referred to in this summary as "the Act," in a new Title 28-B, Adult Use Marijuana, while retaining the substance of the original Act with the following changes.

1. The term "adult use marijuana" is used instead of the term "retail marijuana."
2. It clarifies the distinction between and provides definitions for the terms "marijuana plant," "mature marijuana plant," "immature marijuana plant" and "seedling."
3. It clarifies that any conduct relating to the possession, cultivation, manufacture, testing, consumption, sale or offering for sale of marijuana or marijuana products that is not specifically authorized under the Act, pursuant to a license issued under the Act or pursuant to the Maine Medical Use of Marijuana Act is not authorized and that a person who engages in such unauthorized conduct is subject to penalties under the Act and any additional criminal or civil penalties that may be imposed under other applicable laws or rules.
4. It retains the division of regulatory authority regarding the regulation of adult use marijuana enacted as

## ***Joint Select Committee on Marijuana Legalization Implementation***

Public Law 2017, chapter 278, whereby the Department of Administrative and Financial Services, referred to in this summary as "the department," is designated as the primary regulatory authority in the implementation, administration and enforcement of the Act, with the Department of Agriculture, Conservation and Forestry retaining regulatory authority concerning the cultivation, manufacture, testing, packaging and labeling of adult use marijuana and adult use marijuana products.

5. It further clarifies the roles and authorities, including the respective rule-making authorities, of the department and the Department of Agriculture, Conservation and Forestry in the implementation, administration and enforcement of the Act and provides for the provisional adoption of major substantive rules pursuant to the Act by each department and the submission of those rules to the Legislature for review pursuant to the Maine Administrative Procedure Act on or before March 15, 2018.

6. It requires the department to implement and administer a tracking system for adult use marijuana from immature marijuana plant to the point of retail sale, disposal or destruction.

7. It requires the department to facilitate the collection and analysis of public health and safety data relating to the effects of the use of marijuana in the State.

8. It requires the department to facilitate the development and implementation of programs, initiatives and campaigns focused on increasing the awareness of and educating the public on health and safety matters relating to the use of marijuana and marijuana products. Such programs, initiatives and campaigns may be funded with a portion of the excise tax and sales tax revenues resulting from the sale of adult use marijuana and adult use marijuana products.

9. It requires the department to facilitate the development and implementation of programs or initiatives providing enhanced training for criminal justice agencies in the requirements and enforcement of the Act. Such programs and initiatives may be funded with a portion of the excise tax and sales tax revenues resulting from the sale of adult use marijuana and adult use marijuana products.

10. It requires the department and the Department of Agriculture, Conservation and Forestry to submit to the Legislature an annual report, beginning February 15, 2019, which must include specific information and data relating to the regulated market for adult use marijuana in the State.

11. It implements a moratorium on the issuance of adult use marijuana social club licenses until June 1, 2019 but provides for the regulation of licensed adult use marijuana social clubs after that date.

12. It removes from the former Marijuana Legalization Act provisions relating to the issuance of occupational licenses.

13. It clarifies general licensing criteria for applicants seeking to operate an adult use marijuana establishment, which include a two-year residency requirement and specific additional licensing requirements applicable to the licensing of adult use marijuana cultivation facilities. It removes from the former Marijuana Legalization Act provisions relating to preference in licensure for medical marijuana caregivers and medical marijuana dispensaries. It removes from the former Marijuana Legalization Act the caps on the number of each license type that may be issued, except that it:

A. Limits the number of marijuana store licenses in common ownership to four marijuana store licenses, but repeals that limitation January 1, 2021; and

B. Limits the number of cultivation facility licenses in common ownership to three cultivation facility licenses

## *Joint Select Committee on Marijuana Legalization Implementation*

not exceeding a combined licensed plant canopy of 30,000 square feet.

14. It separates within the Act the state-level and municipal-level licensing and approval processes for adult use marijuana establishments. An applicant for a license to operate an adult use marijuana establishment must submit an application along with the required application fee to the department, which, after review, conditionally may approve the license. The licensee may then seek municipal authorization from the municipality in which the licensee proposes to operate the marijuana establishment. A municipality, which includes towns, cities and plantations, by adopted ordinance may regulate marijuana establishments within the municipality, including, but not limited to, through the adoption of:

- A. Land use regulations applicable to marijuana establishments within the municipality;
- B. Municipal licensing requirements applicable to marijuana establishments within the municipality that may include the imposition of municipal approval or license fees; and
- C. Limitations on the number of any type of marijuana establishment that may be approved or licensed to operate within the municipality.

A municipality may not authorize the operation of a marijuana establishment within the municipality unless the legislative body of the municipality has voted to generally authorize some or all types of marijuana establishments within the municipality, including that type of marijuana establishment. A person that has been issued a conditional license by the department may not request municipal authorization to operate a marijuana establishment within a municipality unless the legislative body of the municipality has voted to generally authorize some or all types of marijuana establishments within the municipality, including that type of marijuana establishment. Once the department receives certification of municipal authorization and the applicant pays the applicable license fee and submits any additional required documentation, the department must issue an active license, good for a term of one year from the date of issuance. A licensee may not engage in the cultivation, manufacture, testing, sale or offering for sale of marijuana or marijuana products until the licensee has been issued an active license by the department.

15. It revises and clarifies the application process for issuance and renewal of a state license to operate an adult use marijuana establishment, including revision of the application and license fees to be imposed by the department under the Act.

16. It revises the manner in which cultivation facilities are to be licensed and regulated by removing the statewide limitation on the total amount of licensed plant canopy and by authorizing five tiers of cultivation facility license types, the smallest of which, a tier 1 license, provides for the cultivation of up to 30 mature marijuana plants or up to 500 square feet of plant canopy and the largest of which, a tier 4 license, provides for the cultivation of up to 30,000 square feet of plant canopy. It also creates a nursery cultivation facility license tier, which allows for the cultivation of immature plants, seedlings and seeds and the sale of those immature plants, seedlings and seeds to other licensees and to consumers. A licensee seeking renewal of a tier 4 license may seek approval from the department to expand the area of plant canopy authorized under the license by 10,000 square feet, so long as certain criteria are met.

17. It clarifies operational requirements for each type of adult use marijuana establishment, including:

- A. Providing for the payment of an excise tax by cultivation facilities on the adult use marijuana sold to other licensees;
- B. Providing for the collection and remittance of a sales tax by marijuana stores and marijuana social clubs on

## ***Joint Select Committee on Marijuana Legalization Implementation***

adult use marijuana and adult use marijuana products sold to consumers;

C. Specifying standards for the extraction of marijuana concentrate by products manufacturing facilities;

D. Specifying standards for the tracking of adult use marijuana and adult use marijuana products by each type of adult use marijuana establishment;

E. Specifying standards for the sharing of facilities for the cultivation, manufacturing or sale of adult use marijuana and adult use marijuana products and marijuana and marijuana products for medical use by a licensee that is also a registered primary caregiver or registered dispensary;

F. Requiring compliance by licensees with applicable packaging, labeling and health and safety requirements;

G. Incorporating standards and requirements applicable to testing facilities as enacted in Public Law 2017, chapter 309;

H. Clarifying sales authorizations and prohibitions applicable to marijuana stores and marijuana social clubs, including prohibitions on drive-through sales, sales by use of a delivery service, sales by use of an automated vending machine and Internet sales;

I. Providing that the smoking of marijuana or marijuana products at a marijuana social club is prohibited in accordance with state law regarding smoking in public places and public areas; and

J. Prohibiting the employment of any person under 21 years of age by any adult use marijuana establishment.

18. It clarifies and expands upon the standards and requirements for the testing of adult use marijuana and adult use marijuana products; the packaging, labeling and health and safety of adult use marijuana and adult use marijuana products; and the use of signs, advertising and marketing relating to adult use marijuana and adult use marijuana products.

19. It provides for the imposition by the department of monetary penalties on a licensee or suspensions or revocations of a licensee's license for a violation of the Act, in accordance with the Maine Administrative Procedure Act, and limits the amount of such monetary penalties imposed to not more than \$10,000 per minor license violation, not more than \$50,000 per major license violation and not more than \$100,000 per major license violation affecting public safety.

20. It establishes the Marijuana Advisory Commission for the purpose of conducting a continuing study of the laws relating to marijuana and reporting to the Legislature its findings and recommendations on an annual basis.

21. It imposes an excise tax on adult use marijuana to be paid by cultivation facilities on adult use marijuana sold to other licensees. The excise tax is imposed in the following amounts:

A. For marijuana flower or mature marijuana plants, \$130 per pound;

B. For marijuana trim, \$36.29 per pound;

C. For each immature marijuana plant or seedling, \$1.50; and

D. For each marijuana seed, \$0.30.

## ***Joint Select Committee on Marijuana Legalization Implementation***

22. It provides that monthly, a cultivation facility licensee must pay directly to the municipality in which the cultivation facility is located 5% of the excise tax payments required under the Act during the prior month. All other revenue resulting from the imposition of the excise tax on adult use marijuana under the Act must be deposited into the General Fund, except that:

A. One percent of the total monthly other excise tax revenue generated statewide must be distributed in equal amounts to each municipality that had a cultivation facility, products manufacturing facility, marijuana store or marijuana social club in operation within the municipality during the prior month; and

B. Twelve percent of the remaining total monthly other excise tax revenue after the distribution to municipalities under paragraph A must be transferred to the Adult Use Marijuana Public Health and Safety Fund.

23. It establishes the Adult Use Marijuana Public Health and Safety Fund, which is primarily funded through dedicated excise and sales tax revenue from the sale of adult use marijuana and adult use marijuana products, to be used by the department to facilitate public health and safety awareness and education programs, initiatives, campaigns and activities and enhanced law enforcement training programs for local, county and state law enforcement officers.

24. It eliminates the Retail Marijuana Regulatory Coordination Fund, which was created and funded through the enactment of Public Law 2017, chapter 278, and transfers its remaining balances to the new Adult Use Marijuana Regulatory Coordination Fund.

25. It affects the provisions of the former Marijuana Legalization Act relating to the personal use of marijuana and marijuana products and the home cultivation of marijuana for personal adult use by:

A. Retaining the provisions of the former Marijuana Legalization Act authorizing a person 21 years of age or older to purchase from a marijuana store or, where applicable, from a marijuana social club and possess for personal use up to 2 1/2 ounces of marijuana or 2 1/2 ounces of a combination of marijuana and marijuana concentrate that includes no more than five grams of marijuana concentrate;

B. Clarifying language regarding the transfer or furnishing of marijuana or marijuana products, without remuneration, to another person to specify that remuneration includes a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which marijuana or marijuana products are transferred or furnished by that person to another person;

C. Authorizing a person 21 years of age or older to purchase up to 12 immature marijuana plants or seedlings from a marijuana store or a nursery cultivation facility;

D. Clarifying the provisions relating to the home cultivation of marijuana for personal adult use by authorizing a person 21 years of age or older to grow and harvest the marijuana produced by up to six mature marijuana plants, up to 12 immature marijuana plants and an unlimited number of seedlings at that person's place of residence, on a parcel or tract of land owned by that person or on a parcel or tract of land owned by another person with the written permission of that owner. It provides, however, that no more than 12 mature marijuana plants may be cultivated for personal adult use on any one parcel or tract of land, except when the parcel or tract of land is located in a municipality that has, by adopted ordinance, authorized the cultivation of more than 12 mature marijuana plants for personal adult use but not more than 18 mature marijuana plants for personal adult use. These limitations on home cultivation of marijuana for personal adult use do not apply to the cultivation of marijuana for medical use by a qualifying patient, a primary caregiver, a registered primary

## *Joint Select Committee on Marijuana Legalization Implementation*

caregiver or a registered dispensary under the Maine Medical Use of Marijuana Act;

E. Retaining the provisions relating to the consumption of marijuana and marijuana products as enacted by Public Law 2017, chapter 1; and

F. Prohibiting the home extraction of marijuana concentrate by use of inherently hazardous substances.

Part B of the bill provides that possession of drug paraphernalia, as prohibited under the Maine Revised Statutes, Title 17-A, section 1111-A, does not apply to drug paraphernalia relating to the adult use of marijuana by a person as authorized under the Act or to drug paraphernalia relating to the sale or offering for sale of marijuana by a licensed adult use marijuana store or adult use marijuana social club. Part B also amends the law concerning the Department of Public Safety, Bureau of State Police, State Bureau of Identification as necessary for the State Police and the State Bureau of Identification to conduct criminal history record checks on applicants for a license to operate an adult use marijuana establishment and on other persons as required under the Act.

Part C of the bill amends the State's laws governing municipal powers and duties to provide that plantations have the same powers and duties as cities and towns under the Act.

Part D of the bill amends the tax laws as follows.

1. It provides for a 10% sales tax on adult use marijuana and adult use marijuana products to be imposed at the point of final sale to a consumer by a marijuana store or marijuana social club.

2. It stipulates that all the revenue resulting from the imposition of the sales tax on adult use marijuana and adult use marijuana products must be deposited into the General Fund, except that:

A. Five percent of all monthly tax revenue generated within a municipality by all marijuana stores and marijuana social clubs within that municipality must be distributed to that municipality;

B. One percent of the total monthly tax revenue generated statewide must be distributed in equal amounts to each municipality that had a cultivation facility, products manufacturing facility, marijuana store or marijuana social club in operation within the municipality during the prior month; and

C. Twelve percent of the remaining total monthly tax revenue after the distribution to municipalities under paragraphs A and B must be transferred to the Adult Use Marijuana Public Health and Safety Fund.

Part E of the bill adds an appropriations and allocations section.

### **Committee Amendment "A" (H-570)**

This amendment, which is one of two minority reports of the committee, amends the bill as follows.

1. It limits the scope of the term "plant canopy" to include only those areas dedicated to the live cultivation of mature marijuana plants and stipulates the method by which the area of plant canopy is to be calculated.

2. It reduces the maximum allowable area of plant canopy under each tier of cultivation facility license in the bill as follows:

A. For a tier 1 cultivation facility license, it reduces the maximum allowable area of plant canopy from 500 square feet to 335 square feet;



## *Joint Select Committee on Marijuana Legalization Implementation*

B. For a tier 2 cultivation facility license, it reduces the maximum allowable area of plant canopy from 3,000 square feet to 2,010 square feet;

C. For a tier 3 cultivation facility license, it reduces the maximum allowable area of plant canopy from 10,000 square feet to 6,700 square feet; and

D. For a tier 4 cultivation facility license, it reduces the maximum allowable area of plant canopy from 30,000 square feet to 20,100 square feet.

It does not change the maximum allowable area of plant canopy under a nursery cultivation facility license. It does not change the license fee amounts for cultivation facilities in the bill.

3. It reduces the area of plant canopy by which a tier 4 cultivation facility license may be increased every two years from 10,000 square feet to 6,700 square feet.

4. It removes from the bill the imposition of a cultivation tax on the adult use marijuana sold by a cultivation facility to a products manufacturing facility, a marijuana store or another cultivation facility.

5. It increases the sales tax imposed on the sale of adult use marijuana and adult use marijuana products by a marijuana store or marijuana social club to a consumer from 10% to 20%.

6. It prohibits the use of a shared cultivation facility for the cultivation of adult use marijuana and marijuana for medical use by a cultivation facility licensee that is also a registered primary caregiver or registered dispensary.

7. It prohibits the use of a shared products manufacturing facility for the manufacture of adult use marijuana and adult use marijuana products and marijuana and marijuana products for medical use by a products manufacturing facility licensee that is also a registered primary caregiver or registered dispensary.

8. It prohibits the use of a shared retail facility for the sale of adult use marijuana and adult use marijuana products and marijuana and marijuana products for medical use by a marijuana store or marijuana social club licensee that is also a registered primary caregiver or registered dispensary.

9. It makes a number of technical corrections to the bill to incorporate these changes to the bill.

10. It adds an appropriations and allocations section to the bill.

### **House Amendment "A" (H-571)**

This amendment strikes the bill in its entirety and instead further delays, until July 1, 2018, the effective date of those provisions of the Marijuana Legalization Act that were delayed until February 1, 2018 by Public Law 2017, chapter 1.

This amendment was not adopted.

### **Senate Amendment "A" (S-345)**

This amendment removes the emergency preamble and emergency clause.

*Joint Select Committee on Marijuana Legalization Implementation*

**LD 1651**     **An Act To Delay Further the Implementation of Certain Portions of the Marijuana Legalization Act**     **INDEF PP**

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

This bill further delays, until January 1, 2019, the effective date of those provisions of the Marijuana Legalization Act that were delayed until February 1, 2018 by Public Law 2017, chapter 1.

This bill was not referred to a committee.

**LD 1719**     **An Act To Implement a Regulatory Structure for Adult Use Marijuana**     **PUBLIC 409  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T KATZ R	OTP-AM OTP-AM	H-733

This bill facilitates the development and administration of a regulated marketplace in the State for adult use marijuana and the regulation of the personal use of marijuana and the home cultivation of marijuana for personal adult use pursuant to the Marijuana Legalization Act, as approved by the voters at referendum in November 2016.

Part A of the bill repeals the Marijuana Legalization Act, as codified in the Maine Revised Statutes, Title 7, chapter 417, and recodifies it as the Marijuana Legalization Act, referred to in this summary as "the Act," in a new Title 28-B, Adult Use Marijuana, while retaining the substance of the original Act with the following changes.

1. It uses the term "adult use marijuana" instead of the term "retail marijuana."
2. It clarifies the distinction between and provides definitions for the terms "marijuana plant," "mature marijuana plant," "immature marijuana plant" and "seedling."
3. It clarifies that any conduct relating to the possession, cultivation, manufacture, testing, consumption, sale or offering for sale of marijuana or marijuana products that is not specifically authorized under the Act, pursuant to a license issued under the Act or pursuant to the Maine Medical Use of Marijuana Act is not authorized and that a person who engages in such unauthorized conduct is subject to penalties under the Act and any additional criminal or civil penalties that may be imposed under other applicable laws or rules.
4. It retains the division of regulatory authority regarding the regulation of adult use marijuana enacted as Public Law 2017, chapter 278, whereby the Department of Administrative and Financial Services, referred to in this summary as "the department," is designated as the primary regulatory authority in the implementation, administration and enforcement of the Act, with the Department of Agriculture, Conservation and Forestry retaining regulatory authority concerning the cultivation, manufacture, testing, packaging and labeling of adult use marijuana and adult use marijuana products.
5. It further clarifies the roles and authorities, including the respective rule-making authorities, of the department and the Department of Agriculture, Conservation and Forestry in the implementation, administration and enforcement of the Act and provides for the provisional adoption of major substantive rules pursuant to the Act by each department and the submission of those rules to the Legislature for review pursuant to the Maine Administrative Procedure Act on or before December 1, 2018.

## *Joint Select Committee on Marijuana Legalization Implementation*

6. It requires the department to implement and administer a tracking system for adult use marijuana from immature marijuana plant to the point of retail sale, disposal or destruction.
7. It requires the department to facilitate the collection and analysis of public health and safety data relating to the effects of the use of marijuana in the State.
8. It requires the department to facilitate the development and implementation of programs, initiatives and campaigns focused on increasing the awareness of and educating the public on health and safety matters relating to the use of marijuana and marijuana products. Such programs, initiatives and campaigns may be funded with a portion of the excise tax and sales tax revenues resulting from the sale of adult use marijuana and adult use marijuana products.
9. It requires the department to facilitate the development and implementation of programs or initiatives providing enhanced training for criminal justice agencies in the requirements and enforcement of the Act. Such programs and initiatives may be funded with a portion of the excise tax and sales tax revenues resulting from the sale of adult use marijuana and adult use marijuana products.
10. It requires the department and the Department of Agriculture, Conservation and Forestry to submit to the Legislature an annual report, beginning February 15, 2020, which must include specific information and data relating to the regulated market for adult use marijuana in the State.
11. It implements a moratorium on the issuance of adult use marijuana social club licenses until June 1, 2020 but provides for the regulation of licensed adult use marijuana social clubs after that date.
12. It removes from the former Marijuana Legalization Act provisions relating to the issuance of occupational licenses.
13. It clarifies general licensing criteria for applicants seeking to operate an adult use marijuana establishment, which include a two-year residency requirement and specific additional licensing requirements applicable to the licensing of adult use marijuana cultivation facilities. It removes from the former Marijuana Legalization Act provisions relating to preference in licensure for medical marijuana caregivers and medical marijuana dispensaries. It removes from the former Marijuana Legalization Act the caps on the number of each license type that may be issued, except that it:
  - A. Limits the number of marijuana store licenses in common ownership to 4 marijuana store licenses, but repeals that limitation January 1, 2022; and
  - B. Limits the number of cultivation facility licenses in common ownership to 3 cultivation facility licenses not exceeding a combined licensed plant canopy of 30,000 square feet.
14. It separates within the Act the state-level and municipal-level licensing and approval processes for adult use marijuana establishments. An applicant for a license to operate an adult use marijuana establishment must submit an application along with the required application fee to the department, which, after review, may conditionally approve the license. The licensee may then seek municipal authorization from the municipality in which the licensee proposes to operate the marijuana establishment. A municipality, which includes towns, cities and plantations, by adopted ordinance may regulate marijuana establishments within the municipality, including, but not limited to, through the adoption of:
  - A. Land use regulations applicable to marijuana establishments within the municipality;
  - B. Municipal licensing requirements applicable to marijuana establishments within the municipality that may include the imposition of municipal approval or license fees; and

## *Joint Select Committee on Marijuana Legalization Implementation*

C. Limitations on the number of any type of marijuana establishment that may be approved or licensed to operate within the municipality.

A municipality may not authorize the operation of a marijuana establishment within the municipality unless the legislative body of the municipality has voted to generally authorize some or all types of marijuana establishments within the municipality, including that type of marijuana establishment. A person that has been issued a conditional license by the department may not request municipal authorization to operate a marijuana establishment within a municipality unless the legislative body of the municipality has voted to generally authorize some or all types of marijuana establishments within the municipality, including that type of marijuana establishment. Once the department receives certification of municipal authorization and the applicant pays the applicable license fee and submits any additional required documentation, the department must issue an active license, good for a term of one year from the date of issuance. A licensee may not engage in the cultivation, manufacture, testing, sale or offering for sale of marijuana or marijuana products until the licensee has been issued an active license by the department.

15. It revises and clarifies the application process for issuance and renewal of a state license to operate an adult use marijuana establishment, including revision of the application and license fees to be imposed by the department under the Act.

16. It revises the manner in which cultivation facilities are to be licensed and regulated by removing the statewide limitation on the total amount of licensed plant canopy and by authorizing five tiers of cultivation facility license types, the smallest of which, a tier 1 license, provides for the cultivation of up to 30 mature marijuana plants or up to 500 square feet of plant canopy and the largest of which, a tier 4 license, provides for the cultivation of up to 30,000 square feet of plant canopy. It also creates a nursery cultivation facility license tier, which allows for the cultivation of immature plants, seedlings and seeds and the sale of those immature plants, seedlings and seeds to other licensees and to consumers. A licensee seeking renewal of a tier 4 license may seek approval from the department to expand the area of plant canopy authorized under the license by 10,000 square feet, so long as certain criteria are met.

17. It clarifies operational requirements for each type of adult use marijuana establishment, including:

A. Providing for the payment of an excise tax by cultivation facilities on the adult use marijuana sold to other licensees;

B. Providing for the collection and remittance of a sales tax by marijuana stores and marijuana social clubs on adult use marijuana and adult use marijuana products sold to consumers;

C. Specifying standards for the extraction of marijuana concentrate by products manufacturing facilities;

D. Specifying standards for the tracking of adult use marijuana and adult use marijuana products by each type of adult use marijuana establishment;

E. Specifying standards for the sharing of facilities for the cultivation, manufacturing or sale of adult use marijuana and adult use marijuana products and marijuana and marijuana products for medical use by a licensee that is also a registered primary caregiver or registered dispensary;

F. Requiring compliance by licensees with applicable packaging, labeling and health and safety requirements;

G. Incorporating standards and requirements applicable to testing facilities as enacted in Public Law 2017, chapter 309;

H. Clarifying sales authorizations and prohibitions applicable to marijuana stores and marijuana social clubs,

## ***Joint Select Committee on Marijuana Legalization Implementation***

including prohibitions on drive-through sales, sales by use of a delivery service, sales by use of an automated vending machine and Internet sales;

I. Providing that the smoking of marijuana or marijuana products at a marijuana social club is prohibited in accordance with state law regarding smoking in public places and public areas; and

J. Prohibiting the employment of any person under 21 years of age by any adult use marijuana establishment.

18. It clarifies and expands upon the standards and requirements for the testing of adult use marijuana and adult use marijuana products; the packaging, labeling and health and safety of adult use marijuana and adult use marijuana products; and the use of signs, advertising and marketing relating to adult use marijuana and adult use marijuana products.

19. It provides for the imposition by the department of monetary penalties on a licensee or suspensions or revocations of a licensee's license for a violation of the Act, in accordance with the Maine Administrative Procedure Act, and limits the amount of such monetary penalties imposed to not more than \$10,000 per minor license violation, not more than \$50,000 per major license violation and not more than \$100,000 per major license violation affecting public safety.

20. It establishes the Marijuana Advisory Commission for the purpose of conducting a continuing study of the laws relating to marijuana and reporting to the Legislature its findings and recommendations on an annual basis.

21. It imposes an excise tax on adult use marijuana to be paid by cultivation facilities on adult use marijuana sold to other licensees. The excise tax is imposed in the following amounts:

A. For marijuana flower or mature marijuana plants, \$130 per pound;

B. For marijuana trim, \$36.29 per pound;

C. For each immature marijuana plant or seedling, \$1.50; and

D. For each marijuana seed, \$0.30.

22. It provides that monthly, a cultivation facility must pay directly to the municipality in which the cultivation facility is located 5% of the excise tax payments required under the Act during the prior month. All other revenue resulting from the imposition of the excise tax on adult use marijuana under the Act must be deposited into the General Fund, except that:

A. One percent of the total monthly other excise tax revenue generated statewide must be distributed in equal amounts to each municipality that had a cultivation facility, products manufacturing facility, marijuana store or marijuana social club in operation within the municipality during the prior month; and

B. Twelve percent of the remaining total monthly other excise tax revenue after the distribution to municipalities under paragraph A must be transferred to the Adult Use Marijuana Public Health and Safety Fund.

23. It establishes the Adult Use Marijuana Public Health and Safety Fund, which is primarily funded through dedicated excise and sales tax revenue from the sale of adult use marijuana and adult use marijuana products, to be used by the department to facilitate public health and safety awareness and education programs, initiatives, campaigns and activities and enhanced law enforcement training programs for local, county and state law enforcement officers.

24. It eliminates the Retail Marijuana Regulatory Coordination Fund, which was created and funded through the

## ***Joint Select Committee on Marijuana Legalization Implementation***

enactment of Public Law 2017, chapter 278, and transfers its remaining balances to the new Adult Use Marijuana Regulatory Coordination Fund.

25. It affects the provisions of the former Marijuana Legalization Act relating to the personal use of marijuana and marijuana products and the home cultivation of marijuana for personal adult use by:

A. Retaining the provisions of the former Marijuana Legalization Act authorizing a person 21 years of age or older to purchase from a marijuana store or, where applicable, from a marijuana social club and possess for personal use up to 2 1/2 ounces of marijuana or 2 1/2 ounces of a combination of marijuana and marijuana concentrate that includes no more than five grams of marijuana concentrate;

B. Clarifying language regarding the transfer or furnishing of marijuana or marijuana products, without remuneration, to another person to specify that remuneration includes a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which marijuana or marijuana products are transferred or furnished by that person to another person;

C. Authorizing a person 21 years of age or older to purchase up to 12 immature marijuana plants or seedlings from a marijuana store or a nursery cultivation facility;

D. Clarifying the provisions relating to the home cultivation of marijuana for personal adult use by authorizing a person 21 years of age or older to grow and harvest the marijuana produced by up to 6 mature marijuana plants, up to 12 immature marijuana plants and an unlimited number of seedlings at that person's place of residence, on a parcel or tract of land owned by that person or on a parcel or tract of land owned by another person with the written permission of that owner. It provides, however, that no more than 12 mature marijuana plants may be cultivated for personal adult use on any one parcel or tract of land, except when the parcel or tract of land is located in a municipality that has, by adopted ordinance, authorized the cultivation of more than 12 mature marijuana plants for personal adult use but not more than 18 mature marijuana plants for personal adult use. These limitations on home cultivation of marijuana for personal adult use do not apply to the cultivation of marijuana for medical use by a qualifying patient, a primary caregiver, a registered primary caregiver or a registered dispensary under the Maine Medical Use of Marijuana Act;

E. Retaining the provisions relating to the consumption of marijuana and marijuana products as enacted by Public Law 2017, chapter 1; and

F. Prohibiting the home extraction of marijuana concentrate by use of inherently hazardous substances.

Part B of the bill provides that possession of drug paraphernalia, as prohibited under the Maine Revised Statutes, Title 17-A, section 1111-A, does not apply to drug paraphernalia relating to the adult use of marijuana by a person as authorized under the Act or to drug paraphernalia relating to the sale or offering for sale of marijuana by a licensed adult use marijuana store or adult use marijuana social club. Part B also amends the law concerning the Department of Public Safety, Bureau of State Police, State Bureau of Identification as necessary for the State Police and the State Bureau of Identification to conduct criminal history record checks on applicants for a license to operate an adult use marijuana establishment and on other persons as required under the Act.

Part C of the bill amends the State's laws governing municipal powers and duties to provide that plantations have the same powers and duties as cities and towns under the Act.

Part D of the bill amends the tax laws as follows.

1. It provides for a 10% sales tax on adult use marijuana and adult use marijuana products to be imposed at the point of final sale to a consumer by a marijuana store or marijuana social club.

## *Joint Select Committee on Marijuana Legalization Implementation*

2. It stipulates that all the revenue resulting from the imposition of the sales tax on adult use marijuana and adult use marijuana products must be deposited into the General Fund, except that:
  - A. Five percent of all monthly tax revenue generated within a municipality by all marijuana stores and marijuana social clubs within that municipality must be distributed to that municipality;
  - B. One percent of the total monthly tax revenue generated statewide must be distributed in equal amounts to each municipality that had a cultivation facility, products manufacturing facility, marijuana store or marijuana social club in operation within the municipality during the prior month; and
  - C. Twelve percent of the remaining total monthly tax revenue after the distribution to municipalities under paragraphs A and B must be transferred to the Adult Use Marijuana Public Health and Safety Fund.

### **Committee Amendment "A" (H-733)**

This amendment is the majority report of the committee and it replaces the bill. Like the bill, this amendment facilitates the development and administration of a regulated marketplace in the State for adult use marijuana and the regulation of the personal use of marijuana and the home cultivation of marijuana for personal adult use pursuant to the Marijuana Legalization Act, as approved by the voters at referendum in November 2016; however, the amendment makes the following changes to the bill.

Like Part A in the bill, Part A of this amendment repeals the Act, as codified in the Maine Revised Statutes, Title 7, chapter 417, and recodifies it in a new Title 28-B, Adult Use Marijuana, but makes the following changes.

1. It designates the department as the sole regulatory agency in the implementation, administration and enforcement of the Act, but requires the department to consult with the Department of Agriculture, Conservation and Forestry prior to the adoption of rules relating to the regulation of the cultivation, manufacture, testing, labeling and packaging of adult use marijuana and adult use marijuana products.
2. It removes from the Act provisions regulating the licensure and operation of marijuana social clubs.
3. It removes from the Act specific provisions for the sharing of sales tax and excise tax revenue with municipalities.
4. It changes the definition of the term "plant canopy" to include in the calculation of plant canopy only those areas in which mature marijuana plants are to be cultivated. The amendment reduces the maximum cultivation facility license tier sizes under the bill by approximately 1/3 to account for this changed definition but does not change the application fees or license fees amount for cultivation facility licenses as provided in the bill.
5. It defines the term "resident" for the purposes of licensure as a natural person who is domiciled in Maine, maintains a permanent place of abode in Maine and spends in the aggregate more than 183 days of the taxable year in Maine and has filed a resident individual income tax return pursuant to Title 36, Part 8 in each of the three years prior to the year in which the person files an application for licensure under the Act. The provision of this definition requiring the filing of resident individual income tax returns for the three years prior to applying for a license is repealed June 1, 2021. It removes the explicit two-year residency requirement;
6. It retains the provisions authorizing the sharing of facilities for the cultivation and manufacturing of adult use marijuana and adult use marijuana products and marijuana and marijuana products for medical use by a licensee that is also a registered primary caregiver or registered dispensary. The amendment, however, prohibits a marijuana store licensee that is also a registered primary caregiver or registered dispensary from selling adult use marijuana and adult use marijuana products to consumers and marijuana and marijuana products for medical use to qualifying patients from the same facility or building.

## ***Joint Select Committee on Marijuana Legalization Implementation***

7. It provides technical clarifications to the municipal-level licensing and approval process and also includes provisions applicable to the local authorization of marijuana establishments to be located in towns, plantations or townships in the unorganized and deorganized areas of the State.
8. It explicitly prohibits the entry into any marijuana establishment by a person under 21 years of age.
9. It changes the membership provisions and duties of the Marijuana Advisory Commission as proposed in the bill.
10. It increases the excise tax rate on marijuana flower and mature marijuana plants from \$130 per pound to \$335 per pound and the excise tax rate on marijuana trim from \$36.29 per pound to \$94 per pound. The excise tax rates imposed on immature marijuana plants, seedlings and marijuana seeds remain as proposed in the bill.
11. It changes the provisions proposed in the bill relating to the personal adult use of marijuana and marijuana products and the home cultivation of marijuana for personal adult use by reducing the number of mature marijuana plants that may be possessed, cultivated or transported by a person 21 years of age or older from six plants to three plants. The amendment authorizes a municipality to adopt an ordinance or other regulation limiting the total number of mature marijuana plants that may be cultivated on any one parcel or tract of land within the municipality, so long as that ordinance or regulation allows for the cultivation of three mature marijuana plants, 12 immature marijuana plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land. The amendment includes language providing that this reduction in the number of authorized mature marijuana plants from six plants to three plants does not take effect until six months after the effective date of the legislation.
12. It clarifies advertising and marketing standards and standards relating to signs used by a licensee to ensure a prohibition on advertising, marketing and signs that have a high likelihood of reaching persons under 21 years of age or that are specifically designed to appeal particularly to persons under 21 years of age. The amendment also requires the department, after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, to develop rules on required health and safety warning labels. It also authorizes the use of the terms "organic," "organically cultivated" or "organically grown" on the label or packaging of adult use marijuana and adult use marijuana products consistent with rules on the use of such terms to be adopted by the department.
13. It clarifies that the authorized sampling of adult use marijuana and adult use marijuana products by the employees of a products manufacturing facility for product quality control or research and development purposes may not involve the consumption of the marijuana or marijuana product by means of smoking the marijuana or marijuana products.
14. It removes language proposed in the bill requiring the department to employ as a portion of its staff sworn law enforcement officers; language regarding the investigation by a criminal justice agency of unlawful activity relating to the personal adult use of marijuana or marijuana products or the home cultivation of marijuana for personal adult use; and language regarding withdrawal of municipal authorization for the operation of a marijuana establishment within a municipality.
15. It clarifies provisions in the Act relating to employment practices in a manner that ensures that the rights and protections for qualifying patients afforded by the Maine Medical Use of Marijuana Act are not affected by the provisions of the Act.
16. It directs the department to ensure that, when necessary and practicable, the regulation of the labeling and packaging of adult use marijuana and adult use marijuana products under the Act is consistent with the regulation of the labeling and packaging of marijuana and marijuana products for medical use under the Maine Medical Use of Marijuana Act.



## *Joint Select Committee on Marijuana Legalization Implementation*

17. It provides for a limited period in which a cultivation facility licensee that is also a registered primary caregiver or registered dispensary may purchase an unlimited number of marijuana plants and seeds from an entity that is also a registered primary caregiver or registered dispensary. Any such transactions are subject to the imposition of the excise tax imposed under the Act.

18. It makes a number of other technical changes to the Act to incorporate these changes within Part A of the bill.

Part B of this amendment amends the Maine Criminal Code and the law concerning the Department of Public Safety, Bureau of State Police, State Bureau of Identification to include provisions that address a statutory conflict between Maine Criminal Code provisions prohibiting the possession and cultivation of marijuana and marijuana plants and provisions of the Act authorizing such possession and cultivation of marijuana and marijuana plants. These amendments to the Maine Criminal Code are consistent with current exemptions in the Maine Criminal Code relating to conduct authorized under the Maine Medical Use of Marijuana Act. Part B of this amendment also provides an exemption from the laws concerning criminal asset forfeiture relating to conduct authorized under the Act.

Part C of this amendment is identical to Part C of the bill, which amends the State's laws governing municipal powers and duties of plantations.

Part D of this amendment, which addresses the collection of sales tax revenue relating to adult use marijuana and adult use marijuana products sold to a consumer, strikes language proposed in the bill relating to the collection of sales taxes at marijuana social clubs and municipal revenue sharing of sales tax revenue.

Part E of this amendment includes provisions to shift the administration and enforcement of the Maine Medical Use of Marijuana Act and the medical marijuana program adopted thereunder from the Department of Health and Human Services to the department, including the following.

1. It restricts the department from assigning the administration and enforcement of the Maine Medical Use of Marijuana Act to any bureau or division within the department responsible for the administration and enforcement of the laws governing the manufacture, sale and distribution of liquor.
2. It requires the department to consult with the Department of Health and Human Services prior to the adoption or amendment of rules under the Maine Medical Use of Marijuana Act.
3. It directs the transfer of the balance of the Medical Use of Marijuana Fund in the Department of Health and Human Services to the Medical Use of Marijuana Fund in the department.
4. It includes a number of additional provisions to facilitate the transition of the administration and enforcement of the Maine Medical Use of Marijuana Act from the Department of Health and Human Services to the department. It requires the Commissioner of Administrative and Financial Services to submit a report on or before January 31, 2019 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the status of this transition and authorizes the joint standing committee to report out legislation relating to the report.
5. As it is the intent of the committee that oversight of the medical marijuana program adopted under the Maine Medical Use of Marijuana Act remain with the joint standing committee of the Legislature having jurisdiction over health and human services matters, Part E of the amendment does the following:

A. Amends the State Government Evaluation Act to provide that the review of the bureau or division within the department that administers and enforces the Maine Medical Use of Marijuana Act remain with the joint standing committee of the Legislature having jurisdiction over health and human services matters; and

## *Joint Select Committee on Marijuana Legalization Implementation*

B. Amends the Maine Medical Use of Marijuana Act to direct that the registry identification cards annual report specifically be submitted to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Part F of the amendment adds an appropriations and allocations section.

### **Committee Amendment "B" (H-734)**

This amendment is the minority report of the committee and replaces the bill. Under this amendment, as directed by a revision clause, the term "marijuana" will be replaced with the term "cannabis" in the Maine Revised Statutes. This amendment makes the following changes to the Act.

1. It changes provisions in the Act that authorize the state licensing authority, which is the department, to delegate rulemaking to other state agencies as cited under the Act to say that the state licensing authority may, or in some instances must, consult with those agencies regarding rulemaking.
2. It expands the type of retail marijuana licenses that may be established under the Act to include transportation licenses, delivery services licenses, storage service licenses, research licenses and special event licenses for on-premises consumption of marijuana.
3. It directs the state licensing authority to ensure that the license privileges encourage competition with the unregulated marijuana market and allow for small-scale cultivators and products manufacturers to have a streamlined application process for licenses that authorize retail sales directly to consumers.
4. It provides that law enforcement, upon encountering a representative of a retail marijuana licensee transporting marijuana, must presume that the possession, cultivation and transportation of the marijuana is legal and in compliance with the Act. This presumption of lawful possession, cultivation and transportation of marijuana is also applied to a person 21 years of age or older.
5. It amends the several provisions in the Act that state the Act is not intended to limit law enforcement authority to investigate unlawful activity related to a retail marijuana establishment to clarify that law enforcement's role is to investigate only suspected criminal activity as the Act authorizes the state licensing authority to regulate retail marijuana licensees for other violations related to the operation of a licensed establishment.
6. It amends the definition of "plant canopy" to include in the calculation of plant canopy only those areas in which mature marijuana plants are to be cultivated.
7. It repeals the statewide cultivation cap under the Act and establishes a new structure for retail marijuana cultivation facility licenses that allows for, among other cultivation license types, nursery cultivation facilities and small cultivator cooperatives.
8. It requires licenses for licensed retail marijuana establishments and social clubs to prohibit the licensees from transferring information to an official with the Federal Government regarding any person who transacts business with the licensees unless presented with a court order or search warrant.
9. It allows for the consumption of marijuana on the premises of a retail marijuana store licensee that is not licensed as a social club under a temporary license issued by the state licensing authority or under a permanent license issued by the state licensing authority as part of a licensing pilot project.
10. It permits a municipality to impose a licensing fee and a public health and safety impact fee on marijuana licensees within the municipality and also allows for a local option sales tax.
11. It specifies that the Act, or rules adopted pursuant to the Act, may not be construed as altering existing

## *Joint Select Committee on Marijuana Legalization Implementation*

penalties, including those relating to actions such as operating vehicles while impaired by marijuana, or laws prohibiting furnishing marijuana to persons under 21 years of age or the possession of marijuana on the grounds of a public or private school where children attend classes or as altering other similar laws governing marijuana.

12. It provides protections of parental rights similar to those under the Maine Medical Use of Marijuana Act pertaining to the lawful possession or consumption of marijuana.

13. It prohibits a law enforcement officer from engaging in profiling or taking action resulting from profiling to enforce provisions of the Act. The amendment provides a definition of profiling.

14. It provides that the Retail Marijuana Regulatory Coordination Fund must be used to support public and behavioral health programs and services, including evidence-based substance abuse prevention and treatment programs, and for training municipal police in restorative justice and other programs mitigating negative social impacts.

15. It establishes a working group on retail marijuana energy and environmental standards, the Special Commission on Impaired Driving and the Marijuana Advisory Commission. It also directs the development of a marijuana research agenda and a craft marijuana report regarding marijuana industry participation of farmers and businesses of all sizes.

16. It establishes a retail sales tax rate of 17.5% on marijuana sold by licensees under the Act.

17. It requires that rules required under the Act must be provisionally adopted by December 1, 2018. In adopting such rules, the state licensing authority must consider proposals considered by the Joint Select Committee on Marijuana Legalization Implementation as amendments to the Marijuana Legalization Act.

18. It directs the Department of Public Safety, Bureau of State Police, State Bureau of Identification to make confidential all records of criminal convictions in the State that relate to convictions for activities that are now authorized under the Act.

19. It adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2017, chapter 409 facilitates the development and administration of a regulated marketplace in the State for adult use marijuana and the regulation of the personal use of marijuana and the home cultivation of marijuana for personal adult use pursuant to the Marijuana Legalization Act, as approved by the voters at referendum in November 2016.

Public Law 2017, chapter 409 repeals the Act, as codified in the Maine Revised Statutes, Title 7, chapter 417, and recodifies it in a new Title 28-B, Adult Use Marijuana, while retaining the substance of the original Act with the following changes.

1. It uses the term "adult use marijuana" instead of the term "retail marijuana."
2. It clarifies the distinction between and provides definitions for the terms "marijuana plant," "mature marijuana plant," "immature marijuana plant" and "seedling."
3. It changes the definition of the term "plant canopy" to include in the calculation of plant canopy only those areas in which mature marijuana plants are to be cultivated.
4. It defines the term "resident" for the purposes of licensure as a natural person who is domiciled in Maine, maintains a permanent place of abode in Maine and spends in the aggregate more than 183 days of the taxable year

## *Joint Select Committee on Marijuana Legalization Implementation*

in Maine and has filed a resident individual income tax return pursuant to Title 36, Part 8 in each of the four years prior to the year in which the person files an application for licensure under the Act. The provision of this definition requiring the filing of resident individual income tax returns for the four years prior to applying for a license is repealed June 1, 2021.

5. It clarifies that any conduct relating to the possession, cultivation, manufacture, testing, consumption, sale or offering for sale of marijuana or marijuana products that is not specifically authorized under the Act, pursuant to a license issued under the Act or pursuant to the Maine Medical Use of Marijuana Act is not authorized and that a person who engages in such unauthorized conduct is subject to penalties under the Act and any additional criminal or civil penalties that may be imposed under other applicable laws or rules.

6. It designates the department of Administrative and Financial Services as the sole regulatory agency in the implementation, administration and enforcement of the Act, but requires the department to consult with the Department of Agriculture, Conservation and Forestry prior to the adoption of rules relating to the regulation of the cultivation, manufacture, testing, labeling and packaging of adult use marijuana and adult use marijuana products. It further clarifies the role and authority of the department in the implementation, administration and enforcement of the Act.

7. It requires the department to implement and administer a tracking system for adult use marijuana from immature marijuana plant to the point of retail sale, disposal or destruction.

8. It requires the department to facilitate the collection and analysis of public health and safety data relating to the effects of the use of marijuana in the State.

9. It requires the department to facilitate the development and implementation of programs, initiatives and campaigns focused on increasing the awareness of and educating the public on health and safety matters relating to the use of marijuana and marijuana products. Such programs, initiatives and campaigns may be funded with a portion of the excise tax and sales tax revenues resulting from the sale of adult use marijuana and adult use marijuana products.

10. It requires the department to facilitate the development and implementation of programs or initiatives providing enhanced training for criminal justice agencies in the requirements and enforcement of the Act. Such programs and initiatives may be funded with a portion of the excise tax and sales tax revenues resulting from the sale of adult use marijuana and adult use marijuana products.

11. It requires the department to submit to the Legislature an annual report, beginning February 15, 2020, which must include specific information and data relating to the regulated market for adult use marijuana in the State.

12. It removes from the Act provisions regulating the licensure and operation of marijuana social clubs and the issuance of occupational licenses.

13. It clarifies general licensing criteria for applicants seeking to operate an adult use marijuana establishment and specific additional licensing requirements applicable to the licensing of adult use marijuana cultivation facilities. It removes from the former Act provisions relating to preference in licensure for medical marijuana caregivers and medical marijuana dispensaries. It removes from the former Act the caps on the number of each license type that may be issued, except that it:

A. Limits the number of marijuana store licenses in common ownership to four marijuana store licenses, but repeals that limitation January 1, 2022; and

B. Limits the number of cultivation facility licenses in common ownership to three cultivation facility licenses not exceeding a combined licensed plant canopy of 30,000 square feet.

## *Joint Select Committee on Marijuana Legalization Implementation*

14. It separates within the Act the state-level and local-level licensing and approval processes for adult use marijuana establishments. An applicant for a license to operate an adult use marijuana establishment must submit an application along with the required application fee to the department, which, after review, may conditionally approve the license. The licensee may then seek local authorization from the locality in which the licensee proposes to operate the marijuana establishment. A municipality, which includes towns, cities and plantations not located within the unorganized and deorganized areas, by adopted ordinance may regulate marijuana establishments within the municipality, including, but not limited to, through the adoption of:

- A. Land use regulations applicable to marijuana establishments within the municipality;
- B. Municipal licensing requirements applicable to marijuana establishments within the municipality that may include the imposition of municipal approval or license fees; and
- C. Limitations on the number of any type of marijuana establishment that may be approved or licensed to operate within the municipality.

A municipality may not authorize the operation of a marijuana establishment within the municipality unless the legislative body of the municipality has voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including that type of marijuana establishment. A person that has been issued a conditional license by the department may not request municipal authorization to operate a marijuana establishment within a municipality unless the legislative body of the municipality has voted to adopt a new ordinance, amend an existing ordinance or approve a warrant article allowing some or all types of marijuana establishments within the municipality, including that type of marijuana establishment. Public Law 2017, chapter 409 includes similar provisions regarding local authorization of marijuana establishments that are proposed to be located in towns, plantations or townships in the unorganized and deorganized areas of the State.

Once the department receives certification of local authorization and the applicant pays the applicable license fee and submits any additional required documentation, the department must issue an active license, good for a term of one year from the date of issuance. A licensee may not engage in the cultivation, manufacture, testing, sale or offering for sale of marijuana or marijuana products until the licensee has been issued an active license by the department.

15. It revises and clarifies the application process for issuance and renewal of a state license to operate an adult use marijuana establishment, including revision of the application and license fees to be imposed by the department under the Act.

16. It revises the manner in which cultivation facilities are to be licensed and regulated by removing the statewide limitation on the total amount of licensed plant canopy and by authorizing five tiers of cultivation facility license types, the smallest of which, a tier 1 license, provides for the cultivation of up to 30 mature marijuana plants or up to 500 square feet of plant canopy and the largest of which, a tier 4 license, provides for the cultivation of up to 20,000 square feet of plant canopy. It also creates a nursery cultivation facility license tier, which allows for the cultivation of immature plants, seedlings and seeds and the sale of those immature plants, seedlings and seeds to other licensees and to consumers. A licensee seeking renewal of a tier 4 license may seek approval from the department to expand the area of plant canopy authorized under the license by 7,000 square feet, so long as certain criteria are met.

17. It clarifies operational requirements for each type of adult use marijuana establishment, including:

- A. Providing for the payment of an excise tax by cultivation facilities on the adult use marijuana sold to other licensees;

## *Joint Select Committee on Marijuana Legalization Implementation*

- B. Providing for the collection and remittance of a sales tax by marijuana stores on adult use marijuana and adult use marijuana products sold to consumers;
  - C. Specifying standards for the extraction of marijuana concentrate by products manufacturing facilities;
  - D. Specifying standards for the tracking of adult use marijuana and adult use marijuana products by each type of adult use marijuana establishment;
  - E. Specifying standards for the sharing of facilities for the cultivation of adult use marijuana and the manufacturing of adult use marijuana and adult use marijuana products and marijuana and marijuana products for medical use by a licensee that is also a registered primary caregiver or registered dispensary, but prohibiting a marijuana store licensee that is also a registered primary caregiver or registered dispensary from selling adult use marijuana and adult use marijuana products to consumers and marijuana and marijuana products for medical use to qualifying patients from the same facility or building;
  - F. Requiring compliance by licensees with applicable packaging, labeling and health and safety requirements;
  - G. Incorporating standards and requirements applicable to testing facilities as enacted in Public Law 2017, chapter 309;
  - H. Clarifying sales authorizations and prohibitions applicable to marijuana stores including prohibitions on drive-through sales, sales by use of a delivery service, sales by use of an automated vending machine and Internet sales;
  - I. Providing for a limited period in which a cultivation facility licensee that is also a registered primary caregiver or registered dispensary may purchase an unlimited number of marijuana plants and seeds from an entity that is also a registered primary caregiver or registered dispensary. Any such transactions are subject to the imposition of the excise tax imposed under the Act; and
  - J. Prohibiting the employment of any person under 21 years of age by any marijuana establishment and prohibiting the entry into any marijuana establishment by a person under 21 years of age.
18. It clarifies and expands upon the standards and requirements for the testing of adult use marijuana and adult use marijuana products; the packaging, labeling and health and safety of adult use marijuana and adult use marijuana products; and the use of signs, advertising and marketing relating to adult use marijuana and adult use marijuana products.
19. It requires the department, after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, to develop rules on required health and safety warning labels. It authorizes the use of the terms "organic," "organically cultivated" or "organically grown" on the label or packaging of adult use marijuana and adult use marijuana products consistent with rules on the use of such terms to be adopted by the department.
20. It provides for the imposition by the department of monetary penalties on a licensee or suspensions or revocations of a licensee's license for a violation of the Act, in accordance with the Maine Administrative Procedure Act, and limits the amount of such monetary penalties imposed to not more than \$10,000 per minor license violation, not more than \$50,000 per major license violation and not more than \$100,000 per major license violation affecting public safety.
21. It establishes the Marijuana Advisory Commission for the purpose of conducting a continuing study of the laws relating to marijuana and reporting to the Legislature its findings and recommendations on an annual basis.

## *Joint Select Committee on Marijuana Legalization Implementation*

22. It imposes an excise tax on adult use marijuana to be paid by cultivation facilities on adult use marijuana sold to other licensees. The excise tax is imposed in the following amounts:

- A. For marijuana flower or mature marijuana plants, \$335 per pound;
- B. For marijuana trim, \$94 per pound;
- C. For each immature marijuana plant or seedling, \$1.50; and
- D. For each marijuana seed, \$0.30.

23. It establishes the Adult Use Marijuana Public Health and Safety Fund, which is primarily funded through dedicated excise and sales tax revenue from the sale of adult use marijuana and adult use marijuana products, to be used by the department to facilitate public health and safety awareness and education programs, initiatives, campaigns and activities and enhanced law enforcement training programs for local, county and state law enforcement officers.

24. It eliminates the Retail Marijuana Regulatory Coordination Fund, which was created and funded through the enactment of Public Law 2017, chapter 278, and transfers its remaining balances to the new Adult Use Marijuana Regulatory Coordination Fund.

25. It affects the provisions of the former Act relating to the personal use of marijuana and marijuana products and the home cultivation of marijuana for personal adult use by:

- A. Retaining the provisions of the former Act authorizing a person 21 years of age or older to purchase from a marijuana store and possess for personal use up to 2 1/2 ounces of marijuana or 2 1/2 ounces of a combination of marijuana and marijuana concentrate that includes no more than five grams of marijuana concentrate;
- B. Clarifying language regarding the transfer or furnishing of marijuana or marijuana products, without remuneration, to another person to specify that remuneration includes a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which marijuana or marijuana products are transferred or furnished by that person to another person;
- C. Authorizing a person 21 years of age or older to purchase up to 12 immature marijuana plants or seedlings from a marijuana store or a nursery cultivation facility;
- D. Clarifying the provisions relating to the home cultivation of marijuana for personal adult use by reducing the number of mature marijuana plants that may be possessed, cultivated or transported by a person 21 years of age or older from six plants to three plants. It authorizes a municipality to adopt an ordinance or other regulation limiting the total number of mature marijuana plants that may be cultivated on any one parcel or tract of land within the municipality, so long as that ordinance or regulation allows for the cultivation of three mature marijuana plants, 12 immature marijuana plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land. It also includes language providing that this reduction in the number of authorized mature marijuana plants from six plants to three plants does not take effect until six months after the effective date of the law.
- E. Retaining the provisions relating to the consumption of marijuana and marijuana products as enacted by Public Law 2017, chapter 1; and
- F. Prohibiting the home extraction of marijuana concentrate by use of inherently hazardous substances.

## *Joint Select Committee on Marijuana Legalization Implementation*

Public Law 2017, chapter 409 also amends the Maine Criminal Code to include provisions that address a statutory conflict between Maine Criminal Code provisions prohibiting the possession and cultivation of marijuana and marijuana plants and provisions of the Act authorizing such possession and cultivation of marijuana and marijuana plants. These amendments to the Maine Criminal Code are consistent with current exemptions in the Maine Criminal Code relating to conduct authorized under the Maine Medical Use of Marijuana Act. It also provides an exemption from the laws concerning criminal asset forfeiture relating to conduct authorized under the Act and amends the law concerning the Department of Public Safety, Bureau of State Police, State Bureau of Identification as necessary for the State Police and the State Bureau of Identification to conduct criminal history record checks on applicants for a license to operate an adult use marijuana establishment and on other persons as required under the Act.

Public Law 2017, chapter 409 also amends the State's laws governing municipal powers and duties to provide that plantations have the same powers and duties as cities and towns under the Act.

Public Law 2017, chapter 409 also amends the tax laws as follows.

1. It provides for a 10% sales tax on adult use marijuana and adult use marijuana products to be imposed at the point of final sale to a consumer by a marijuana store.
2. It stipulates that all the revenue resulting from the imposition of the sales tax on adult use marijuana and adult use marijuana products must be deposited into the General Fund, except that 12% of the total monthly tax revenue must be transferred to the Adult Use Marijuana Public Health and Safety Fund.

Public Law 2017, chapter 409 also shifts the administration and enforcement of the Maine Medical Use of Marijuana Act and the medical marijuana program adopted thereunder from the Department of Health and Human Services to the department, including:

1. Restricting the department from assigning the administration and enforcement of the Maine Medical Use of Marijuana Act to any bureau or division within the department responsible for the administration and enforcement of the laws governing the manufacture, sale and distribution of liquor;
2. Requiring the department to consult with the Department of Health and Human Services prior to the adoption or amendment of rules under the Maine Medical Use of Marijuana Act;
3. Directing the transfer of the balance of the Medical Use of Marijuana Fund in the Department of Health and Human Services to the Medical Use of Marijuana Fund in the department;
4. Including a number of additional provisions to facilitate the transition of the administration and enforcement of the Maine Medical Use of Marijuana Act from the Department of Health and Human Services to the department. It requires the Commissioner of Administrative and Financial Services to submit a report on or before January 31, 2019 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the status of this transition and authorizes the joint standing committee to report out legislation relating to the report;
5. Amending the State Government Evaluation Act to provide that the review of the bureau or division within the department that administers and enforces the Maine Medical Use of Marijuana Act remain with the joint standing committee of the Legislature having jurisdiction over health and human services matters; and
6. Amending the Maine Medical Use of Marijuana Act to direct that the registry identification cards annual report specifically be submitted to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Public Law 2017, chapter 409 was enacted as an emergency measure effective May 2, 2018.



*Joint Select Committee on Marijuana Legalization Implementation*

**LD 1775    An Act To Further Delay the Implementation of Certain Provisions of  
the Marijuana Legalization Act**

**Died Between  
Houses**

Sponsor(s)

KATZ R

Committee Report

OTP-AM

Amendments Adopted

This bill further delays, until May 1, 2018, the effective date of those provisions of the Marijuana Legalization Act that were delayed until February 1, 2018 by Public Law 2017, chapter 1.

**Committee Amendment "A" (S-346)**

This amendment changes the delayed effective date of the Marijuana Legalization Act proposed in the bill from May 1, 2018 to April 18, 2018.

**House Amendment "A" To Committee Amendment "A" (H-576)**

This amendment changes the delayed effective date of the Marijuana Legalization Act proposed in Committee Amendment "A" from April 18, 2018 to January 31, 2019 or the effective date of the legislation passed by the Legislature approving rules implementing the Marijuana Legalization Act, whichever is earlier.

This amendment was not adopted.



***Joint Select Committee on Marijuana Legalization  
Implementation***

**SUBJECT INDEX**

***Health and Safety***

**Not Enacted**

LD 855	An Act To Protect Children from Edible Cannabis Products	Leave to Withdraw Pursuant to Joint Rule 310
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***Licensing***

**Not Enacted**

LD 215	An Act To Require a License for the Possession, Sale, Cultivation or Transportation of Marijuana for Recreational Use	Leave to Withdraw Pursuant to Joint Rule 310
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LD 301	An Act To Protect Children from Marijuana Sales by Prohibiting Retail Marijuana Establishments and Social Clubs near Schools	Leave to Withdraw Pursuant to Joint Rule 310
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LD 498	An Act Regarding Marijuana Licensing	Leave to Withdraw Pursuant to Joint Rule 310
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LD 625	An Act To Prohibit the Location of a Marijuana Facility within 2,000 Feet of a House of Public Worship or Property Associated with a House of Public Worship	Leave to Withdraw Pursuant to Joint Rule 310
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LD 734	An Act Extending the Time Period for Municipalities To Approve Marijuana Businesses	Leave to Withdraw Pursuant to Joint Rule 310
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LD 798	An Act To Clarify the Intent of the Licensing Provisions in the Marijuana Legalization Act	Leave to Withdraw Pursuant to Joint Rule 310
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***Local Control***

**Not Enacted**

LD 231	An Act To Allow Municipalities To Regulate the Growing of Marijuana	Died On Adjournment
LD 499	An Act To Allow Municipalities To Prohibit Retail Marijuana Facilities in Safe Zones	Leave to Withdraw Pursuant to Joint Rule 310

LD 545	An Act To Ensure Maine's Unorganized Townships and Plantations Maintain Local Control under Laws Legalizing Marijuana	Leave to Withdraw Pursuant to Joint Rule 310
LD 672	An Act To Clarify a Municipality's Authority To Adopt and Enforce Land Use Regulations for Marijuana Facilities	Leave to Withdraw Pursuant to Joint Rule 310

### **Marijuana Legalization Act**

#### **Enacted**

LD 1719	An Act To Implement a Regulatory Structure for Adult Use Marijuana	PUBLIC 409 EMERGENCY
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#### **Not Enacted**

LD 667	An Act To Repeal the Legalization of Recreational Marijuana	INDEF PP
LD 854	An Act To Correct Errors and Inconsistencies in the Marijuana Legalization Act as Approved by the Voters	Leave to Withdraw Pursuant to Joint Rule 310
LD 938	An Act To Harmonize Provisions of "An Act To Legalize Marijuana" with Related Provisions of the Maine Medical Use of Marijuana Act	Leave to Withdraw Pursuant to Joint Rule 310
LD 1448	An Act To Clarify Certain Provisions of the Marijuana Legalization Act and To Deter the Use of Marijuana by Minors	Leave to Withdraw Pursuant to Joint Rule 310
LD 1491	An Act To Provide for Safety, Quality and Transparency in the Retail Marijuana Industry	Leave to Withdraw Pursuant to Joint Rule 310
LD 1499	An Act To Better Regulate Marijuana	Leave to Withdraw Pursuant to Joint Rule 310
LD 1650	An Act To Amend the Marijuana Legalization Act	Veto Sustained
LD 1651	An Act To Delay Further the Implementation of Certain Portions of the Marijuana Legalization Act	INDEF PP
LD 1775	An Act To Further Delay the Implementation of Certain Provisions of the Marijuana Legalization Act	Died Between Houses

### *Miscellaneous*

#### Not Enacted

LD 310	An Act To Responsibly Implement an Adult Use Cannabis Program	Leave to Withdraw Pursuant to Joint Rule 310
LD 627	An Act To Establish a Data Collection Program To Monitor Effects of Marijuana Regulation	Leave to Withdraw Pursuant to Joint Rule 310
LD 1596	An Act To Establish the Cannabis Advisory Commission	Leave to Withdraw Pursuant to Joint Rule 310

### *Motor Vehicle*

#### Not Enacted

LD 596	An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Motor Vehicle	Leave to Withdraw Pursuant to Joint Rule 310
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### *Packaging and Labeling*

#### Not Enacted

LD 164	An Act To Require Tamper-evident Packaging for Recreational Marijuana Products	Leave to Withdraw Pursuant to Joint Rule 310
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### *Personal Use and Home Cultivation*

#### Not Enacted

LD 799	An Act To Protect Landlords and Tenants from the Deleterious Effects of Marijuana Use	Leave to Withdraw Pursuant to Joint Rule 310
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### *State Licensing Agency*

#### Not Enacted

LD 387	An Act To Provide for Oversight of Maine's Recreational Marijuana Laws	Leave to Withdraw Pursuant to Joint Rule 310
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## *Taxation and Revenue*

### Not Enacted

LD 433	An Act To Allow Municipalities To Apply a Local Option Sales Tax to the Sale of Marijuana	Leave to Withdraw Pursuant to Joint Rule 310
LD 626	An Act To Provide Funding for County Jails from Sales Tax Collected on Retail Sales of Marijuana and Marijuana Products	Leave to Withdraw Pursuant to Joint Rule 310
LD 797	An Act To Fund Railroad Infrastructure and Operations	Died On Adjournment
LD 806	An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act	Leave to Withdraw Pursuant to Joint Rule 310
LD 1197	An Act to Support Substance Use Disorder Prevention, Treatment and Recovery	Leave to Withdraw Pursuant to Joint Rule 310
LD 1209	An Act To Reserve for County Government One Percent of the Excise Tax Revenue from the Sale of Retail Marijuana	Leave to Withdraw Pursuant to Joint Rule 310
LD 1431	An Act To Dedicate a Portion of the Tax on the Sale of Marijuana to Substance Abuse Prevention and Treatment, Law Enforcement Costs and Regulatory Oversight	Died On Adjournment







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



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

**JOINT STANDING COMMITTEE ON STATE AND  
LOCAL GOVERNMENT**

October 2018

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SEN. LISA KEIM  
SEN. SUSAN A. DESCHAMBAULT

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*Joint Standing Committee on State and Local Government*

**LD 105      An Act To Create the Substance Use Disorders Cabinet**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-645

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill was reported out of committee in the Second Regular Session. It was carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

The bill establishes an office within the Department of Health and Human Services to coordinate efforts in the State to combat addiction to opiates.

**Committee Amendment "A" (H-645)**

This amendment replaces the bill and changes the title. The amendment establishes the Substance Use Disorders Cabinet for a time-limited period, with a sunset date of June 30, 2022. The cabinet consists of the commissioners of Corrections, Education, Health and Human Services, Labor and Public Safety; the Chief Justice of the Supreme Judicial Court; and, at the discretion of the Governor, one member of the public. The initial chair of the cabinet is the Commissioner of Health and Human Services or the commissioner's designee. The cabinet is established to promote interdepartmental collaboration on substance use disorders policy development, program implementation and service delivery in an integrated manner. The duties of the cabinet include coordinating funding, conducting long-term planning and policy development, coordinating service delivery, assessing resource capacity, reviewing programs and policies and communicating the work of the cabinet. The cabinet is authorized to solicit, receive and pool funds from the Federal Government, subdivisions of the State or individuals, foundations or corporations. The cabinet is required to submit an annual report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, criminal justice and public safety matters, education and cultural affairs, health and human services matters, judiciary matters, labor matters and state and local government matters and to make the report available to the public. The cabinet is required to carry out its duties within existing resources.

**LD 288      An Act To Limit Questions Regarding Criminal History on State Employment Applications**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B MIRAMANT D	OTP-AM	H-242

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. The bill was reported out of committee in the Second Regular Session. It was carried over, on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

The bill prohibits any application form for employment for any position in State Government from including questions about an applicant's criminal history.

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

The amendment replaces the bill. Like the bill, the amendment prohibits the State from including questions about criminal history on its employment application forms. The amendment provides an exception to that prohibition when, due to the nature and requirements of the position, a person who has a criminal history record may be

***Joint Standing Committee on State and Local Government***

disqualified from eligibility, such as for a law enforcement officer, corrections officer, child protective and adult protective services caseworker or child development services worker. The amendment applies to state employment positions in the legislative, executive or judicial branches of State Government and positions with quasi-independent state entities or public instrumentalities of the State; it does not apply to positions in school administrative units, municipalities, counties or other political subdivisions of the State. This amendment also provides funding to the Department of Administrative and Financial Services for computer modifications made necessary by the amendment.

**LD 328      An Act To Encourage Regional Planning and Reorganization**

**PUBLIC 313**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRANT G BELLOWS S	OTP-AM	H-150 S-344    HAMPER J

This bill was reported out of committee in First Regular Session and then carried over to the Second Regular Session on the Special Appropriations Table.

The bill provides funding of \$25,000,000 in fiscal year 2017-2018 and \$0 in fiscal year 2018-2019 to the Fund for the Efficient Delivery of Local and Regional Services to encourage regional planning and reorganization for towns and municipalities to decrease the duplication of services.

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

This amendment replaces the bill. The amendment provides funding of \$5,000,000 in fiscal year 2017-18 and \$5,000,000 in fiscal year 2018-19 to the Fund for the Efficient Delivery of Local and Regional Services. The amendment shifts responsibility for the administration of the Fund for the Efficient Delivery of Local and Regional Services from the Department of Administrative and Financial Services to the Department of Economic and Community Development. The amendment also adds "capital grants" as a third type of grant available from the fund; current law provides for "planning grants" and "cooperative services" grants.

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

This amendment strikes the appropriations and allocations section from the committee amendment.

**Enacted Law Summary**

Public Law 2017, chapter 313 shifts responsibility for the administration of the Fund for the Efficient Delivery of Local and Regional Services from the Department of Administrative and Financial Services to the Department of Economic and Community Development. This law also adds "capital grants" as a third type of grant available from the fund, in addition to the "planning grants" and "cooperative services" grants available in existing law.

**LD 473      An Act To Quantitatively Evaluate State Contracts**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

*Joint Standing Committee on State and Local Government*

This bill proposes to create a process to quantitatively evaluate competitive bids for state contracts in terms of the total economic value to the State. The process established by this bill would apply to state service contracts expected to exceed \$100,000 in total value and would include scoring criteria that evaluate the economic impact of the proposer's bid on the state economy and state revenues. In evaluating economic impact, the process would use economic multipliers to measure the impact of the use of raw materials from in-state sources, the employment of state residents and the use of in-state vendors, consultants and subcontractors. The process established by the bill would be consistent with the terms of Executive Order 2012-004, An Order Directing Certain Evaluation Criteria in Competitive Bidding.

**LD 780 An Act Authorizing the Deorganization of Cary Plantation**

**PUBLIC 403**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN R	OTP-AM ONTP	H-592

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides for the deorganization of Cary Plantation in Aroostook County, subject to approval at local referendum.

**Committee Amendment "A" (H-592)**

This amendment is the majority report of the committee. This amendment shifts the dates in the bill forward by one year, from 2018 to 2019.

**Enacted Law Summary**

Public Law 2017, chapter 403 provides for the deorganization of Cary Plantation in Aroostook County, subject to approval at local referendum. If the legal voters of Cary Plantation approve the referendum, deorganization takes effect July 1, 2019.

**LD 823 An Act To Promote Transparency with Respect to Surveillance Technology**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S MOONEN M	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill requires a state entity to hold a public hearing and obtain legislative approval prior to engaging in certain activities relating to the acquisition and use of surveillance technology.

**LD 890 An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives**

**ONTP**

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

***Joint Standing Committee on State and Local Government***

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill makes the statutory changes necessary to include a representative of the Aroostook Band of Micmacs in the Maine House of Representatives beginning with the 129th Legislature. It requires the Tribal Clerk of the Aroostook Band of Micmacs to furnish the outgoing Clerk of the House of Representatives with a certification of the name and residence of the Representative-elect of the Aroostook Band of Micmacs to the Legislature. It also authorizes the Representative of the Aroostook Band of Micmacs to be compensated in the same manner as other members of the House of Representatives. It also provides that the changes do not take effect unless the Aroostook Band of Micmacs approves them and provides certification of that approval to the Secretary of State within 90 days of the adjournment of the First Regular Session of the 128th Legislature.

**LD 1021      *Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County*      **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A DESCHAMBAULT S	OTP-AM	H-67

This resolve was reported out of committee in the First Regular Session and then carried over to the Second Regular Session on the Special Study Table. It was then again carried over, still on the Special Study Table, from the Second Regular Session to the next special session by joint order S.P. 748.

The resolve establishes the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County to study and plan the disposition of the three district courthouses in York County to be vacated when the courts are consolidated into one building in 2021 and of associated surplus state property.

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

This amendment makes a technical correction to the resolve. The language "notwithstanding Joint Rule 353" is not necessary and is removed.

**LD 1068      *An Act To Require That State-funded Buildings Be Constructed with Wood Products*      **ONTP****

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill requires a person that engages in the construction or repair of public buildings or works to use wood products, including cross-laminated timber, for structural components to the extent that suitable wood products are feasible for use, competitively priced and permitted under state or local building codes.

**LD 1345      *An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee*      **Veto Sustained****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D DAVIS P	OTP-AM	H-610

***Joint Standing Committee on State and Local Government***

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out of committee in the Second Regular Session. It was carried over, on the Special Appropriations Table, to the next special session by joint order S.P. 748.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish an alternative method for an employee to pay back an employer for overcompensation of the employee due to the employer's error that is less of a hardship on the employee than the present requirements of law, which allow an employer to deduct up to 10% of an employee's wages to pay back the overcompensation of the employee.

**Committee Amendment "A" (H-610)**

This amendment replaces the bill, which is a concept draft. It amends the definition of "overcompensation" by an employer to include compensation in the form of paid leave. It changes the maximum amount an employer can withhold from an employee's pay to recover overcompensation from 10% to 5%. It prohibits an employer from recovering more than the amount of overcompensation paid to an employee in the three years preceding the discovery of the overcompensation. The amendment also specifies that the section of law regarding overcompensation by employers that includes these provisions does not limit or affect an employee's general civil remedies against an employer.

**LD 1484 An Act Authorizing the Deorganization of the Town of Atkinson**

**P & S 14**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N	OTP-AM ONTP	H-698 S-432 LANGLEY B

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides for the deorganization of the Town of Atkinson in Piscataquis County subject to approval at local referendum and execution of a withdrawal agreement from School Administrative District No. 41, also known as Regional School Unit No. 41. It also provides that townships deorganized on or after July 1, 2019, continue to receive school subsidies through general purpose aid to local schools, subject to approval at local referendum.

**Committee Amendment "A" (H-698)**

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

**Senate Amendment "A" (S-432)**

This amendment removes the provisions in the bill that enabled townships deorganized on or after July 1, 2019, to continue to receive school subsidies through general purpose aid to local schools.

**Enacted Law Summary**

Private and Special Law 2017, chapter 14 provides for the deorganization of the Town of Atkinson in Piscataquis County subject to approval at local referendum and execution of a withdrawal agreement from School Administrative District No. 41, also known as Regional School Unit No. 41. If the legal voters of the Town of Atkinson approve the referendum, deorganization takes effect July 1, 2019.

*Joint Standing Committee on State and Local Government*

**LD 1588     An Act To Maintain Access to Property on Discontinued Roads**

**PUBLIC 345**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G	OTP-AM	H-646

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill prohibits a municipality from discontinuing a road on which there is a residential structure that depends upon the road for its sole access and requires the municipality to plow snow from that road and keep it passable. The bill allows for the rebuttal of the presumption of abandonment of a public way if there is a residential structure that depends on the way for its sole access. The bill requires municipalities to maintain mail routes in accordance with United States Postal Service regulations.

**Committee Amendment "A" (H-646)**

This amendment replaces the bill and makes the following changes to the law governing discontinuance of town ways.

1. It requires that notice of a proposed discontinuance of a town way include information regarding the potential discontinuance or retention of a public easement, including maintenance obligations for and the right of access to the way under the discontinuance or retention of a public easement, and information regarding the rights of abutting property owners to enter into agreements regarding maintenance of and access to the discontinued way.
2. It requires that for a proposed discontinuance of a town way abutted by property not otherwise accessible by a public way the municipal officers provide additional notice to abutting property owners regarding their right to create private easements.
3. It prohibits the municipality from proceeding with discontinuance of a town way abutted by property not otherwise accessible by a public way unless the municipal officers have first given the additional notice to abutting property owners and allowed one year for the abutting property owners to grant easements that run with the title of the property owners' land for the purpose of allowing travel along that way for all abutting property owners and their lessees and guests. If after one year the abutting property owners have not created such private easements, the town may discontinue the way, but only if a public easement is retained. If after one year the abutting property owners have created such private easements, the town officers may proceed with discontinuance without retaining a public easement.
4. It specifies that for a municipality in which the municipal legislative body is the town meeting, a vote on the order of discontinuance of a town way must be conducted at the next regularly scheduled annual town meeting.
5. It provides that the above changes apply only to town ways not discontinued as of October 1, 2018.

The amendment also requires a seller of nonresidential real estate to provide the purchaser a property disclosure statement that includes information about any abandoned or discontinued roads, public easements or private roads on or abutting the property, if known by the seller. The disclosure must also include information about who is responsible for maintenance of such roads or easements, including any responsible road association, if known by the seller. It exempts certain property transfers that do not involve a traditional seller and purchaser from these requirements.

**Enacted Law Summary**

Public Law 2017, chapter 345 makes the following changes to the law governing discontinuance of town ways.



*Joint Standing Committee on State and Local Government*

1. It requires that notice of a proposed discontinuance of a town way include information regarding the potential discontinuance or retention of a public easement, including maintenance obligations for and the right of access to the way under the discontinuance or retention of a public easement, and information regarding the rights of abutting property owners to enter into agreements regarding maintenance of and access to the discontinued way.
2. It requires that for a proposed discontinuance of a town way abutted by property not otherwise accessible by a public way the municipal officers provide additional notice to abutting property owners regarding their right to create private easements.
3. It prohibits the municipality from proceeding with discontinuance of a town way abutted by property not otherwise accessible by a public way unless the municipal officers have first given the additional notice to abutting property owners and allowed one year for the abutting property owners to grant easements that run with the title of the property owners' land for the purpose of allowing travel along that way for all abutting property owners and their lessees and guests. If after one year the abutting property owners have not created such private easements, the town may discontinue the way, but only if a public easement is retained. If after one year the abutting property owners have created such private easements, the town officers may proceed with discontinuance without retaining a public easement.
4. It specifies that for a municipality in which the municipal legislative body is the town meeting, a vote on the order of discontinuance of a town way must be conducted at the next regularly scheduled annual town meeting.
5. It provides that the above changes apply only to town ways not discontinued as of October 1, 2018.

This law also requires a seller of nonresidential real estate to provide the purchaser a property disclosure statement that includes information about any abandoned or discontinued roads, public easements or private roads on or abutting the property, if known by the seller. The disclosure must also include information about who is responsible for maintenance of such roads or easements, including any responsible road association, if known by the seller. It exempts certain property transfers that do not involve a traditional seller and purchaser from these requirements.

**LD 1604      Resolve, To Amend Authorization To Sell Certain Property in Augusta**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M KATZ R	OTP-AM	H-587

This resolve was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

Resolve 2013, chapter 98 authorized the State to sell property located in Augusta to a nonprofit organization to be used exclusively for transitional housing for veterans. This resolve removes the restriction on the exclusive use of the property for transitional housing for veterans.

**Committee Amendment "A" (H-587)**

This amendment replaces the resolve. It authorizes the State to sell the property that is the subject of the resolve to a public-private partnership. The amendment preserves the authorization in current law to sell the property to a nonprofit organization. Rather than remove restrictions on the use of the property for transitional housing for veterans as in the resolve, the amendment modifies the existing restrictions on its use. The amendment requires the property to be used for veterans for transitional housing or substance abuse services.

*Joint Standing Committee on State and Local Government*

**LD 1668    An Act To Change Certain Gender-specific Terminology in the Laws  
Regarding Municipalities and Counties**

**Died Between  
Houses**

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

This bill changes the terms "selectman" and "selectmen" to "selectperson" and "selectpersons" in the Maine Revised Statutes, Title 30-A.

**LD 1673    An Act Authorizing the Deorganization of Codyville Plantation**

**P & S 11**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B	OTP-AM	H-609

This bill provides for the deorganization of Codyville Plantation in Washington County, subject to approval at local referendum.

**Committee Amendment "A" (H-609)**

This amendment adds language to the bill to provide for the withdrawal of Codyville Plantation from the East Range II Community School District on June 30, 2019, if the legal voters of Codyville Plantation approve the referendum to deorganize as provided in the bill.

**Enacted Law Summary**

Private and Special Law 2017, chapter 11 provides for the deorganization of Codyville Plantation in Washington County, subject to approval at local referendum. If the legal voters of Codyville Plantation approve the referendum to deorganize, Codyville Plantation withdraws from the East Range II Community School District effective June 30, 2019, and deorganization takes effect July 1, 2019.

**LD 1679    An Act Regarding the Registry of Deeds in Oxford County**

**PUBLIC 330  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR T	OTP-AM	H-598

This bill provides that the Oxford County commissioners may close the office of the register of deeds at Fryeburg.

**Committee Amendment "A" (H-598)**

This amendment replaces the bill, which authorizes the Oxford County commissioners to close the office of the western district register of deeds in Fryeburg. Instead, the amendment does the following:

1. It repeals the provision of law providing for the Oxford County western registry district and eliminates the associated position of western district register of deeds effective December 31, 2018.
2. It provides for the election of a single register of deeds to serve all of Oxford County at the next general election in November 2018.

*Joint Standing Committee on State and Local Government*

3. It specifies that the current register of deeds of the western district and the western district office operate and function without change between the effective date of this legislation and the repeal date of December 31, 2018. It requires that, effective January 1, 2019, the Oxford County register of deeds maintain a western subregistry of deeds that includes all records of the former western registry district. It also requires that the county register of deeds operate a subregistry office at the location of the former western registry district office in Fryeburg, unless the Oxford County commissioners fulfill the following requirements: conduct two public hearings in the area served by the office; vote to close the office on a date certain; duplicate all historical maps and plot plans and provide copies to the member towns; make provisions for preservation of and access to the record books; provide online access to all documents; make electronic recording of documents available; and provide electronic recording at no additional cost or surcharge for municipal governments. Upon fulfilling these requirements, the county commissioners may close the Fryeburg Office.

The amendment adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2017, chapter 330 does the following:

- 1. It repeals the provision of law providing for the Oxford County western registry district and eliminates the associated position of western district register of deeds effective December 31, 2018.
- 2. It provides for the election of a single register of deeds to serve all of Oxford County at the next general election in November 2018.
- 3. It specifies that the current register of deeds of the western district and the western district office operate and function without change between the effective date of this legislation and the repeal date of December 31, 2018. It requires that, effective January 1, 2019, the Oxford County register of deeds maintain a western subregistry of deeds that includes all records of the former western registry district. It also requires that the county register of deeds operate a subregistry office at the location of the former western registry district office in Fryeburg, unless the Oxford County commissioners fulfill the following requirements: conduct two public hearings in the area served by the office; vote to close the office on a date certain; duplicate all historical maps and plot plans and provide copies to the member towns; make provisions for preservation of and access to the record books; provide online access to all documents; make electronic recording of documents available; and provide electronic recording at no additional cost or surcharge for municipal governments. Upon fulfilling these requirements, the county commissioners may close the Fryeburg Office.

Public Law 2017, chapter 330 was enacted as an emergency measure effective March 7, 2018.

<b>LD 1764</b>	<b>An Act To Streamline Advocacy for Maine Small Businesses by Relocating the Bureau of the Special Advocate within the Department of the Secretary of State to the Department of Economic and Community Development</b>	<b>Died Between Houses</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J	ONTP OTP-AM	

This bill relocates the Bureau of the Special Advocate from the Department of the Secretary of State to the Department of Economic and Community Development.

**Committee Amendment "A" (H-638)**

***Joint Standing Committee on State and Local Government***

This amendment is the minority report of the committee. The amendment adds an appropriations and allocations section to the bill.

**LD 1776     An Act To Establish Requirements for Civil Deputies**

**PUBLIC 332**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M	OTP-AM	S-361

This bill enacts a definition of "civil deputy," codifies the designation and duties of civil deputies, requires payment to civil deputies at a reasonable rate of compensation established by the county commissioners and authorizes sheriffs to adopt rules, procedures and requirements applicable to civil deputies.

**Committee Amendment "A" (S-361)**

This amendment specifies that a sheriff may adopt rules, procedures and requirements related to the training of a civil deputy, as well as related to the qualifications of a civil deputy as provided in the bill.

**Enacted Law Summary**

Public Law 2017, chapter 332 enacts a definition of "civil deputy," codifies the designation and duties of civil deputies, requires payment to civil deputies at a reasonable rate of compensation established by the county commissioners and authorizes sheriffs to adopt rules, procedures and requirements related to the qualifications and training of a civil deputy and the service of civil process.

**LD 1794     An Act To Allow the Efficient and Responsible Acquisition and Sale of Property by the Department of Administrative and Financial Services**

**Accepted Majority (ONTP) Report**

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

This bill authorizes the Department of Administrative and Financial Services, Bureau of General Services to acquire real estate determined necessary to meet the needs of the State. It authorizes the sale or disposition of real property determined necessary to maximize financial return and to manage the long-term planning needs of the State. It requires that a current opinion of value by a real estate appraiser be obtained and that the purchase or sale price reflect the opinion and current market conditions when the State enters into a real estate transaction.

**LD 1804     Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell, Lease or Convey the Interests of the State in Certain Real Property Located in Augusta, Bucksport, Limestone, Brookton Township and Rockwood Strip Township**

**RESOLVE 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-367

This resolve authorizes the Commissioner of Administrative and Financial Services to sell, lease or convey the interests of the State in certain property located in Augusta, Bangor, Limestone, Bucksport, T2 R8 NWP of the Unorganized Territory of Penobscot County, Brookton Township and Rockwood Strip, T1 R1 NBKP.

*Joint Standing Committee on State and Local Government*

**Committee Amendment "A" (S-367)**

This amendment removes the authority granted in the resolve to the Commissioner of Administrative and Financial Services to sell or lease state property located in Bangor and in T2 R8 NWP of the Penobscot County Unorganized Territory. The amendment also adds language to the resolve regarding the property authorized to be sold or leased in Rockwood Strip to include a parcel of land of approximately 6.35 acres in addition to the parcel of 0.36 acre specified in the resolve.

**Enacted Law Summary**

Resolve 2017, chapter 34 authorizes the Commissioner of Administrative and Financial Services to sell, lease or convey the interests of the State in certain property located in Augusta, Limestone, Bucksport, Brookton Township and Rockwood Strip, T1 R1 NBKP.

**LD 1828 An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath**

**P & S 15  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT J VITELLI E	OTP	

This bill validates the referendum conducted in the City of Bath on November 7, 2017. It authorizes the City of Bath to enter into contracts and issue bonds or notes of the city in an amount not to exceed \$2,800,000 to finance sidewalks and street and road construction, reconstruction and paving projects.

**Enacted Law Summary**

Private and Special Law 2017, chapter 15 validates the referendum conducted in the City of Bath on November 7, 2017. It authorizes the City of Bath to enter into contracts and issue bonds or notes of the city in an amount not to exceed \$2,800,000 to finance sidewalks and street and road construction, reconstruction and paving projects.

Private and Special Law 2017, chapter 15 was enacted as an emergency measure effective April 15, 2018.

**LD 1840 An Act To Revise the Municipal Consolidation Referendum Process**

**PUBLIC 398**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E ESPLING E	OTP-AM	S-418

This bill provides that if a municipality receives a petition proposing to form a joint charter commission for the purpose of consolidating with one or more municipalities, the municipal officers must hold a referendum to determine the willingness of the voters of the municipality to form a joint charter commission. If the referendum question is approved by a majority of voters in each municipality, a joint charter commission must be formed. It also provides that a municipality may not be a party to a consolidation agreement for 10 years, instead of three years as in current law, after the date a consolidation agreement is rejected. It also adds an exception to that 10-year period for when a majority of the municipal officers in each municipality subject to the rejected consolidation agreement vote to form a joint charter commission.

**Committee Amendment "A" (S-418)**

This amendment adds language to the bill to change the calculation of the number of signatures required for a petition for municipal consolidation to be based on the number of votes cast at the last gubernatorial election, rather

## *Joint Standing Committee on State and Local Government*

than the number of voters in the municipality. It also adds language to allow a municipal charter to override the limit of 1,000 signatures that is set for certain municipalities. It also provides a cross-reference to the exception to the required number of signatures that applies in the period after a consolidation agreement is rejected by the voters.

The amendment specifies that the referendum on the formation of a joint charter commission must be at least 90 days after the petition is filed to allow for election preparation and deadlines. It also adds language to the referendum question to inform the voters that the consolidation agreement prepared by the commission would not be final unless approved by the voters.

The amendment adds language in the section of the bill regarding conditions for holding elections for a joint charter commission to cross-reference the vote by municipal officers to hold such elections.

The amendment sets the waiting period after a rejected consolidation agreement to six years, rather than 10 years as provided in the bill. It clarifies that the number of signatures required for a petition to obtain an exception to the waiting period is 30% of votes cast in the last gubernatorial election, rather than 30% of voters. It also clarifies the exception to the waiting period permitted by a vote of municipal officers, as provided in the bill, to specify that the vote is to hold elections of members to a joint charter commission.

### **Enacted Law Summary**

Public Law 2017, chapter 398 provides that if a municipality receives a petition proposing to form a joint charter commission for the purpose of consolidating with one or more municipalities, the municipal officers must hold a referendum to determine the willingness of the voters of the municipality to form a joint charter commission. The law requires that the referendum on the formation of a joint charter commission must be held at least 90 days after the petition is filed to allow for election preparation and deadlines. If the referendum question is approved by a majority of voters in each municipality, a joint charter commission must be formed.

This law also changes the calculation of the number of signatures required for a petition for municipal consolidation to be based on the number of votes cast at the last gubernatorial election, rather than the number of voters in the municipality as in current law, and allows for a municipal charter to override the limit of 1,000 petition signatures that is set for certain municipalities.

It also provides that a municipality may not be a party to a consolidation agreement for six years, instead of three years as in current law, after the date a consolidation agreement is rejected. It specifies that the number of signatures required for a petition to obtain an exception to the waiting period after a rejected agreement is 30% of votes cast in the last gubernatorial election, rather than 30% of voters. It also adds an exception to that waiting period for when a majority of the municipal officers in each municipality subject to the rejected consolidation agreement vote to hold elections of members to a joint charter commission.

### **LD 1842     An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists**

**PUBLIC 443**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-387 S-484   LIBBY N

This bill was reported out of committee in the Second Regular Session of the 128th Legislature. It was carried over, on the Special Appropriations Table, to the next special session by joint order S.P. 748.

This bill requires legislators, legislative staff and lobbyists to attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. It requires the Legislative Council to develop and implement the course.

## *Joint Standing Committee on State and Local Government*

### **Committee Amendment "A" (S-387)**

This amendment adds an appropriations and allocations section to the bill.

### **Senate Amendment "A" (S-484)**

This amendment requires that lobbyists submit certification of completion of harassment training to the Maine Commission on Governmental Ethics and Election Practices at the time of registration, and directs the commission to reject registrations that do not include certification of completion of training. If completion of the required training prior to registration is not possible due to circumstances that are beyond a lobbyist's control, the commission may provide a limited extension to that lobbyist for completion of the training. This amendment also authorizes the commission to exempt lobbyists with a very limited physical presence in the State House complex from the requirement to complete harassment training prior to registration as lobbyists.

### **Enacted Law Summary**

Public Law chapter 443 requires Legislators, legislative staff and lobbyists to attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. It requires the Legislative Council to develop and implement the course. It requires that lobbyists submit certification of completion of harassment training to the Maine Commission on Governmental Ethics and Election Practices at the time of registration; directs the commission to reject registrations that do not include the training certification; and authorizes the commission to exempt lobbyists with a very limited physical presence in the State House complex from the training requirement.

### **LD 1849     An Act To Eliminate Inactive Boards and Commissions**

**Died Between  
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP  
OTP-AM

This bill was reported out by the committee pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2, then referred back to the committee for processing in the normal course. As authorized by the law, and based on information provided by the Secretary of State, the bill eliminates boards and commissions that have not reported on their activities to the Secretary of State for the last two calendar years or have been inactive during the preceding 24 months. The bill also eliminates a statutory reference to the Interagency Review Panel, which was previously eliminated.

This bill eliminates the following boards and commissions:

1. The Advisory Board for the Licensing of Whitewater Guides;
2. The Advisory Committee on Fair Competition with Private Enterprise;
3. The Board of Licensing of Dietetic Practice;
4. The Commercial Fishing Safety Council;
5. The Maine Agricultural Water Management Board;
6. The Maine Biomedical Research Board;
7. The Maine Drug Enforcement Agency Advisory Board;
8. The Maine Quality Forum Advisory Council;
9. The Pollution Prevention and Small Business Assistance Advisory Panel;
10. The Prison Industries Advisory Council;
11. The Sex Offender Management and Risk Assessment Advisory Commission;
12. The State Education and Employment Outcomes Task Force;

***Joint Standing Committee on State and Local Government***

- 13. The Tobacco Prevention and Control Advisory Council;
- 14. The Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering; and
- 15. The St. Croix International Waterway Commission.

**Committee Amendment "A" (H-671)**

This amendment is the minority report of the committee. It removes from the bill the elimination of the following boards and commissions: the Advisory Board for the Licensing of Whitewater Guides, the Advisory Committee on Fair Competition with Private Enterprise, the Maine Agricultural Water Management Board, the Tobacco Prevention and Control Advisory Council, the Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering and the St. Croix International Waterway Commission. The amendment also adds an appropriations and allocations section.

**LD 1850      An Act To Reorganize the Bureau of General Services in the Department of Administrative and Financial Services      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT R	OTP-AM	H-672

The bill was reported out of committee in the Second Regular Session. It was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill was introduced in accordance with Public Law 2017, chapter 284, Part QQQQQ, section 3. The bill removes the Director of the Bureau of General Services from the list of state officials whose salaries are subject to adjustment by the Governor. It removes the authority and responsibility for general services functions and activities in the Department of Administrative and Financial Services from the Bureau of General Services and the Director of the Bureau of General Services and transfers that authority and responsibility to a Bureau of Business Management headed by the Chief Procurement Officer and a Bureau of Real Estate Management headed by the Chief Facilities Officer, a position created by the bill.

The bill removes and corrects references to the Bureau of Purchases, the State Purchasing Agent, the Director of Public Improvements and the Department of Administration, all of which no longer exist as a result of the creation of the Department of Administrative and Financial Services. It includes revision clauses to authorize the Revisor of Statutes to implement any necessary changes in statutory references when updating, publishing or republishing the statutes. The bill also updates an outdated reference to standards for the recycled content of paper and paper products and removes outdated references to the Office of Waste Reduction and Recycling, whose duties have been absorbed by the Department of Environmental Protection.

**Committee Amendment "A" (H-672)**

This amendment incorporates a fiscal note.

**LD 1853      An Act To Ensure the Safe and Consistent Regulation of Pesticides throughout the State by Providing Exemptions to Municipal Ordinances That Regulate Pesticides      Accepted Report A (ONTP)**

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



## *Joint Standing Committee on State and Local Government*

This bill provides that municipal ordinances that regulate the use of pesticides do not apply to commercial applicators and spray contracting firms and to private applicators when the private applicators are producing agricultural or horticultural commodities.

### **Committee Amendment "A" (S-431)**

This amendment is a minority report of the committee and replaces the bill and changes the title. The amendment requires the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to review any proposed municipal ordinance to regulate pesticide storage, distribution or use. Specifically, it requires municipalities to submit a proposed pesticide ordinance to the board at least 90 days prior to adoption, rather than seven days in current law. It requires the board to review the proposed ordinance and, within 60 days of receiving the proposed ordinance, to provide advice and comments on the proposed ordinance, including recommended revisions to ensure the safe and consistent regulation of pesticides. It requires the municipality to review and consider the board's advice and recommendations prior to adoption of the ordinance.

The amendment also requires the board to review existing municipal pesticide ordinances in place as of the effective date of this Act and, no later than December 31, 2018, provide advice and comments, including any recommended revisions to ensure the safe and consistent regulation of pesticides, to each municipality that has an existing ordinance. It requires the municipal officers to review and take under consideration the board's comments and recommended revisions to the existing ordinance.

### **LD 1877    An Act To Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders**

**PUBLIC 393**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D DAVIS P	OTP-AM	H-709

This bill allows a municipality to prohibit a sex offender from residing within 750 feet of any municipally owned or state-owned property, regardless of its use. Current law allows a municipality to prohibit a sex offender from residing within 750 feet of municipally owned or state-owned property that is leased to a nonprofit organization for use as a park, athletic field or recreational facility open to the public where children are the primary users.

### **Committee Amendment "A" (H-709)**

This amendment replaces the bill and expands the area from which a sex offender may be excluded by enactment of a municipal ordinance to include 750 feet from a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users, even if that property is not leased to a nonprofit organization. When the Maine Revised Statutes, Title 30-A, section 3014, subsection 2, paragraph B was amended in 2013, the legislation inadvertently omitted the ability of a municipality, by ordinance, to prohibit a sex offender from residing within 750 feet of property comprising a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users; the exclusion was permitted only if that municipally owned or state-owned property was leased to a nonprofit organization.

### **Enacted Law Summary**

Public Law 2017, chapter 393 expands the area from which a sex offender may be excluded by enactment of a municipal ordinance to include 750 feet from a municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users, even if that property is not leased to a nonprofit organization. When the Maine Revised Statutes, Title 30-A, section 3014, subsection 2, paragraph B was amended in 2013, the legislation inadvertently omitted the ability of a municipality, by ordinance, to prohibit a sex offender from residing within 750 feet of property comprising a municipally owned or state-owned park, athletic

## *Joint Standing Committee on State and Local Government*

field or recreational facility that is open to the public where children are the primary users; the exclusion was permitted only if that municipally owned or state-owned property was leased to a nonprofit organization.

**LD 1878      An Act To Increase the Annual Salary of the Governor and To Increase the Per Diem Meal and Housing Allowances Paid to Legislators      Died On Adjournment**

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

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748.

This bill increases the Governor's salary from \$70,000 per year to \$150,000 per year beginning January 2019. The bill also increases the legislative meal and housing allowances from \$32 and \$38 to \$50 and \$75, respectively.

### **Committee Amendment "A" (H-752)**

This amendment clarifies that the increase in the Governor's salary contained in the bill will not affect the calculation of the retirement allowance of the current Governor. The amendment also increases the daily maximum mileage allowance for legislators from \$38 to \$75, which aligns with the increase in the daily maximum housing allowance in the bill.

This amendment requires that, no later than September 1, 2018, the State Compensation Commission be appointed and convened and that the commission review the compensation of legislators, representatives of Indian tribes, Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives and submit a report that includes its recommendations to the Legislature by January 2, 2019. The amendment also adds an appropriations and allocations section.

**LD 1901      Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds      RESOLVE 55 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S	OTP-AM	S-462

This resolve requires the Department of the Secretary of State to work with the American Legion Department of Maine to secure a plaque for display on the immediate grounds of the State House to honor the 100th Anniversary of the American Legion. The department is authorized to accept from outside sources, including the American Legion Department of Maine, donated goods, services and funding for the design and construction of the plaque. Prior to the creation of the plaque, the proposed design and location of the plaque must be submitted to the Executive Director of the Legislative Council for approval by the Legislative Council, and final authorization for the placement of the plaque must be made by the Legislative Council.

### **Committee Amendment "A" (S-462)**

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

### **Enacted Law Summary**

Resolve 2017, chapter 55 requires the Department of the Secretary of State to work with the American Legion Department of Maine to secure a plaque for display on the immediate grounds of the State House to honor the 100th Anniversary of the American Legion. The department is authorized to accept from outside sources, including the

*Joint Standing Committee on State and Local Government*

American Legion Department of Maine, donated goods, services and funding for the design and construction of the plaque. Prior to the creation of the plaque, the proposed design and location of the plaque must be submitted to the Executive Director of the Legislative Council for approval by the Legislative Council, and final authorization for the placement of the plaque must be made by the Legislative Council.

Resolve 2017, chapter 55 was finally passed as an emergency measure effective May 1, 2018.

**LD 1918      An Act To Authorize the Installation of a Gold Star Family Memorial in                      PUBLIC 469**  
**Capitol Park**

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

This bill was not referred to committee.

This bill authorizes the State House and Capitol Park Commission to arrange for the development and installation of a monument honoring Gold Star Families.

**Enacted Law Summary**

Public Law 2017, chapter 469 authorizes the State House and Capitol Park Commission to arrange for the development and installation of a monument honoring Gold Star Families.



*Joint Standing Committee on State and Local Government*

**SUBJECT INDEX**

**Boards and Commissions**

**Not Enacted**

LD 1849      An Act To Eliminate Inactive Boards and Commissions      Died Between Houses

**Capitol Area/Capitol Complex**

**Enacted**

LD 1918      An Act To Authorize the Installation of a Gold Star Family Memorial in Capitol Park      PUBLIC 469

**County Government - General**

**Enacted**

LD 1679      An Act Regarding the Registry of Deeds in Oxford County      PUBLIC 330  
EMERGENCY

LD 1776      An Act To Establish Requirements for Civil Deputies      PUBLIC 332

**Local Government - Deorganization, Consolidation and Secession**

**Enacted**

LD 780      An Act Authorizing the Deorganization of Cary Plantation      PUBLIC 403

LD 1484      An Act Authorizing the Deorganization of the Town of Atkinson      P & S 14

LD 1673      An Act Authorizing the Deorganization of Codyville Plantation      P & S 11

LD 1840      An Act To Revise the Municipal Consolidation Referendum Process      PUBLIC 398

**Local Government - General**

**Enacted**

LD 1828      An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath      P & S 15  
EMERGENCY

**Not Enacted**

LD 1668      An Act To Change Certain Gender-specific Terminology in the Laws Regarding Municipalities and Counties      Died Between Houses

### **Local Government - Planning and Regulation**

#### **Enacted**

LD 328	An Act To Encourage Regional Planning and Reorganization	PUBLIC 313
LD 1877	An Act To Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders	PUBLIC 393

#### **Not Enacted**

LD 1853	An Act To Ensure the Safe and Consistent Regulation of Pesticides throughout the State by Providing Exemptions to Municipal Ordinances That Regulate Pesticides	Report A (ONTP)
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### **Local Government - Roads**

#### **Enacted**

LD 1588	An Act To Maintain Access to Property on Discontinued Roads	PUBLIC 345
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### **Public Employment - Compensation**

#### **Not Enacted**

LD 1345	An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee	Veto Sustained
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### **Public Employment - Hiring**

#### **Not Enacted**

LD 288	An Act To Limit Questions Regarding Criminal History on State Employment Applications	Died On Adjournment
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### **Public Purchasing and Contracting**

#### **Not Enacted**

LD 473	An Act To Quantitatively Evaluate State Contracts	ONTP
LD 1068	An Act To Require That State-funded Buildings Be Constructed with Wood Products	ONTP

### **State Government - Agencies**

#### **Not Enacted**

LD 823	An Act To Promote Transparency with Respect to Surveillance Technology	ONTP
LD 1764	An Act To Streamline Advocacy for Maine Small Businesses by Relocating the Bureau of the Special Advocate within the Department of the Secretary of State to the Department of Economic and Community Development	Died Between Houses
LD 1850	An Act To Reorganize the Bureau of General Services in the Department of Administrative and Financial Services	Died On Adjournment

### **State Government - General**

#### **Enacted**

LD 1901	Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds	RESOLVE 55 EMERGENCY
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**Not Enacted**

LD 105            An Act To Create the Substance Use Disorders Cabinet            Veto Sustained

**State Government - Legislature**

**Enacted**

LD 1842            An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists            PUBLIC 443

**Not Enacted**

LD 890            An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives            ONTP

LD 1878            An Act To Increase the Annual Salary of the Governor and To Increase the Per Diem Meal and Housing Allowances Paid to Legislators            Died On Adjournment

**State Government - Property**

**Enacted**

LD 1804            Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell, Lease or Convey the Interests of the State in Certain Real Property Located in Augusta, Bucksport, Limestone, Brookton Township and Rockwood Strip Township            RESOLVE 34

**Not Enacted**

LD 1021            Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County            Died On Adjournment

LD 1604            Resolve, To Amend Authorization To Sell Certain Property in Augusta            INDEF PP

LD 1794            An Act To Allow the Efficient and Responsible Acquisition and Sale of Property by the Department of Administrative and Financial Services            Majority (ONTP) Report









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



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

**JOINT STANDING COMMITTEE ON TAXATION**

October 2018

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*Joint Standing Committee on Taxation*

**LD 27      An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B CYRWAY S	OTP-AM	H-100

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides a sales tax exemption to parent-teacher organizations organized as public benefit corporations.

**Committee Amendment "A" (H-100)**

This amendment incorporates a fiscal note.

**LD 79      An Act To Provide a Sales Tax Exemption for Career and Technical Student Organizations      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B POULIOT M	OTP-AM	S-27

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides a sales tax exemption to nonprofit career and technical education student organizations recognized by the Department of Education.

**Committee Amendment "A" (S-27)**

This amendment provides one-time funding for programming costs to implement the sales tax exemption.

**LD 289      An Act To Extend the Veteran Property Tax Exemption to Veterans Who Have Served on Active Duty      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM OTP-AM ONTP	H-232

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

## *Joint Standing Committee on Taxation*

The bill removes the requirement that a veteran must have served during a federally recognized war period to be eligible for a property tax exemption, thereby making the exemption available to all veterans of the Armed Forces of the United States who are 62 years of age or older or have qualifying disabilities. This bill does not change the amounts of the exemption or the other qualifying conditions.

### **Committee Amendment "A" (H-232)**

This amendment, which is the majority report, adds a General Fund appropriation of \$15,000 in fiscal year 2018-19 to the Department of Administrative and Financial Services to reimburse municipalities for state mandated administrative costs associated with implementing this property tax exemption and includes a fiscal note indicating the amount required in the next biennium for constitutionally mandated reimbursement to municipalities for state-mandated administrative costs associated with implementing this property tax exemption.

### **Committee Amendment "B" (H-233)**

This amendment, which is one of two minority reports, requires the State to reimburse municipalities for 100% of the property tax revenue loss as a result of the extension of the veterans' property tax exemption to veterans who did not serve during a federally recognized war period. This amendment also adds a General Fund appropriation of \$15,000 in fiscal year 2018-19 to the Department of Administrative and Financial Services to reimburse municipalities for state-mandated administrative costs associated with implementing this property tax exemption.

### **LD 442      An Act To Create a Family Caregiver Income Tax Credit**

**ONTP**

Sponsor(s)  
DAVIS P

Committee Report  
ONTP

Amendments Adopted

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill provides an income tax credit of up to \$2,500 for certain uncompensated eligible expenditures incurred by a family caregiver for the care and support of an eligible family member 18 years of age or older.

Eligible expenditures include the improvement of or alteration to the caregiver's primary residence to permit the eligible family member to remain mobile, safe and independent in the home and community; the caregiver's purchase or lease of equipment necessary to assist the eligible family member in carrying out one or more activities of daily living; and costs incurred to assist the caregiver to provide care to an eligible family member, such as expenditures related to hiring a home care aide, respite care, adult day care and transportation and for technology to assist the family caregiver to care for the eligible family member.

To be eligible for the tax credit, a family caregiver claiming the credit must have a federal adjusted gross income of less than \$75,000 if filing as a single individual or a married person filing separately and \$150,000 if filing as a head of household or on a married joint return.

An eligible family member must require assistance with at least one activity of daily living, as certified by a qualified licensed health care practitioner, and qualify as a dependent of, spouse of, registered domestic partner of, parent of or other relation by blood or marriage to the family caregiver or a registered domestic partner of the family caregiver.

The amount of the credit is equal to the eligible expenditures incurred by the eligible caregiver during the taxable

## *Joint Standing Committee on Taxation*

year up to a maximum of \$2,500.

**LD 513      An Act To Increase the Maximum Pension Deduction for State Income Tax**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S DOORE D	OTP-AM OTP-AM	S-119

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides a complete income tax exemption for retirement benefits under state, local or federal government retirement plans that are based on employment compensation for which contributions are not made to the federal Social Security system.

**Committee Amendment "A" (S-118)**

This amendment, which is the majority report, provides that the maximum income tax deduction for a retired individual receiving retirement benefits under a retirement plan based on employment compensation for which contributions are not made to the federal social security system is equal to the maximum annual social security benefit that may be received by a person retiring at 66 years of age in January of the applicable year.

**Committee Amendment "B" (S-119)**

This amendment, which is the minority report, increases the maximum annual income tax pension deduction amount for nonmilitary retirement pensions from \$10,000 to \$35,000 over a five-year period beginning with the 2017 tax year. The \$35,000 pension deduction amount that applies after 2021 is subject to an annual inflation adjustment.

**LD 781      An Act To Support the Trades through a Tax Credit for Apprenticeship Programs**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E DOW D	OTP-AM	H-416

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides an income tax credit to employers with apprenticeship programs approved by the Department of Labor. The credit is equal to \$2,500 for each registered apprentice employed by the taxpayer during the taxable year in an approved apprenticeship program.

**Committee Amendment "A" (H-416)**

This amendment replaces the bill. It permits an employer who employs an apprentice participating in an approved apprenticeship program to receive a tax credit and establishes procedures for employing units to be eligible for a partial credit if they employ a participating apprentice for fewer than 2,000 hours during a calendar year. The amendment also adds an appropriations and allocations section.

***Joint Standing Committee on Taxation***

**LD 1196     An Act To Assist Seniors and Certain Persons with Disabilities in Paying Property Taxes**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-236

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill reinstates the State's property tax deferral program, which was in effect for applications filed before April 1, 1991. The bill modifies the program to include households with at least one individual who is 65 years of age or older or who is retired from gainful employment due to disability and to surviving spouses who are at least 60 years of age or who are retired from gainful employment due to disability and provides that household income must be less than \$40,000. This limit is indexed for inflation in 2019 and annually thereafter. The bill also eliminates provisions requiring accrual of interest on deferred property taxes.

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

This amendment removes the provisions of the bill that eliminate the requirement that interest accrues on deferred property taxes and provides that interest accrues on deferred property taxes at the prime rate published in the Wall Street Journal minus one percentage point. The amendment adds a maximum asset standard for eligibility of property owners and provides that property may not be subject to deferral under both the state deferral program and a municipal deferral program. The amendment also provides an appropriation to cover the cost of state administration of the program and the initial cost of making payments to municipalities for deferred taxes.

**LD 1212     An Act To Amend the Definition of "Eligible Business Equipment" for the Purposes of the Business Equipment Tax Exemption Program**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R SPEAR J	OTP-AM	S-180

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill changes the statutory location of the tax exemption for personal property occupied or used solely for its own purposes by an incorporated benevolent and charitable organization that is exempt from taxation under section 501 of the Internal Revenue Code and the primary purpose of which is the operation of a hospital licensed by the Department of Health and Human Services, a health maintenance organization or a blood bank. This bill moves the exemption from the statutes regarding exemption of real and personal property to the statutes governing exemption of "eligible business equipment" under the business equipment tax exemption, or "BETE," program. Municipalities are reimbursed for a portion of the property tax loss for exemptions under the BETE program.

**Committee Amendment "A" (S-180)**

This amendment changes the application date in the bill to tax years beginning on or after April, 1, 2018.



*Joint Standing Committee on Taxation*

**LD 1283     An Act To Modernize the Mining Excise Tax**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

This bill proposes to update the mining tax laws to reflect current terminology and practice and to impose a new rate of tax on mining activities.

**LD 1287     An Act To Strengthen Efforts To Recruit and Retain Primary Care Professionals and Dentists in Rural and Underserved Areas of the State**

**PUBLIC 435**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T WARD K	OTP-AM	S-121 S-511    HAMPER J

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next Special Session by joint order S.P. 748.

This bill extends through 2026 the income tax credit for eligible dentists who practice in underserved areas. With respect to the primary care access credit, the bill increases the number of primary care professionals who practice in underserved areas who may be certified for the credit and allows the credit for primary care professionals to remain in effect beyond January 1, 2019.

**Committee Amendment "A" (S-121)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-511)**

This amendment delays by one year the changes made by the bill to the dental care access credit.

**Enacted Law Summary**

Public Law 2017, chapter 435 extends through 2027 the income tax credit for eligible dentists who practice in underserved areas. The bill also increases the number of primary care professionals who practice in underserved areas who may be certified for the primary care access credit and allows that credit to remain in effect beyond January 1, 2019.

## *Joint Standing Committee on Taxation*

**LD 1317     An Act To Encourage Family-friendly Businesses through a Tax Credit for Child Care**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM ONTP	H-234

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill amends the tax credit allowed for employer-assisted day care, which expired at the end of 2015, except for the ability to carry forward unused credits.

This bill revives the credit for tax years beginning in 2017 or later but changes the amount of the credit provided to an employer who provides day care services for the children of its employees, either directly or through payments to a day care operated or licensed by the Department of Health and Human Services. The credit is the lesser of 50% of the employer's income tax liability and 75% of the costs incurred by the employer in providing day care services for children of employees of the taxpayer.

**Committee Amendment "A" (H-234)**

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

**LD 1338     An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M CUSHING A	OTP-AM	H-767

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill supports employee-owned businesses and cooperatives in the following ways.

1. It excludes from Maine income tax the amount of gain recognized by a business owner in transferring the business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.
  
2. It excludes from Maine income tax interest from loans that finance transfers of ownership from a business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.

**Committee Amendment "A" (H-767)**

This amendment restricts the proposed income tax deduction to businesses with 100 or fewer employees, limits the deduction to tax years from 2018 to 2025, provides a process for evaluation of the deduction and reporting of information and makes clarifying and technical changes.

*Joint Standing Committee on Taxation*

**LD 1461 An Act To Encourage the Construction of Affordable Housing**

**Died Between Houses**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill creates a credit against income tax and insurance premium tax for owners of low-income housing developments that qualify for tax credits under federal law and are financed with tax-exempt bonds, located in the State and determined by the Maine State Housing Authority to be eligible for a federal tax credit whether or not a federal tax credit is allocated to the development. The aggregate amount of credits that may be authorized by the Maine State Housing Authority is \$42,000,000.

A taxpayer who receives the credit must agree to enter a restrictive covenant to maintain and operate the development as low-income housing and follow various federal requirements for 15 years. The tax credit is for six years and has a recapture provision if the basis of the development goes below a certain amount. An insurance company is allowed to apply the credit against the company's insurance premium tax. The Maine State Housing Authority is required to report annually various details of the qualified developments that received a credit for the prior tax year.

**Committee Amendment "A" (S-470)**

This amendment is the majority report and replaces the bill. The amendment moves the allocation of the bill's low-income housing development tax credit to the chapter of the Maine Revised Statutes, Title 36 that contains income tax credits. The amendment makes changes to the bill's provisions in order to clarify and improve the administration of the credit. This amendment adds an appropriations and allocations section.

**Committee Amendment "B" (S-471)**

This amendment is one of two minority reports of the committee and replaces the bill. The amendment provides funds for affordable housing development by increasing annually the distribution of revenue from the real estate transfer tax to the Housing Opportunities for Maine Fund by \$4,000,000 in each fiscal year from fiscal year 2019-20 to fiscal year 2024-25 in order to increase the availability of affordable housing.

**LD 1479 An Act To Modernize and Improve Maine's Property Tax System**

**PUBLIC 367**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S SAVIELLO T	OTP-AM ONTP	H-624

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends Maine's property tax laws by:

1. Requiring centralized assessment by the Department of Administrative and Financial Services, Maine Revenue Services of complex manufacturing facilities valued at more than \$10,000,000;

## *Joint Standing Committee on Taxation*

2. Allowing appeals of decisions of an assessor or municipal officers involving nonresidential property with a value of more than \$1,000,000 directly to the Superior Court and decisions of the State Board of Property Tax Review directly to the Law Court;
3. Limiting to 30 the number of interrogatories or document requests that an assessor may require a taxpayer with property liable to taxation or seeking an exemption under the business equipment tax exemption program to answer in writing; and
4. Changing the membership specifications of the State Board of Property Tax Review to remove the requirement that a member be an engineer and instead requires members who are representatives of business and industry who are experienced in taxation, finance or valuation matters.

### **Committee Amendment "A" (H-624)**

This amendment is the majority report and replaces the bill. The amendment makes the following changes to the process for the appeal of tax assessments to the State Board of Property Tax Review.

The amendment clarifies a tax assessor's authority to request a true and perfect list of property and to request additional information from taxpayers. It revises existing confidentiality restrictions to clarify that assessors may share confidential information with other municipal officials, attorneys, consultants and other persons involved in an appeal or approved by the taxpayer. It provides that the position of one public member of the board must be filled by a person with expertise in taxation, finance or property valuation matters and permits current assessors, as well as retired assessors, to be members of the board. If a taxpayer files an appeal with the board, the board may not schedule a hearing until after mediation between the taxpayer and the assessor has been completed, unless the parties have been excused by the board.

The amendment establishes the Task Force To Restructure and Improve the Efficiency of the State Board of Property Tax Review. Its duties are to study, assess and evaluate the process of and duties assigned to the State Board of Property Tax Review and to make recommendations for restructuring the board to improve the efficiency of the appeal process. The task force must submit a report with its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters, which may report out legislation to the First Regular Session of the 129th Legislature.

The amendment also adds a mandate preamble.

### **Enacted Law Summary**

Public Law 2017, chapter 367 makes the following changes to the process for the appeal of tax assessments to the State Board of Property Tax Review.

1. It clarifies a tax assessor's authority to request a true and perfect list of property and to request additional information from taxpayers.
2. It revises existing confidentiality restrictions to clarify that assessors may share confidential information with other municipal officials, attorneys, consultants and other persons involved in an appeal or approved by the taxpayer.
3. It provides that the position of one public member of the board must be filled by a person with expertise in taxation, finance or property valuation matters and permits appraisers and current assessors, as well as retired assessors, to be members of the board.
4. It provides that if a taxpayer files an appeal with the board, the board may not schedule a hearing until after mediation between the taxpayer and the assessor has been completed, unless the parties have been excused by the board.

***Joint Standing Committee on Taxation***

5. It establishes the Task Force To Restructure and Improve the Efficiency of the State Board of Property Tax Review to study, assess and evaluate the process of and duties assigned to the State Board of Property Tax Review and to make recommendations for restructuring the board to improve the efficiency of the appeal process. The task force must submit a report with its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters, which may report out legislation to the First Regular Session of the 129th Legislature.

**LD 1537    An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M DOW D	OTP-AM	H-710 H-721    TIPPING R S-478    VOLK A

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. The bill was reported out of committee in the Second Regular Session and again carried over, on the Special Appropriations Table, to the next special session by joint order S.P. 748.

This bill, which is submitted by the Department of Administrative and Financial Services, makes the current income tax credit for educational opportunity inapplicable to tax years beginning on or after January 1, 2017 and creates a new simplified tax credit for student loan repayment applicable to tax years beginning on or after January 1, 2017.

1. The credit, available to qualified individuals, is equal to the amount of eligible education loan payments made during the tax year, up to the greatest of \$1,000 for individuals having obtained an associate degree, \$2,000 for individuals having obtained a bachelor's degree and \$3,000 for individuals having obtained a graduate degree.
2. A qualified individual must be a full-year Maine resident who has obtained an associate, bachelor's or graduate degree from an accredited Maine or non-Maine community college, college or university after 2007 and who works at least part time in Maine or on a vessel at sea or is deployed for military service in the United States Armed Forces during the taxable year.
3. Loans obtained from related persons, such as family members and certain businesses, trusts and exempt organizations, do not qualify for the credit.
4. The credit may not reduce the tax due to less than zero. The credit for employers of qualified employees is equal to the amount of eligible education loan amounts paid during the taxable year, except that the credit attributable to part-time employees is limited to 50% of the credit otherwise determined.

**Committee Amendment "A" (H-710)**

This amendment makes the following changes to the bill.

1. It changes the implementation of the new credit for student loan repayment to tax years beginning on or after January 1, 2019.
2. It changes the calculation of the credit for qualified individuals to the lesser of the amount paid on eligible

## *Joint Standing Committee on Taxation*

education loans during the taxable year and 15% of the outstanding eligible education loan debt on the date the first education loan payment is made after a degree is earned.

3. It changes the calculation of the credit for employers to the lesser of the amount paid by an employer on behalf of a qualified employee during the taxable year during the term of employment and 20% of the outstanding eligible education loan debt on the date the first education loan payment is made after December 31, 2018.

4. It provides that the credit is available to the spouse of an individual eligible for a credit even if the spouse is not employed.

5. It provides income tax deductions for student loan payments made directly to a lender by an employer on behalf of a qualified employee and payments made directly to a lender on behalf of a taxpayer by a student loan repayment program funded by a nonprofit foundation and administered by the Finance Authority of Maine for residents of the State employed by a business located in the State.

### **House Amendment "A" (H-721)**

This amendment corrects the definition of "educational opportunity tax credit" to reflect the new credit for student loan repayment.

### **Senate Amendment "A" To Committee Amendment "A" (S-478)**

This amendment provides that the annual credit may include loan amounts paid in excess of the amount due during a taxable year. The amendment also provides that credits in excess of those that may be used during a taxable year may be carried over for the next succeeding five years. This amendment also makes technical corrections.

### **LD 1565      An Act To Ensure the Effectiveness of Tax Increment Financing      ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill was submitted by the Department of Economic and Community Development. It provides that beginning with tax increment financing development programs approved by DECD on or after April 1, 2018, at least 80% of the area within the district must be designated for development by an entity engaged in a qualified business activity that is directly related to financial services, manufacturing or targeted technologies.

### **LD 1597      An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program      PUBLIC 438**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C TUCKER R	OTP-AM ONTP	S-183 S-514    HAMPER J

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. The bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill exempts from the sales and use tax the fee imposed to fund the paint stewardship program, regardless of

## *Joint Standing Committee on Taxation*

whether the fee is paid by a retailer or distributor or passed on to the consumer.

### **Committee Amendment "A" (S-183)**

This amendment provides for proper administration of the exclusion from sales tax of the paint stewardship assessment by providing that the assessment is excluded from the sale price to which the sales tax applies. The amendment includes an effective date and application provision.

### **Senate Amendment "A" To Committee Amendment "A" (S-514)**

This amendment changes the effective date from December 1, 2017 to December 1, 2018.

### **Enacted Law Summary**

Public Law 2017, chapter 438 excludes the paint stewardship assessment from sales tax by providing that the assessment is not included in the sale price to which the sales tax applies. The exclusion takes effect December 1, 2018.

### **LD 1599     An Act To Improve the Maine Tree Growth Tax Law**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill, which is a Governor's bill, makes the following changes to the Maine Tree Growth Tax Law.

1. It includes harvesting as an expressly stated purpose for land in the Maine Tree Growth Tax Law program.
2. It removes certain items from the definition of forest products that have commercial value under the Maine Tree Growth Tax Law program.
3. It increases the minimum parcel size from 10 acres to 25 acres for the Maine Tree Growth Tax Law program for parcels enrolled on or after April 1, 2018.
4. It authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to audit parcels of land enrolled in the Maine Tree Growth Tax Law program to ensure compliance of the landowner with the requirements of the program and that the parcel is being managed in substantial compliance with the forest management and harvest plan for that parcel. The bureau is required to order the removal from the program of any parcel that is not substantially compliant with the requirements of the program. The owner of that removed parcel may apply to reclassify the parcel under the farm and open space tax law in the Maine Revised Statutes, Title 36, chapter 105, subchapter 10. The audit provisions are repealed January 1, 2020.
5. It requires the State Tax Assessor to deny reimbursement to a municipality if any parcel of land enrolled in the Maine Tree Growth Tax Law program is not compliant with the program.

At the request of the Joint Standing Committee on Taxation at the end of the First Regular Session, a task force of interested parties was appointed to review the issues addressed in the bill. The task force reported to the Committee in February 2018 and recommended no statutory changes at that time.

See also LD 1891, summarized below.

*Joint Standing Committee on Taxation*

**LD 1629 An Act To Protect Homeowners Affected by Tax Lien Foreclosure**

**PUBLIC 478**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E	OTP-AM	H-771 S-551 DOW D

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out of committee in the Second Regular Session and then carried over to the next special session by joint order S.P. 748.

This bill, which is a Governor's bill, creates a preforeclosure process that municipalities must follow in order to successfully foreclose a tax lien on property of a homeowner 65 years of age or older. The preforeclosure process includes active municipal assistance with an abatement application and mediation if necessary to create a reasonable tax payment plan.

The bill provides that a municipality may not sell property that it has acquired through foreclosure and that is the sole residence of a person 65 years of age or older unless the lien exceeds 50% of the assessed value.

This bill also creates additional provisions concerning the sale of foreclosed property for all homeowners including allowing a homeowner to pay the tax lien with interest and costs before a tax sale; allowing a homeowner to remain in the home until the sale is completed; requiring the use of a real estate broker when the property is sold; and requiring the return to the homeowner of any net proceeds from the sale after adjustment for taxes owed, interest, fees and other allowable costs.

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

This amendment replaces the bill and requires a municipal treasurer or the State Tax Assessor, with regard to property in the unorganized territory, within 30 days after recording a tax lien certificate in the registry of deeds to notify the person named on a tax lien mortgage of the right to apply for an abatement and the availability of assistance in applying for an abatement from the municipal treasurer or the State Tax Assessor.

The amendment requires that the notification include information about the availability of assistance to avoid tax lien foreclosure from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection.

This amendment provides a process that must be used by municipalities that choose to sell property that was acquired through tax lien foreclosure if the property was formerly eligible for a homestead exemption that was owned by a person who was 65 years of age or older and meets income and assets guidelines the sale of the property is subject to certain requirements. Under this process the municipality must use an independent real estate broker, sell the property for fair market value or the price at which the independent broker thinks the property will sell within six months and return the net proceeds of the sale to the former owner after deduction of the municipality's costs.

The amendment provides funding to municipalities to cover state-mandated costs.

**Senate Amendment "D" To Committee Amendment "A" (S-551)**

This amendment amends Committee Amendment "A" to:

1. Change the timing of the notice required in Committee Amendment "A" regarding a property owner's right to apply for an abatement and the availability of assistance so that the notice need not be issued separately and instead



## *Joint Standing Committee on Taxation*

must be included with other notice to that property owner;

2. Specify that the income conditions established in Committee Amendment "A" apply after medical expenses have been deducted;
3. Specify that the procedure established for the sale by municipalities of homesteads acquired through tax lien foreclosure applies to properties that had previously received a homestead exemption, rather than to properties that had merely been eligible for the exemption;
4. Require that municipal notice to a former owner of the right to require the sale procedure be sent by first-class mail to the last known address of the former owner;
5. Require documentation from the former owner verifying income and assets;
6. Designate as confidential applications for the procedure for the municipal sale of homesteads acquired through tax lien foreclosure, including supporting information, files, communications and determinations of such applications, and require that hearings on such applications be held in executive session;
7. Specify that the real estate broker with whom the property is listed may not hold an elected or appointed office in the relevant municipality and may not be employed by that municipality;
8. Require the municipality to attempt to contract with at least three such real estate brokers for the sale of the property before retaining, selling or disposing of the property through the tax lien foreclosure process;
9. Specifically include reasonable attorney's fees as part of the amount retained by the municipality after sale of the property; and
10. Provide that a permanent resident of this State who loses ownership of a homestead in this State due to a tax lien foreclosure and subsequently regains ownership of the homestead from the municipality that foreclosed on the tax lien continues to remain eligible for the homestead property tax exemption.

### **Enacted Law Summary**

Public Law 2018, chapter 478 requires a municipal tax collector or the State Tax Assessor, with regard to property in the unorganized territory, to include with the notice to a person named on a tax lien mortgage information relating to the right to apply for an abatement and the availability of assistance in applying for an abatement from the municipal treasurer or the State Tax Assessor. The notice must also include information about the availability of assistance to avoid tax lien foreclosure from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection.

This law provides a process that must be used by municipalities that choose to sell property that was acquired through tax lien foreclosure if the property formerly received a homestead exemption that was owned by a person who was 65 years of age or older and meets income and assets guidelines the sale of the property is subject to certain requirements. Under this process the municipality must use an independent real estate broker, sell the property for fair market value or the price at which the independent broker thinks the property will sell within six months and return the net proceeds of the sale to the former owner after deduction of the municipality's costs, including reasonable attorney's fees. If the municipality cannot find an independent real estate broker to sell the property after contacting at least three brokers, the municipality may retain, sell or dispose of the property in the same manner as other property acquired through the tax lien foreclosure process.

The law provides funding to municipalities to cover state-mandated costs.

***Joint Standing Committee on Taxation***

**LD 1655     An Act To Conform to the United States Internal Revenue Code of 1986  
and Provide Tax Relief to Maine Families**

**PUBLIC 474  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D	OTP-AM OTP-AM	S-477 S-496    DOW D

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over to the next special session by joint order S.P. 748.

This bill, which is submitted by the Department of Administrative and Financial Services, updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through December 31, 2017 for tax years beginning on or after January 1, 2017 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. This bill primarily affects the State's income tax laws.

**Committee Amendment "A" (S-476)**

This amendment, which is the majority report of the committee, replaces the bill and does the following.

Part A updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through March 23, 2018 for tax years beginning on or after January 1, 2017 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. Part A primarily affects the State's income and estate tax laws.

Part B makes the following changes to the individual income tax.

1. It increases Maine itemized deductions by the amount of real and personal property taxes not claimed for federal income tax purposes as a result of the \$10,000 limitation, which is \$5,000 in the case of a married individual filing a separate return, applicable to the aggregate of state, local and foreign income taxes, or state and local general sales taxes in lieu of state and local income taxes, and property taxes. Both the federal limitation and the increase in Maine itemized deductions apply to tax years beginning on or after January 1, 2018.
2. It amends the sales tax fairness credit and the property tax fairness credit by replacing references to the number of exemptions claimed on the taxpayer's return with references to dependents claimed under the federal child tax credit and removing the requirement to add the federal domestic production activities deduction to income for purposes of the credits in response to federal tax changes made in the federal Tax Cuts and Jobs Act of 2017. It also provides for the adjustment for inflation of the sales tax fairness credit and the property tax fairness credit.
3. It increases the maximum credit under the property tax fairness credit from \$900 to \$1,000 for an individual who is 65 years of age or older and from \$600 to \$750 for other individuals and provides a minimum credit of \$400 for persons who are 65 years of age or older with income that does not exceed \$20,000.
4. It establishes a new credit equal to \$600 for married persons filing jointly and \$300 for other filing statuses.
5. It establishes a new tax credit equal to \$300 for each qualifying child and dependent of the taxpayer for whom the federal child tax credit pursuant to the Internal Revenue Code, Section 24 is claimed for the same taxable year. The new credit is available for tax years beginning on or after January 1, 2018.

Part C makes the following changes to the taxation of business income of both individual and corporate taxpayers.

## *Joint Standing Committee on Taxation*

1. It repeals Maine's domestic production activities deduction income modification. The related federal deduction is repealed for tax years beginning on or after January 1, 2018.
2. It does not conform to new federal treatment of bonus depreciation. It maintains Maine's current law requiring the addback federal bonus depreciation and retains the compensating Maine capital investment credit through 2019 as provided under current Maine law.
3. It requires that any amount claimed as a special deduction provided by the Internal Revenue Code, Section 199A must be added back to federal taxable income for purposes of calculating income tax liability of estates and trusts under the Maine Revised Statutes, Title 36, chapters 809 and 811. Individual taxpayers are not allowed the special deduction provided by the Internal Revenue Code, Section 199A in calculating Maine taxable income; this section provides similar treatment to estates and trusts.
4. It amends the corporate alternative minimum tax for tax years beginning after December 31, 2017 to provide that the tax is based on the Internal Revenue Code and amendments to the Code on December 31, 2016.
5. It maintains the addback of bonus depreciation as expanded under the federal Tax Cuts and Jobs Act of 2017. It retains the application of the Maine capital investment credit for bonus depreciation addbacks at the same level as under current law and does not conform the credit to expansions of bonus depreciation under the federal Tax Cuts and Jobs Act of 2017.

Part D makes the following corporate income tax changes regarding the federal mandatory repatriation of deferred foreign income under the federal Tax Cuts and Jobs Act of 2017, the taxation of dividends, subpart F income as defined in Section 952 of the Internal Revenue Code, or "Code," and global intangible low-taxed income.

1. It creates an addition modification in the amount of the participation exemption claimed in accordance with the Code, Section 965(c). This provision applies to tax years beginning on or after January 1, 2017.
2. It creates an addition modification in the amount of the global intangible low-taxed income deduction claimed in accordance with the Code, Section 250(a)(1)(B). This provision applies to tax years beginning on or after January 1, 2018.
3. It makes technical clarifications, removing obsolete language from the existing dividends-received subtraction, clarifying netting and sales factor treatment consistent with administrative practice and excluding from dividend income subpart F income, global intangible low-taxed income included in federal taxable income in accordance with the Code, Section 951A and deferred foreign income included in federal taxable income in accordance with the Code, Section 965. This provision applies to tax years beginning on or after January 1, 2017.
4. It creates a subtraction modification for an amount equal to 50% of the apportionable subpart F income included in federal gross income by the taxpayer. This section codifies the longstanding administrative practice of applying the existing dividends-received subtraction to subpart F income as well as dividends. This provision applies to tax years beginning on or after January 1, 2017.
5. It creates a subtraction modification for an amount equal to 80% of the apportionable deferred foreign income included in federal gross income, pursuant to the Code, Section 965(a) and (b), by the taxpayer. This provision applies to tax years beginning on or after January 1, 2017.
6. It creates a subtraction modification for an amount equal to 50% of the apportionable global low-taxed intangible income included in federal gross income, pursuant to the Code, Section 951A, by the taxpayer. This provision applies to tax years beginning on or after January 1, 2018.

Part E retains the Maine exclusion amount under the estate tax at the amount in effect for deaths prior to January 1,

## *Joint Standing Committee on Taxation*

2018 and does not conform to the increases in the federal basic exclusion amount.

Part F maintains the deductibility of distributions from the Internal Revenue Code, Section 529 college savings accounts by not conforming to the federal expansions that allows a deduction for distributions of funds to be used for elementary and secondary public, private or religious schools.

Part G provides a credit under the income tax and the insurance premium tax equal to the federal credit for employer-paid family and medical leave. The federal credit expires December 31, 2019.

Part H increases the earned income tax credit from 5% to 15% of the federal earned income tax credit for tax years beginning on or after January 1, 2018.

Part I adds an appropriations and allocations section.

### **Committee Amendment "B" (S-477)**

This amendment, which is the minority report of the committee, replaces the bill and does the following.

Part A updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through March 23, 2018 for tax years beginning on or after January 1, 2017 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. Part A primarily affects the State's income and estate tax laws.

Part B makes the following changes to the individual income tax.

1. It reduces the individual income tax for tax years beginning on or after January 1, 2018 by eliminating the tax on taxable income up to \$4,150 for single individuals and head of household filers and up to \$8,300 for individuals filing married joint returns or surviving spouses permitted to file a joint return.
2. For tax years beginning on or after January 1, 2018, it changes the Maine standard deduction to conform to the federal standard deduction and increases the amount at which the standard deduction begins to phase out.
3. It increases Maine itemized deductions by the amount of real and personal property taxes not claimed for federal income tax purposes as a result of the \$10,000 limitation, which is \$5,000 in the case of a married individual filing a separate return, applicable to the aggregate of state, local and foreign income taxes, or state and local general sales taxes in lieu of state and local income taxes, and property taxes. Both the federal limitation and the increase in Maine itemized deductions apply to tax years beginning on or after January 1, 2018.
4. For tax years beginning on or after January 1, 2018, it increases the amount at which the Maine itemized deduction begins to phase out.
5. It amends the sales tax fairness credit and the property tax fairness credit by replacing references to the number of exemptions claimed on the taxpayer's return with references to dependents claimed under the federal child tax credit and removing the requirement to add the federal domestic production activities deduction to income for purposes of the programs in response to federal tax changes made in the federal Tax Cuts and Jobs Act of 2017. It also provides for the adjustment for inflation of the sales tax fairness credit and the property tax fairness credit beginning in 2019.
6. It establishes a new tax credit equal to \$500 for each qualifying child and dependent of the taxpayer for whom the federal child tax credit pursuant to the Internal Revenue Code, Section 24 is claimed for the same taxable year. The new credit is available for tax years beginning on or after January 1, 2018.

Part C makes the following changes to the taxation of business income of both individual and corporate taxpayers.

## *Joint Standing Committee on Taxation*

1. It repeals Maine's domestic production activities deduction income modification. The related federal deduction is repealed for tax years beginning on or after January 1, 2018.
2. It repeals the addition modifications that reverse, for Maine tax purposes, the effects of the federal bonus depreciation deduction and repeals the related Maine capital investment tax credit. Both changes apply to tax years beginning on or after January 1, 2018.
3. It requires that any amount claimed as a special deduction provided by the Internal Revenue Code, Section 199A must be added back to federal taxable income for purposes of calculating income tax liability of estates and trusts under the Maine Revised Statutes, Title 36, chapters 809 and 811. Individual taxpayers are not allowed the special deduction provided by the Internal Revenue Code, Section 199A in calculating Maine taxable income; this section provides similar treatment to estates and trusts.
4. It eliminates the corporate alternative minimum tax for tax years beginning after December 31, 2017.

Part D makes the following corporate income tax changes regarding the federal mandatory repatriation of deferred foreign income under the federal Tax Cuts and Jobs Act of 2017, the taxation of dividends, subpart F income as defined in Section 952 of the Internal Revenue Code, or "Code," and global intangible low-taxed income.

1. It creates an addition modification in the amount of the participation exemption claimed in accordance with the Code, Section 965(c). This provision applies to tax years beginning on or after January 1, 2017.
2. It creates an addition modification in the amount of the global intangible low-taxed income deduction claimed in accordance with the Code, Section 250(a)(1)(B). This provision applies to tax years beginning on or after January 1, 2018.
3. It makes technical clarifications, removing obsolete language from the existing dividends-received subtraction, clarifying netting and sales factor treatment consistent with administrative practice and excluding from dividend income subpart F income, global intangible low-taxed income included in federal taxable income in accordance with the Code, Section 951A and deferred foreign income included in federal taxable income in accordance with the Code, Section 965. This provision applies to tax years beginning on or after January 1, 2017.
4. It creates a subtraction modification for an amount equal to 50% of the apportionable subpart F income included in federal gross income by the taxpayer. This section codifies the longstanding administrative practice of applying the existing dividends-received subtraction to subpart F income, as well as dividends. This provision applies to tax years beginning on or after January 1, 2017.
5. It creates a subtraction modification for an amount equal to 80% of the apportionable deferred foreign income included in federal gross income, pursuant to the Code, Section 965(a) and (b), by the taxpayer. This provision applies to tax years beginning on or after January 1, 2017.
6. It creates a subtraction modification for an amount equal to 50% of the apportionable global low-taxed intangible income included in federal gross income, pursuant to the Code, Section 951A, by the taxpayer. This provision applies to tax years beginning on or after January 1, 2018.

Part E reduces corporate income tax rates beginning in 2020. The current rate structure for taxable corporations consists of 3.5%, 7.93%, 8.33% and 8.93% taxable income brackets. The rate structure for tax years beginning after December 31, 2019 consists of 3.5%, 7.93% and 8.33% taxable income brackets.

Part F amends the Maine College Savings Program to change the name to the Maine Education Savings Program and, as a result of recent federal changes to the Internal Revenue Code, Section 529, qualified tuition programs,

## *Joint Standing Committee on Taxation*

extends the ability to use the program for enrollment or attendance expenses at an elementary or secondary public, private or religious school and to receive favorable federal tax treatment on the earnings portions of such disbursements. Part F provides for changes to the Maine Revised Statutes to reflect the change to the name of the program. Part F also conforms the program's state tax treatment of such disbursements to federal law.

Part G provides funding for computer programming changes needed as a result of the changes made in this amendment.

### **Senate Amendment "A" To Committee Amendment "B" (S-496)**

This amendment replaces Committee Amendment "B" except for the substitute title and does the following.

Part A updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through March 23, 2018 for tax years beginning on or after January 1, 2017 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. Part A primarily affects the State's income and estate tax laws.

Part B makes the following changes to the individual income tax.

1. For tax years beginning on or after January 1, 2018, it changes the Maine standard deduction to conform to the federal standard deduction and increases the amount at which the standard deduction begins to phase out.
2. It increases Maine itemized deductions by the amount of real and personal property taxes not claimed for federal income tax purposes as a result of the \$10,000 limitation, which is \$5,000 in the case of a married individual filing a separate return, applicable to the aggregate of state, local and foreign income taxes, or state and local general sales taxes in lieu of state and local income taxes, and property taxes. Both the federal limitation and the increase in Maine itemized deductions apply to tax years beginning on or after January 1, 2018.
3. For tax years beginning on or after January 1, 2018, it increases the amount at which the Maine itemized deduction begins to phase out.
4. For tax years beginning on or after January 1, 2018, the amendment establishes a Maine personal exemption deduction amount equal to \$4,150 that may be claimed by a taxpayer and the taxpayer's spouse if the taxpayer is married filing a joint return. The personal exemption deduction amount is subject to phase-out for higher-income taxpayers. The personal exemption amount and phase-out thresholds are subject to an annual inflation adjustment. The personal exemption deduction may not be claimed for a taxpayer or a taxpayer's spouse who is claimed as a dependent on another taxpayer's return.
5. It amends the sales tax fairness credit and the property tax fairness credit by replacing references to the number of exemptions claimed on the taxpayer's return with references to dependents claimed under the federal child tax credit and removing the requirement to add the federal domestic production activities deduction to income for purposes of the programs in response to federal tax changes made in the federal Tax Cuts and Jobs Act of 2017. It also provides for the adjustment for inflation of the sales tax fairness credit and the property tax fairness credit beginning in 2019. Finally, it increases the property tax fairness credit to 100% of the benefit base above 6% of the resident individual's income and increases the credit cap to \$750 for individuals and \$1,200 for individuals over 65 years of age.
6. It establishes a new tax credit equal to \$300 for each qualifying child and dependent of the taxpayer for whom the federal child tax credit pursuant to the Internal Revenue Code, Section 24 is claimed for the same taxable year. The new credit is available for tax years beginning on or after January 1, 2018.

Part C makes the following changes to the individual and corporate income taxes.

## *Joint Standing Committee on Taxation*

1. It eliminates Maine's domestic production activities deduction income modification. The related federal deduction is repealed for tax years beginning on or after January 1, 2018.
2. It enacts modifications that reverse, for Maine tax purposes, the effects of the new federal limitation on the net operating loss deduction.
3. It requires that any amount claimed as a special deduction provided by the Internal Revenue Code, Section 199A must be added back to federal taxable income for purposes of calculating income tax liability of estates and trusts under the Maine Revised Statutes, Title 36, chapters 809 and 811. Individual taxpayers are not allowed the special deduction provided by the Internal Revenue Code, Section 199A in calculating Maine taxable income; this section provides similar treatment to estates and trusts.
4. It eliminates the application of the alternative minimum tax to corporate income for tax years beginning after December 31, 2017.

Part D makes the following corporate income tax changes regarding the federal mandatory repatriation of deferred foreign income under the federal Tax Cuts and Jobs Act of 2017, the taxation of dividends, subpart F income as defined in Section 952 of the Internal Revenue Code, or "Code," and global intangible low-taxed income.

1. It creates an addition modification in the amount of the participation exemption claimed in accordance with the Code, Section 965(c). This provision applies to tax years beginning on or after January 1, 2017.
2. It creates an addition modification in the amount of the global intangible low-taxed income deduction claimed in accordance with the Code, Section 250(a)(1)(B). This provision applies to tax years beginning on or after January 1, 2018.
3. It makes technical clarifications, removing obsolete language from the existing dividends-received subtraction, clarifying netting and sales factor treatment consistent with administrative practice and excluding from dividend income subpart F income, global intangible low-taxed income included in federal taxable income in accordance with the Code, Section 951A and deferred foreign income included in federal taxable income in accordance with the Code, Section 965. This provision applies to tax years beginning on or after January 1, 2017.
4. It creates a subtraction modification for an amount equal to 50% of the apportionable subpart F income included in federal gross income by the taxpayer. This section codifies the longstanding administrative practice of applying the existing dividends-received subtraction to subpart F income, as well as dividends. This provision applies to tax years beginning on or after January 1, 2017.
5. It creates a subtraction modification for an amount equal to 80% of the apportionable deferred foreign income included in federal gross income, pursuant to the Code, Section 965(a) and (b), by the taxpayer. This provision applies to tax years beginning on or after January 1, 2017.
6. It creates a subtraction modification for an amount equal to 50% of the apportionable global low-taxed intangible income included in federal gross income, pursuant to the Code, Section 951A, by the taxpayer. This provision applies to tax years beginning on or after January 1, 2018.

Part E expands the corporate income tax brackets beginning in 2018. The current rate structure for taxable corporations consists of 3.5% on income not over \$25,000, 7.93% on income not over \$75,000, 8.33% on income not over \$250,000 and 8.93% on income of \$250,000 or more. The rate structure for tax years beginning after December 31, 2017 consists of 3.5% on income not over \$350,000, 7.93% on income not over \$1,050,000, 8.33% on income not over \$3,500,000 and 8.93% on income of \$3,500,000 or more.

Part F amends the Maine College Savings Program to change the name to the Maine Education Savings Program

## *Joint Standing Committee on Taxation*

and, as a result of recent federal changes to the Internal Revenue Code, Section 529, qualified tuition programs, extends the ability to use the program for enrollment or attendance expenses at an elementary or secondary public, private or religious school and to receive favorable federal tax treatment on the earnings portions of such disbursements. Part F provides for changes to the Maine Revised Statutes to reflect the change to the name of the program. Part F also conforms the program's state tax treatment of such disbursements to federal law.

Part G retains the Maine exclusion amount under the estate tax at the amount in effect for deaths prior to January 1, 2018, subject to an annual inflation adjustment, and does not conform to the increases in the federal basic exclusion amount.

Part H provides a credit under the income tax and the insurance premium tax equal to the federal credit for employer-paid family and medical leave. The federal credit expires December 31, 2019.

Part I provides funding for computer programming changes needed as a result of the changes made in this amendment.

### **Enacted Law Summary**

Public Law 2017, chapter 474 made changes to Maine's tax laws to conform them to changes made to the Internal Revenue Code at the federal level.

Part A updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through March 23, 2018 for tax years beginning on or after January 1, 2017 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. Part A primarily affects the State's income and estate tax laws.

Part B makes the following changes to the individual income tax.

1. For tax years beginning on or after January 1, 2018, it changes the Maine standard deduction to conform to the federal standard deduction and increases the amount at which the standard deduction begins to phase out.
2. It increases Maine itemized deductions by the amount of real and personal property taxes not claimed for federal income tax purposes as a result of the \$10,000 limitation, which is \$5,000 in the case of a married individual filing a separate return, applicable to the aggregate of state, local and foreign income taxes, or state and local general sales taxes in lieu of state and local income taxes, and property taxes. Both the federal limitation and the increase in Maine itemized deductions apply to tax years beginning on or after January 1, 2018.
3. For tax years beginning on or after January 1, 2018, it increases the amount at which the Maine itemized deduction begins to phase out.
4. For tax years beginning on or after January 1, 2018, the amendment establishes a Maine personal exemption deduction amount equal to \$4,150 that may be claimed by a taxpayer and the taxpayer's spouse if the taxpayer is married filing a joint return. The personal exemption deduction amount is subject to phase-out for higher-income taxpayers. The personal exemption amount and phase-out thresholds are subject to an annual inflation adjustment. The personal exemption deduction may not be claimed for a taxpayer or a taxpayer's spouse who is claimed as a dependent on another taxpayer's return.
5. It amends the sales tax fairness credit and the property tax fairness credit by replacing references to the number of exemptions claimed on the taxpayer's return with references to dependents claimed under the federal child tax credit and removing the requirement to add the federal domestic production activities deduction to income for purposes of the programs in response to federal tax changes made in the federal Tax Cuts and Jobs Act of 2017. It also provides for the adjustment for inflation of the sales tax fairness credit and the property tax fairness credit beginning in 2019. Finally, it increases the property tax fairness credit to 100% of the benefit base above 6% of the



## *Joint Standing Committee on Taxation*

resident individual's income and increases the credit cap to \$750 for individuals and \$1,200 for individuals over 65 years of age.

6. It establishes a new tax credit equal to \$300 for each qualifying child and dependent of the taxpayer for whom the federal child tax credit pursuant to the Internal Revenue Code, Section 24 is claimed for the same taxable year. The new credit is available for tax years beginning on or after January 1, 2018.

Part C makes the following changes to the individual and corporate income taxes.

1. It eliminates Maine's domestic production activities deduction income modification. The related federal deduction is repealed for tax years beginning on or after January 1, 2018.
2. It enacts modifications that reverse, for Maine tax purposes, the effects of the new federal limitation on the net operating loss deduction.
3. It requires that any amount claimed as a special deduction provided by the Internal Revenue Code, Section 199A must be added back to federal taxable income for purposes of calculating income tax liability of estates and trusts under the Maine Revised Statutes, Title 36, chapters 809 and 811. Individual taxpayers are not allowed the special deduction provided by the Internal Revenue Code, Section 199A in calculating Maine taxable income; this section provides similar treatment to estates and trusts.
4. It eliminates the application of the alternative minimum tax to corporate income for tax years beginning after December 31, 2017.

Part D makes the following corporate income tax changes regarding the federal mandatory repatriation of deferred foreign income under the federal Tax Cuts and Jobs Act of 2017, the taxation of dividends, subpart F income as defined in Section 952 of the Internal Revenue Code, or "Code," and global intangible low-taxed income.

1. It creates an addition modification in the amount of the participation exemption claimed in accordance with the Code, Section 965(c). This provision applies to tax years beginning on or after January 1, 2017.
2. It creates an addition modification in the amount of the global intangible low-taxed income deduction claimed in accordance with the Code, Section 250(a)(1)(B). This provision applies to tax years beginning on or after January 1, 2018.
3. It makes technical clarifications, removing obsolete language from the existing dividends-received subtraction, clarifying netting and sales factor treatment consistent with administrative practice and excluding from dividend income subpart F income, global intangible low-taxed income included in federal taxable income in accordance with the Code, Section 951A and deferred foreign income included in federal taxable income in accordance with the Code, Section 965. This provision applies to tax years beginning on or after January 1, 2017.
4. It creates a subtraction modification for an amount equal to 50% of the apportionable subpart F income included in federal gross income by the taxpayer. This section codifies the longstanding administrative practice of applying the existing dividends-received subtraction to subpart F income, as well as dividends. This provision applies to tax years beginning on or after January 1, 2017.
5. It creates a subtraction modification for an amount equal to 80% of the apportionable deferred foreign income included in federal gross income, pursuant to the Code, Section 965(a) and (b), by the taxpayer. This provision applies to tax years beginning on or after January 1, 2017.
6. It creates a subtraction modification for an amount equal to 50% of the apportionable global low-taxed intangible income included in federal gross income, pursuant to the Code, Section 951A, by the taxpayer. This provision

## *Joint Standing Committee on Taxation*

applies to tax years beginning on or after January 1, 2018.

Part E expands the corporate income tax brackets beginning in 2018. The current rate structure for taxable corporations consists of 3.5% on income not over \$25,000, 7.93% on income not over \$75,000, 8.33% on income not over \$250,000 and 8.93% on income of \$250,000 or more. The rate structure for tax years beginning after December 31, 2017 consists of 3.5% on income not over \$350,000, 7.93% on income not over \$1,050,000, 8.33% on income not over \$3,500,000 and 8.93% on income of \$3,500,000 or more.

Part F amends the Maine College Savings Program to change the name to the Maine Education Savings Program and, as a result of recent federal changes to the Internal Revenue Code, Section 529, qualified tuition programs, extends the ability to use the program for enrollment or attendance expenses at an elementary or secondary public, private or religious school and to receive favorable federal tax treatment on the earnings portions of such disbursements. Part F provides for changes to the Maine Revised Statutes to reflect the change to the name of the program. Part F also conforms the program's state tax treatment of such disbursements to federal law.

Part G retains the Maine exclusion amount under the estate tax at the amount in effect for deaths prior to January 1, 2018, subject to an annual inflation adjustment, and does not conform to the increases in the federal basic exclusion amount.

Part H provides a credit under the income tax and the insurance premium tax equal to the federal credit for employer-paid family and medical leave. The federal credit expires December 31, 2019.

Part I provides funding for computer programming changes required to implement changes made in the law.

Public Law 2017, chapter 474 was enacted as an emergency measure effective September 12, 2018.

**LD 1660      *Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory***

**RESOLVE 36**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G	OTP-AM	H-655

This resolve, which was submitted by the Department of Administrative and Financial Services, authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired by the State due to nonpayment of property taxes.

**Committee Amendment "A" (H-655)**

This amendment corrects the property tax amounts due on two parcels of property in the Unorganized Territory.

**Enacted Law Summary**

Resolve 2017, chapter 36 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired by the State due to nonpayment of property taxes.

**LD 1669      *An Act Regarding Levies Placed on Accounts at Financial Institutions for Unpaid State Income Taxes***

**ONTP**

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

## *Joint Standing Committee on Taxation*

This bill requires a financial institution, in a case in which a delinquent taxpayer's accounts have been levied for unpaid state income taxes, to satisfy the levy first from accounts held solely by the delinquent taxpayer, next from accounts held jointly by the delinquent taxpayer and the delinquent taxpayer's spouse and last from accounts held jointly by the delinquent taxpayer and a third party.

### **LD 1680     An Act To Create an Access to Justice Income Tax Credit**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-601

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill provides an income tax credit for five years for attorneys who begin the practice of law in the State and agree to practice for at least five years in an underserved area of the State as determined by the Board of Overseers of the Bar. Eligibility for the credit is open from 2019 through 2024. The board may certify up to five eligible attorneys each year. The joint standing committee of the Legislature having jurisdiction over taxation matters is directed to review the effectiveness of the credit and may submit legislation to extend or revise it.

#### **Committee Amendment "A" (H-601)**

This amendment changes the entity determining and verifying eligibility for the access to justice credit proposed in the bill from the Board of Overseers of the Bar to the Supreme Judicial Court. It also reduces the maximum annual credit from \$12,000 to \$6,000, adds requirements that an eligible attorney must be rostered by the Maine Commission on Indigent Legal Services to accept court appointments and agree to perform pro bono legal services and clarifies the definition of "underserved area." The amendment also adds an application date.

### **LD 1687     An Act To Amend the Laws Governing the Calculation of Excise Tax on Automobiles**

**Accepted Majority  
(ONTP) Report**

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

This bill changes the method of computing the excise tax that is levied on motor vehicles and camper trailers registered in the State.

This bill requires that the excise tax on motor vehicles and camper trailers be based on the purchase price of the vehicle for the first or current year of model and on the maker's list price for all succeeding years. Either the original bill of sale or the state sales tax document may be used to verify the purchase price.

#### **Committee Amendment "A" (S-421)**

This amendment, which is the minority report, provides that, for a motor vehicle purchased after December 31, 2018, the motor vehicle excise tax must be based on the purchase price for the motor vehicle if purchased from a new vehicle dealer or a used car dealer. For other motor vehicles, the excise tax continues to be based on the maker's list price.

*Joint Standing Committee on Taxation*

**LD 1721     An Act To Require Room Remarketers and Operators of Transient Rental Platforms To Be Registered for the Collection and Reporting of Sales Taxes** **INDEF PP**

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

This bill requires operators of transient rental platforms to register to collect and report sales taxes for sales occurring on or after October 1, 2018.

**Committee Amendment "A" (H-711)**

This amendment incorporates a fiscal note.

The provisions of this bill were included in LD 1805, summarized below, which was enacted into law as Public Law 2017, chapter 375.

**LD 1722     An Act To Encourage Computer Data Center Development by Providing a Sales Tax Refund or Exemption** **ONTP**

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

This bill provides a sales tax refund or exemption for the purchase of eligible server equipment, eligible power infrastructure and electronic data storage and data management services by an eligible computer data center that begins operation between October 1, 2018 and October 1, 2021. A qualifying business must be engaged in commercial activity for profit, own or lease an eligible computer data center and add at least 20 full-time jobs with above-average wages within six years after the business first becomes eligible or the amount of refunded or the tax exemption or refund plus interest will be recaptured by the State.

**LD 1723     An Act To Expand Job Opportunities for People Working in Maine** **Accepted Majority (ONTP) Report**

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

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

This bill proposes to expand job opportunities for people working in this State.

**Committee Amendment "A" (H-654)**

This amendment is the minority report of the committee. It provides an income tax deduction for employers that pay for housing costs of employees. The amount of the deduction is related to the number of hours worked during the tax year by the employee.

***Joint Standing Committee on Taxation***

**LD 1734    An Act To Clarify the Sales Tax Exemption for Vehicles Used in Interstate or Foreign Commerce**

**INDEF PP**

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

This bill clarifies the exemption from sales and use tax for instrumentalities of interstate or foreign commerce by specifying that property waiting to be loaded or unloaded or not being used while being repaired or maintained is considered to be placed in use in interstate or foreign commerce as long as the intended next use of that property is interstate or foreign commerce. This bill provides that a trailer being used by an entity other than the owner is eligible for the exemption as long as there is a written transportation agreement between the owner and the other entity. This bill provides a definition of "interstate or foreign commerce" that is the same as the definition of "interstate commerce" in the Federal Motor Carrier Safety Regulations. This bill also specifies that the changes made in the bill apply to any ongoing audit or investigation being conducted by the Department of Administrative and Financial Services, Bureau of Revenue Services that is not final by the effective date of the bill.

**Committee Amendment "A" (S-438)**

This amendment clarifies the calculation of the period during which property eligible for the sales tax exemption is placed in interstate or foreign commerce or intrastate commerce. The amendment provides that a trailer, semitrailer or tow dolly being used by an entity other than the owner is eligible for the exemption as long as there is a written interchange agreement between the owner and the other entity and the transportation being provided is interstate in nature. The amendment adds a definition of "dispatch." The amendment also provides that the changes made in the bill apply retroactively to purchases made on or after January 1, 2012.

The provisions of this bill, as amended by Committee Amendment "A" (S-438), were included in LD 1805, summarized below, which was enacted into law as Public Law 2017, chapter 375.

**LD 1744    An Act To Create a Credit under the Commercial Forestry Excise Tax for Landowners Using Businesses Based in the United States**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T STANLEY S	OTP-AM ONTP	S-395 S-412    JACKSON T

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

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

The bill proposes an income tax credit for businesses located in the United States that employ Maine residents who are engaged in logging and trucking in Maine.

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

This amendment is the majority report of the Committee. It replaces the bill and provides a credit against the commercial forestry excise tax for landowners who are based in the United States and who employ and retain businesses or contractors that are based in the United States, that employ at least 75% United States residents and that are current in the payment of all state and local taxes. The amendment also requires recapture of the credit if a recipient is found to have been ineligible.

## *Joint Standing Committee on Taxation*

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

This amendment clarifies that a business employed by a landowner in the harvesting of timber is not required to be assessed personal property taxes in order for the landowner to be eligible for the credit.

#### **LD 1755    An Act To Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations**

**PUBLIC 399**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THIBODEAU M	OTP-AM	H-679

This bill provides an exemption from the sales and use tax to incorporated nonprofit organizations whose purpose is to provide residential heating assistance to low-income individuals.

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

This amendment replaces the bill. The amendment provides a sales and use tax exemption to organizations that have been determined by the United States Internal Revenue Service to be exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code of 1986 and whose primary purpose is to provide residential heating assistance to low-income individuals. It also establishes an effective date of October 1, 2018.

### **Enacted Law Summary**

Public Law 2017, chapter 399 provides a sales and use tax exemption beginning October 1, 2018 to organizations that have been determined by the United States Internal Revenue Service to be exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code of 1986 and whose primary purpose is to provide residential heating assistance to low-income individuals.

#### **LD 1758    An Act To Strengthen Maine Families with Children by Changing the Income Tax Laws**

**ONTP**

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

This bill, for tax years beginning in or after 2018:

1. Doubles the amount of the earned income tax credit a taxpayer may claim to 10% of the federal earned income credit; and
2. Enacts a new child tax credit to allow a taxpayer a credit in an amount equal to the federal child tax credit, which is an amount up to \$1,000 for each qualifying child the taxpayer supports during the tax year. The credit is refundable only to the extent that the federal additional child tax credit is refundable and only for individuals filing as residents or part-year residents.

See also LD 1655, summarized above.

**Joint Standing Committee on Taxation**

**LD 1765     An Act To Provide a Source of Revenue To Preserve the Integrity of  
Maine's Transportation Infrastructure**

**Accepted Majority  
(ONTP) Report**

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

This bill, which was submitted by the Department of Transportation, diverts 10% of the sales tax revenue on the sale of motor vehicles and motor vehicle-related items from the General Fund to the Highway Fund and 2% of that revenue from the General Fund to the Multimodal Transportation Fund.

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

This amendment, which is the minority report, adds an appropriations and allocations section to authorize expenditure of new funds transferred to the Multimodal Transportation Fund and to provide funding for programming changes.

**LD 1781     An Act To Encourage New Major Investments in Shipbuilding Facilities  
and the Preservation of Jobs**

**PUBLIC 361**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT J VITELLI E	OTP-AM ONTP	H-685 S-425    DOW D

This bill provides a refundable income tax credit for 20 years beginning with tax years that begin on or after January 1, 2020 for major investments in a shipbuilding facility and the employment of at least 5000 qualified employees at that shipbuilding facility. The annual credit is equal to 3% of the shipbuilding facility's total qualified investment, as long as certain employment levels are maintained. In order to qualify for the credit, the shipbuilding facility must make a qualified investment after January 1, 2018 of at least \$100,000,000 in the form of expenditures that are related to the construction, improvement, modernization or expansion of the shipbuilding facility and employ at least 5,000 qualified employees who are provided a retirement program, health insurance and income greater than the average annual per capita income in the State. If the shipbuilding facility employs at least 5,250 employees, the facility is entitled to an amount equal to 110% of the credit. The facility may employ fewer than 5,000 employees in 2 separate years within the 20-year period and still qualify for the credit, but at a prorated reduction. The credit may not be taken after December 31, 2039.

**Committee Amendment "A" (H-685)**

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

1. It changes the duration of the tax credit provided by the bill to a maximum of 15 years and requires an investment of at least \$100,000,000 be made to qualify for the first 10 years and an additional investment of \$100,000,000 to qualify for the next five years.
2. It changes the calculation for accelerated credits by changing the number of qualified employees required and providing that the amount of accelerated credit is a specified amount rather than a percentage.
3. It provides a reduced credit for years when employment drops below specified levels and eliminates the availability of exception years.
4. It removes provisions making the credit refundable.

## *Joint Standing Committee on Taxation*

5. It provides that a certified applicant may not receive the credit if it is a qualified Pine Tree Development Zone business or has received a certificate of approval for an employment tax increment financing program.
6. It eliminates language requiring the State and the qualified applicant to enter into an agreement that the State will provide the credit for as long as the qualified applicant meets the requirements of the law on the date the certificate of approval is issued.
7. It adds provisions requiring review of the credit by 2024 by the Office of Program Evaluation and Government Accountability under the tax expenditure review process and changes the reports required by the certified applicant, the Commissioner of Economic and Community Development and the State Tax Assessor to facilitate the review process.
8. It makes changes to clarify the intent of the credit and to improve its administration.

### **Senate Amendment "A" To Committee Amendment "A" (S-425)**

This amendment clarifies the definition of "qualified applicant" and "qualified investment" to ensure that a qualified applicant may not be qualified for both Pine Tree Development Zone benefits or the employment tax increment financing program and the shipbuilding facility investment credit.

### **Enacted Law Summary**

Public Law 2017, chapter 361 provides a nonrefundable income tax credit for 15 years beginning with tax years that begin on or after January 1, 2020 for major investments in a shipbuilding facility and the employment of at least 4,000 qualified employees at that shipbuilding facility.

1. The standard annual credit is \$3,000,000 for an employment level of 5,500 qualified employees and may be increased or decreased depending on the annual level of employment.
2. Qualification for the credit requires that a qualified investment of at least \$100,000,000 be made to qualify for the first 10 years and an additional investment of \$100,000,000 to qualify for the next five years. Qualified investment means expenditures that are related to the construction, improvement, modernization or expansion of the shipbuilding facility
3. Qualification for the standard credit requires that the shipbuilding facility employ at least 5,500 qualified employees who are provided a retirement program, health insurance and income greater than the average annual per capita income in the State. If the shipbuilding facility employs more than 5,500 qualified employees during a year, the facility is entitled to an increased credit up to \$3,500,000 for 7,500 employees. If the facility employs fewer than 5,500 employees, the credit is decreased incrementally to 40% of the standard credit if the number of employees is at least 4,000. If the number of employees is fewer than 4,000, the facility does not qualify for a credit.
4. The credit may not be taken after December 31, 2034.
5. An applicant may not be certified to receive the credit if it is a qualified Pine Tree Development Zone business or has received a certificate of approval for an employment tax increment financing program.
6. The credit must be reviewed by 2024 by the Office of Program Evaluation and Government Accountability under the tax expenditure review process. The certified applicant, the Commissioner of Economic and Community Development and the State Tax Assessor are required to submit reports to facilitate the review process.



**Joint Standing Committee on Taxation**

**LD 1796     An Act To Improve the Effectiveness of the New Markets Capital Investment Credit**

**PUBLIC 339**

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

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 3, section 999, subsection 4. It implements the recommendations of the tax expenditure report of the committee and the evaluation report of the Office of Program Evaluation and Government Accountability with regard to the new markets capital investment credit by excluding from the definition of "qualified low-income community investment" a capital or equity investment if more than 5% of the investment is used to refinance costs, expenses or investments incurred or paid by the qualified active low-income community business or a party related to the qualified active low-income community business prior to the date of the qualified low-income community investment; make equity distributions from the qualified active low-income community business to its owners; acquire an existing business or enterprise in the State; or pay transaction fees. This bill excludes from the tax credit investments that are used to cover payments referred to as "same-day loans."

**Enacted Law Summary**

Public Law 2017, chapter 339 implements the recommendations of the tax expenditure report of the committee and the evaluation report of the Office of Program Evaluation and Government Accountability with regard to the new markets capital investment credit by excluding from the definition of "qualified low-income community investment" a capital or equity investment if more than 5% of the investment is used to refinance costs, expenses or investments incurred or paid by the qualified active low-income community business or a party related to the qualified active low-income community business prior to the date of the qualified low-income community investment; make equity distributions from the qualified active low-income community business to its owners; acquire an existing business or enterprise in the State; or pay transaction fees. This bill excludes from the tax credit investments that are used to cover payments referred to as "same-day loans."

**LD 1805     An Act To Amend the Maine Tax Laws**

**PUBLIC 375**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D	OTP-AM OTP-AM	S-439

This bill, submitted by the Department of Administrative and Financial Services, does the following:

Part A expands the provision for sellers required to register to collect and report sales taxes to include online real property rental platforms and those engaged in the facilitation of the rental of living quarters and adds and expands definitions to facilitate administration. It restructures and reorganizes the section of law specifying the rate of sales tax;

Part B makes the following changes to the insurance premiums tax. It:

1. Limits insurance premiums tax refunds to the amount of tax paid within the three-year period immediately preceding the filing of a refund claim or audit. The provision is similar to that provided with respect to income tax refund claims; and
2. Prohibits the payment of interest on an overpayment of insurance premiums tax if the overpayment is refunded

## *Joint Standing Committee on Taxation*

by the State Tax Assessor within 60 days of the taxpayer's filing of the claim with Maine Revenue Services. The provision is similar to that provided with respect to income tax refund claims;

Part C makes the following income tax changes. It:

1. Allows an income tax subtraction modification for pick-up contributions distributed to the taxpayer by the Maine Public Employees Retirement System in the form of a rollover from taxable income within three years beginning with the year of the rollover; and
2. Makes the income tax credit for homestead modifications available in the tax year during which the certification of eligibility is made. Current law ties the credit to the year during which the qualified expenditures are paid, but the credit may be claimed only once the Maine State Housing Authority certifies to the State Tax Assessor that the expenditures incurred qualify for the credit;

Part D makes the following changes to the income tax credit for major business headquarters expansions. See also LD 1903, summarized below. It:

1. Clarifies that the information regarding revenue loss attributable to the tax credit reported by the State Tax Assessor to the joint standing committee of the Legislature having jurisdiction over taxation matters is not confidential taxpayer information. It also corrects a numbering conflict created when two public laws enacted the Maine Revised Statutes, Title 36, section 191, subsection 2, paragraph DDD;
2. Clarifies that a revocation of a certificate of approval or a certificate of completion due to ceasing operations of the headquarters also applies to a certificate held by a transferee;
3. Clarifies that the credit is available only to a certified applicant who has received a certificate of completion;
4. Clarifies that the required job threshold calculation includes the tax year for which the credit is currently being claimed, in addition to the tax years for which the credit has been claimed;
5. Clarifies that the amount recovered by the State when a certificate is revoked is a tax due in the taxable year during which the certificate is revoked and is subject to the collection and enforcement provisions contained in Title 36, Part 1, including the application of applicable interest and penalties;
6. Provides that, when determining the number of employees for eligibility for the credit, employees who are shifted to a qualified applicant's headquarters from an affiliated business in the State are not counted;
7. Removes the requirement that the Commissioner of Economic and Community Development report to the joint standing committee of the Legislature having jurisdiction over taxation matters aggregate data on employment levels and qualified investment amounts of certified applicants for each year;
8. Delays the State Tax Assessor's yearly reporting requirement until December 31st and clarifies that the report is for the tax year ending during the immediately preceding calendar year;
9. Defines the term "revenue loss" for the purposes of the State Tax Assessor's yearly reporting requirement and the confidentiality exception applying to the report; and
10. Adds rule-making authority for the commissioner and the State Tax Assessor;

Part E clarifies that the amount of sales tax revenue transferred to the Multimodal Transportation Fund is calculated after a reduction for the amount transferred to the Local Government Fund is made;

## *Joint Standing Committee on Taxation*

Part F aligns certain parts of the Unorganized Territory Educational and Services Tax lien foreclosure process with the municipal tax lien foreclosure process retroactively to October 1, 1935. It:

1. Authorizes the State Tax Assessor to issue a discharge of a tax lien mortgage on real estate after the prior owner's right of redemption has expired, unless the State has conveyed any interest based upon the title acquired from the affected lien;
2. Allows the State Tax Assessor to not perform certain inventory and reporting procedures with respect to real estate that is a permanent residence that has been acquired by the State through the tax lien foreclosure process; and
3. Authorizes the State Tax Assessor to convey real estate acquired by the State through the tax lien foreclosure process to the prior owner without further legislative authorization if the tax due on the real estate has been satisfied; and

Part G makes a technical clarification by repealing the provision regarding the new markets capital investment credit requiring the Commissioner of Administrative and Financial Services to enter into a memorandum of agreement. The memorandum is a nonbinding document with no substantive legal effect. See also LD 1796, summarized above.

### **Committee Amendment "B" (S-440)**

This amendment is the minority report of the committee. It removes Part A of the bill because its provisions are addressed in separate legislation (See LD 1721 summarized above). It substitutes a separate provision clarifying that the State Tax Assessor may require a bond from a taxpayer as a condition of sales tax registration whether the registration is made under the Maine Revised Statutes, Title 36, section 1754-B or 1756 or under section 1951-B, which was enacted during the First Regular Session of the 128th Legislature. The amendment also provides that a report from the State Tax Assessor to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding the new major business headquarters expansion credit must separately state the amount of lost revenue attributable to credits used to reduce tax liability and the amount attributable to refundable credits. Finally, the amendment makes a technical correction to the bill preserving a necessary statutory cross-reference.

### **Committee Amendment "A" (S-439)**

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

1. It removes provisions relating to the application of the sales tax to the facilitation if the rental of living quarters.
2. It provides that a report from the State Tax Assessor to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding the major business headquarters expansion credit must separately state the amount of lost revenue attributable to credits used to reduce tax liability and the amount attributable to refundable credits.
3. It adds a provision clarifying that the State Tax Assessor may require a bond from a taxpayer as a condition of sales tax registration whether the registration is made under the Maine Revised Statutes, Title 36, section 1754-B or 1756 or under section Title 36, 1951-B, which was enacted during the First Regular Session of the 128th Legislature.
4. It amends provisions of the sales tax exemption for certain instrumentalities of interstate or foreign commerce to clarify the calculation of the period during which eligible property is placed in interstate or foreign commerce or intrastate commerce and other conditions of eligibility. This provision is retroactive to purchases made on or after January 1, 2012. See also LD 1734.
5. It makes a technical correction to the bill, preserving a necessary statutory cross-reference.

## *Joint Standing Committee on Taxation*

### **Enacted Law Summary**

Public Law 2017, chapter 375 was submitted by the Department of Administrative and Financial Services and makes the following changes to the tax laws.

Part A expands the provision for sellers required to register to collect and report sales taxes to include online real property rental platforms and adds and expands definitions to facilitate administration. It restructures and reorganizes the section of law specifying the rate of sales tax. The language of Part A is identical to LD 1721, which was indefinitely postponed.

Part B makes the following changes to the insurance premiums tax. It:

1. Limits insurance premiums tax refunds to the amount of tax paid within the three-year period immediately preceding the filing of a refund claim or audit. The provision is similar to that provided with respect to income tax refund claims; and
2. Prohibits the payment of interest on an overpayment of insurance premiums tax if the overpayment is refunded by the State Tax Assessor within 60 days of the taxpayer's filing of the claim with Maine Revenue Services. The provision is similar to that provided with respect to income tax refund claims.

Part C makes the following income tax changes. It:

1. Allows an income tax subtraction modification for pick-up contributions distributed to the taxpayer by the Maine Public Employees Retirement System in the form of a rollover from taxable income within three years beginning with the year of the rollover; and
2. Makes the income tax credit for homestead modifications available in the tax year during which the certification of eligibility is made. Current law ties the credit to the year during which the qualified expenditures are paid, but the credit may be claimed only once the Maine State Housing Authority certifies to the State Tax Assessor that the expenditures incurred qualify for the credit.

Part D makes the following changes to the income tax credit for major business headquarters expansions. Additional changes to this tax credit were made by LD 1903, which was enacted as Public Law 2017, chapter 405. Part D:

1. Clarifies that the information regarding revenue loss attributable to the tax credit reported by the State Tax Assessor to the joint standing committee of the Legislature having jurisdiction over taxation matters is not confidential taxpayer information. It also corrects a numbering conflict created when two public laws enacted the Maine Revised Statutes, Title 36, section 191, subsection 2, paragraph DDD;
2. Clarifies that a revocation of a certificate of approval or a certificate of completion due to ceasing operations of the headquarters also applies to a certificate held by a transferee;
3. Clarifies that the credit is available only to a certified applicant who has received a certificate of completion;
4. Clarifies that the required job threshold calculation includes the tax year for which the credit is currently being claimed, in addition to the tax years for which the credit has been claimed;
5. Clarifies that the amount recovered by the State when a certificate is revoked is a tax due in the taxable year

## *Joint Standing Committee on Taxation*

during which the certificate is revoked and is subject to the collection and enforcement provisions contained in Title 36, Part 1, including the application of applicable interest and penalties;

6. Provides that, when determining the number of employees for eligibility for the credit, employees who are shifted to a qualified applicant's headquarters from an affiliated business in the State are not counted;

7. Removes the requirement that the Commissioner of Economic and Community Development report to the joint standing committee of the Legislature having jurisdiction over taxation matters aggregate data on employment levels and qualified investment amounts of certified applicants for each year;

8. Delays the State Tax Assessor's yearly reporting requirement until December 31st and clarifies that the report is for the tax year ending during the immediately preceding calendar year;

9. Defines the term "revenue loss" for the purposes of the State Tax Assessor's yearly reporting requirement and the confidentiality exception applying to the report and requires reports of revenue loss due to a reduction of tax liability and due to the amount of credit refunded be stated separately; and

10. Adds rule-making authority for the commissioner and the State Tax Assessor.

Part E clarifies that the amount of sales tax revenue transferred to the Multimodal Transportation Fund is calculated after a reduction for the amount transferred to the Local Government Fund is made.

Part F aligns certain parts of the Unorganized Territory Educational and Services Tax lien foreclosure process with the municipal tax lien foreclosure process retroactively to October 1, 1935. It:

1. Authorizes the State Tax Assessor to issue a discharge of a tax lien mortgage on real estate after the prior owner's right of redemption has expired, unless the State has conveyed any interest based upon the title acquired from the affected lien;

2. Allows the State Tax Assessor to not perform certain inventory and reporting procedures with respect to real estate that is a permanent residence that has been acquired by the State through the tax lien foreclosure process; and

3. Authorizes the State Tax Assessor to convey real estate acquired by the State through the tax lien foreclosure process to the prior owner without further legislative authorization if the tax due on the real estate has been satisfied.

Part G makes a technical clarification by repealing the provision regarding the new markets capital investment credit requiring the Commissioner of Administrative and Financial Services to enter into a memorandum of agreement. The memorandum is a nonbinding document with no substantive legal effect. Additional changes to the new market capital investment credit were made by LD 1796, which was enacted as Public Law 2017, chapter 339.

Part H adds a provision clarifying that the State Tax Assessor may require a bond from a taxpayer as a condition of sales tax registration whether the registration is made under the Maine Revised Statutes, Title 36, section 1754-B or 1756 or under section Title 36, 1951-B, which was enacted during the First Regular Session of the 128th Legislature.

Part I amends provisions of the sales tax exemption for certain instrumentalities of interstate or foreign commerce to clarify the calculation of the period during which eligible property is placed in interstate or

## *Joint Standing Committee on Taxation*

foreign commerce or intrastate commerce and other conditions of eligibility. This provision is retroactive to purchases made on or after January 1, 2012. The language of Part I is similar to the committee amendment to LD 1734, which was indefinitely postponed.

**LD 1862     An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2018-19**

**PUBLIC 424  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-712
	OTP-AM	S-504    JACKSON T

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over to the next special session by joint order S.P. 748.

This bill, which was submitted by the administrator of the unorganized territory pursuant to the Maine Revised Statutes, Title 36, Section 1604, establishes municipal cost components for state and county services provided to the unorganized territory that would normally be paid for by a municipality. The municipal cost components form the basis for the property tax for the unorganized territory.

**Committee Amendment "A" (H-712)**

This amendment, which is the majority report, removes the cost of funding a proposed new half-time deputy sheriff position in Aroostook County and the cost of funding the proposed construction of a bridge on a private road in Oxford County.

**Committee Amendment "B" (H-713)**

This amendment, which is the minority report, removes the cost of funding the proposed construction of a bridge on a private road in Oxford County.

**Senate Amendment "B" To Committee Amendment "A" (S-504)**

This amendment strikes from Committee Amendment "A" language that reduces by \$80,000 the municipal cost component submitted by Aroostook County to remove funding for a half-time deputy sheriff position and a vehicle; instead, this amendment reduces that municipal cost component by \$45,000 to remove only the funding for the vehicle.

This amendment also requires the administrator of Aroostook County to reimburse the fiscal administrator of the unorganized territory for the time that the half-time deputy sheriff position provides services directly to the organized municipalities in Aroostook County, as determined by the Aroostook County administrator.

**Enacted Law Summary**

Public Law 2017, chapter 424 establishes municipal cost components for state and county services provided to the unorganized territory that would normally be paid for by a municipality. The municipal cost components form the basis for the property tax for the unorganized territory. This law requires the administrator of Aroostook County to reimburse the fiscal administrator of the unorganized territory for the time that a half-time deputy sheriff position provides services directly to the organized municipalities in Aroostook County, as determined by the Aroostook County administrator.

Public Law 2017, chapter 424 was enacted as an emergency measure effective June 27, 2018.

*Joint Standing Committee on Taxation*

**LD 1882    An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans**

**PUBLIC 445**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M HAMPER J	OTP-AM	H-741

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill was submitted by the Governor and expands the sales tax exemption for incorporated nonprofit organizations organized for the purpose of providing direct supportive services in the State to certain veterans and their families to include veterans with combat injuries.

**Committee Amendment "A" (H-741)**

This amendment removes the section of the bill that amends the current sales and use tax exemption for certain veterans' support organizations and instead provides an exemption from the sales and use tax and the service provider tax for incorporated nonprofit organizations organized for the primary purpose of operating a retreat in the State for combat-injured veterans and their families free of charge.

**Enacted Law Summary**

Public Law 2017, chapter 445 provides an exemption from the sales and use tax and the service provider tax for incorporated nonprofit organizations organized for the primary purpose of operating a retreat in the State for combat-injured veterans and their families free of charge.

**LD 1891    An Act To Improve Compliance with the Maine Tree Growth Tax Law**

**Accepted Majority (ONTP) Report**

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

This bill was submitted by the Governor and makes the following changes to the Maine Tree Growth Tax Law.

1. It authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to review certain parcels of land classified under the Maine Tree Growth Tax Law to determine whether the landowner is complying with the requirements of the law and whether the land is being managed in compliance with the forest management and harvest plan for that parcel. The bureau is required to report any noncompliance after a specified period to the assessor. The owner of a parcel found by the forestry bureau to be in noncompliance with the law may apply to reclassify the parcel as farmland or open space under the farm and open space tax law.
2. It requires the bureau to offer assistance to landowners found in noncompliance.
3. It requires the Bureau of Forestry to report every odd-numbered year to Taxation Committee summarizing the bureau's activities under the bill.

See also LD 1599, summarized above.

*Joint Standing Committee on Taxation*

**LD 1903     An Act To Improve the Effectiveness of the Major Business  
Headquarters Expansion Tax Credit**

**PUBLIC 405**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported out by the Taxation Committee pursuant to Public Law 2017, chapter 297, section 3. It makes the following changes to improve the effectiveness of the income tax credit for major business expansions.

1. It provides that the number of additional employees that must be added by a certified applicant must be determined based on the number of qualifying employees above the certified applicant's base level of employment.
2. It provides that a certificate of completion issued by the Commissioner of Economic and Community Development must state the amount of the qualified investment made by the certified applicant, and it clarifies that the credit is 2% of the lesser of the amount of actual qualified investment specified in the certified applicant's certificate of completion and the amount of qualified investment approved in the certificate of approval.
3. It amends reporting requirements and establishes evaluation guidance to improve the future review of the credit under the Maine Revised Statutes, Title 3, chapter 37 by the Office of Program Evaluation and Government Accountability, the joint legislative committee established to oversee program evaluation and government accountability matters and the joint standing committee of the Legislature having jurisdiction over taxation matters.
4. It clarifies that, if a certificate of approval has been transferred, the transferee is responsible for any repayment obligations if there is a recapture of credit amounts.

**Enacted Law Summary**

Public Law 2017, chapter 405 makes the following changes to improve the effectiveness of the income tax credit for major business expansions.

1. It provides that the number of additional employees that must be added by a certified applicant must be determined based on the number of qualifying employees above the certified applicant's base level of employment.
2. It provides that a certificate of completion issued by the Commissioner of Economic and Community Development must state the amount of the qualified investment made by the certified applicant, and it clarifies that the credit is 2% of the lesser of the amount of actual qualified investment specified in the certified applicant's certificate of completion and the amount of qualified investment approved in the certificate of approval.
3. It amends reporting requirements and establishes evaluation guidance to improve the future review of the credit under the Maine Revised Statutes, Title 3, chapter 37 by the Office of Program Evaluation and Government Accountability, the joint legislative committee established to oversee program evaluation and government accountability matters and the joint standing committee of the Legislature having jurisdiction over taxation matters.
4. It clarifies that, if a certificate of approval has been transferred, the transferee is responsible for any repayment obligations if there is a recapture of credit amounts.



# *Joint Standing Committee on Taxation*

## SUBJECT INDEX

### Administration of Tax Laws

#### Not Enacted

LD 1669 An Act Regarding Levies Placed on Accounts at Financial Institutions for Unpaid State Income Taxes ONTP

### Income Tax Conformity

#### Enacted

LD 1655 An Act To Conform to the United States Internal Revenue Code of 1986 and Provide Tax Relief to Maine Families PUBLIC 474  
EMERGENCY

### Income Tax Credits, Exemptions, Deductions and Incentives

#### Enacted

LD 1287 An Act To Strengthen Efforts To Recruit and Retain Primary Care Professionals and Dentists in Rural and Underserved Areas of the State PUBLIC 435

LD 1781 An Act To Encourage New Major Investments in Shipbuilding Facilities and the Preservation of Jobs PUBLIC 361

LD 1796 An Act To Improve the Effectiveness of the New Markets Capital Investment Credit PUBLIC 339

LD 1903 An Act To Improve the Effectiveness of the Major Business Headquarters Expansion Tax Credit PUBLIC 405

#### Not Enacted

LD 442 An Act To Create a Family Caregiver Income Tax Credit ONTP

LD 513 An Act To Increase the Maximum Pension Deduction for State Income Tax Died On  
Adjournment

LD 781 An Act To Support the Trades through a Tax Credit for Apprenticeship Programs Died On  
Adjournment

LD 1317 An Act To Encourage Family-friendly Businesses through a Tax Credit for Child Care Died On  
Adjournment

LD 1338 An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses Died On  
Adjournment

LD 1461 An Act To Encourage the Construction of Affordable Housing Died Between  
Houses

LD 1537 An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents Died On  
Adjournment

LD 1680 An Act To Create an Access to Justice Income Tax Credit Died On  
Adjournment

LD 1723 An Act To Expand Job Opportunities for People Working in Maine Majority (ONTP)  
Report

LD 1758 An Act To Strengthen Maine Families with Children by Changing the Income Tax Laws ONTP

**Motor Vehicle Excise Tax**

**Not Enacted**

LD 1687 An Act To Amend the Laws Governing the Calculation of Excise Tax on Automobiles Majority (ONTP) Report

**Multiple Taxes**

**Enacted**

LD 1805 An Act To Amend the Maine Tax Laws PUBLIC 375

**Other Taxes**

**Not Enacted**

LD 1283 An Act To Modernize the Mining Excise Tax ONTP

LD 1744 An Act To Create a Credit under the Commercial Forestry Excise Tax for Landowners Using Businesses Based in the United States Veto Sustained

**Property Tax - Current Use**

**Not Enacted**

LD 1599 An Act To Improve the Maine Tree Growth Tax Law ONTP

LD 1891 An Act To Improve Compliance with the Maine Tree Growth Tax Law Majority (ONTP) Report

**Property Tax - Exemptions**

**Not Enacted**

LD 289 An Act To Extend the Veteran Property Tax Exemption to Veterans Who Have Served on Active Duty Died On Adjournment

LD 1212 An Act To Amend the Definition of "Eligible Business Equipment" for the Purposes of the Business Equipment Tax Exemption Program Died On Adjournment

**Property Tax - General**

**Enacted**

LD 1479 An Act To Modernize and Improve Maine's Property Tax System PUBLIC 367

LD 1629 An Act To Protect Homeowners Affected by Tax Lien Foreclosure PUBLIC 478

**Property Tax Relief Programs**

**Not Enacted**

LD 1196 An Act To Assist Seniors and Certain Persons with Disabilities in Paying Property Taxes Died On Adjournment

**Sales and Use Tax**

**Not Enacted**

LD 1721	An Act To Require Room Remarketers and Operators of Transient Rental Platforms To Be Registered for the Collection and Reporting of Sales Taxes	INDEF PP
LD 1765	An Act To Provide a Source of Revenue To Preserve the Integrity of Maine's Transportation Infrastructure	Majority (ONTP) Report

**Sales Tax Exemptions, Exclusions or Refunds**

**Enacted**

LD 1597	An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program	PUBLIC 438
LD 1755	An Act To Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations	PUBLIC 399
LD 1882	An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans	PUBLIC 445

**Not Enacted**

LD 27	An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax	Died On Adjournment
LD 79	An Act To Provide a Sales Tax Exemption for Career and Technical Student Organizations	Died On Adjournment
LD 1722	An Act To Encourage Computer Data Center Development by Providing a Sales Tax Refund or Exemption	ONTP
LD 1734	An Act To Clarify the Sales Tax Exemption for Vehicles Used in Interstate or Foreign Commerce	INDEF PP

**Tax Increment Financing**

**Not Enacted**

LD 1565	An Act To Ensure the Effectiveness of Tax Increment Financing	ONTP
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**Unorganized Territory**

**Enacted**

LD 1660	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	RESOLVE 36
LD 1862	An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2018-19	PUBLIC 424 EMERGENCY







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



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

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

October 2018

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*Joint Standing Committee on Transportation*

**LD 209      An Act To Amend the Laws Governing Temporary Sign Usage**

**PUBLIC 321**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W	OTP-AM	H-573

This bill was reported out of committee and then recommitted to the committee in the First Regular Session of the 128th Legislature; it was then carried over to the Second Regular Session of the 128th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to make changes to the laws regarding categorical signs to adjust the time, placement and content restrictions imposed on temporary signs placed within a public right-of-way.

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

This amendment, which is the same as the unanimous committee report from the First Regular Session, replaces the bill, which is a concept draft. The amendment increases the amount of time a temporary sign may be placed in the public right-of-way from a maximum of six weeks per calendar year to a maximum of 12 weeks per calendar year. The amendment clarifies that temporary signs within the public right-of-way must include or be marked with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way.

**Enacted Law Summary**

Public Law 2017, chapter 321 increases the amount of time a temporary sign may be placed in the public right-of-way from a maximum of six weeks per calendar year to a maximum of 12 weeks per calendar year. The law clarifies that temporary signs within the public right-of-way must include or be marked with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way.

**LD 584      An Act To Create the Fund for Municipalities To Improve Pedestrian Safety**

**Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill establishes the Fund for Municipalities To Improve Pedestrian Safety as a program account in the Highway Fund within the Department of Transportation. The bill provides that the fund must be used for pedestrian safety improvements, such as lights, paint, signs, speed bumps and reconstruction of intersections. The bill also provides that a municipality or a group of municipalities may apply for funding from the fund. Up to 2/3 of project costs for pedestrian safety improvements may be financed from the fund with the remainder of the costs provided by the municipality or group of municipalities.

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

This amendment, which is the minority report of the committee, provides that up to 80%, instead of 2/3 as proposed in the bill, of project costs for pedestrian safety improvements may be financed from the Fund for Municipalities To Improve Pedestrian Safety. The amendment also provides that up to 100% of proposed project costs for pedestrian

## *Joint Standing Committee on Transportation*

safety improvements may be financed from the fund if the project is located within an area identified by the Department of Transportation as a dangerous intersection based on pedestrian crash data. The amendment also requires the department to notify municipalities of the required biennial report and pedestrian crash data. Finally, the amendment provides that the Fund for Municipalities To Improve Pedestrian Safety receives revenue from uncommitted balances in the Multimodal Transportation Fund and other funds from any public or private source.

**LD 1149      An Act To Provide Revenue To Fix and Rebuild Maine's Infrastructure**

**Died On  
Adjournment**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill was reported out in the Second Regular Session and again carried over from the Second Regular Session to the next special session by joint order S.P. 748.

The bill does the following for the purpose of increasing the revenue to the Highway Fund.

1. It increases by \$3 to \$10 certain fees charged by the Secretary of State for driver's license examinations, temporary license plates, nondriver identification cards, issuance of duplicate registrations, titles, licenses and nondriver identification cards and transfers of registrations.
2. It imposes a \$200 surcharge, dedicated to the Highway Fund, on the registration of hybrid motor vehicles, battery-electric motor vehicles and hydrogen fuel cell motor vehicles.
3. It requires 10% of the sales tax imposed on transportation-related items, such as motor vehicles and the products for the repair and maintenance of motor vehicles, such as motor oil, batteries and tires, to be transferred to the Highway Fund on a monthly basis.
4. It increases the tax imposed on motor vehicle fuel by 7¢ per gallon, to 36.5¢ per gallon, beginning October 1, 2017.

### **Committee Amendment "A" (H-682)**

This amendment, which is the majority report of the committee, removes the provisions in the bill that impose a surcharge on the registration of hybrid motor vehicles, battery-electric motor vehicles and hydrogen fuel cell motor vehicles.

The amendment removes certain examination fee increases for driver's licenses since these fees were increased in the Highway Fund budget bill, Public Law 2017, chapter 283.

The amendment removes certain fee increases for a nondriver identification card, a duplicate nondriver identification card and a duplicate registration certificate.

The amendment removes tax increases imposed on motor vehicle fuel by 7¢ per gallon, from 29.5¢ per gallon to 36.5¢ per gallon, beginning October 1, 2017. Instead, the amendment proposes to increase the tax on motor vehicle fuel by 3¢ per gallon, from 29.5¢ per gallon to 32.5¢ per gallon, beginning January 1, 2019 and by another 3¢ per gallon, from 32.5¢ per gallon to 35.5¢ per gallon, beginning January 1, 2020.

***Joint Standing Committee on Transportation***

**LD 1248     An Act To Improve Public Transportation in Maine**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM ONTP	H-144

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over by joint order S.P. 601 to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

The bill provides funding to the Department of Transportation to support and expand local volunteer driver networks; to create a pilot purchase of service program in a selected region of the State to provide senior citizens and persons with disabilities vouchers to purchase their own transportation services; and for regional transportation providers throughout the State to expand their services.

**Committee Amendment "A" (H-144)**

This amendment, which is the majority report of the committee, decreases the amounts of funding provided to the Department of Transportation from \$500,000 to \$250,000 to support and expand local nonprofit volunteer driver networks; from \$500,000 to \$250,000 to create a pilot purchase of service program in selected regions of the State to provide senior citizens and persons with disabilities vouchers to purchase their own transportation services; and from \$13,000,000 to \$1,500,000 for recipients of Federal Transit Administration funds throughout the State to expand their services. The amendment also provides that funding provided to the Department of Transportation is appropriated from the General Fund rather than allocated from the Highway Fund as proposed in the bill.

**LD 1400     An Act To Create the Bar Harbor Port Authority**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B	OTP-AM	S-347

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

The bill provides for the creation of the Bar Harbor Port Authority.

**Committee Amendment "A" (S-347)**

This amendment strikes the emergency preamble and emergency clause from the bill and makes technical changes.

**LD 1595     An Act Regarding Inspection Requirements for Public Safety and  
Municipal Vehicles Owned by Island Communities**

**ONTP**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.



## *Joint Standing Committee on Transportation*

It also makes the Motor Carrier Review Board an appellate board for decisions of the Secretary of State relative to motor carrier safety suspensions and clarifies that the Secretary of State may suspend a motor carrier with an adverse safety history pursuant to the methodology the Secretary of State adopts based on the recommendations of the board.

It removes the requirement that specialty plates authorized after January 1, 2007 be retired after 10 years regardless of the number of active plates.

The bill also corrects an inadvertent omission made during the technical processing of Public Law 2017, chapter 27.

### **Committee Amendment "A" (H-580)**

This amendment makes a technical change to the bill by striking the weight limit provision for each specialty plate and instead specifying the weight limit in the specialty plate section in the Maine Revised Statutes, Title 29-A, section 468, subsection 8. The amendment also strikes the effective date provision in the bill.

### **Enacted Law Summary**

Public Law 2017, chapter 327 increases the maximum registered weight of a vehicle eligible for specialty plates from 10,000 pounds to 26,000 pounds.

Public Law 2017, chapter 327 also makes the Motor Carrier Review Board an appellate board for decisions of the Secretary of State relative to motor carrier safety suspensions and clarifies that the Secretary of State may suspend a motor carrier with an adverse safety history pursuant to the methodology the Secretary of State adopts based on the recommendations of the board.

Public Law 2017, chapter 327 removes the requirement that specialty plates authorized after January 1, 2007 be retired after 10 years regardless of the number of active plates.

### **LD 1724      **Resolve, To Establish the Commission on Autonomous Vehicles and To Allow the Testing, Demonstration and Deployment of Automated Driving Systems****

**RESOLVE 46**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H	OTP-AM	H-649

This bill authorizes municipalities to enter into memoranda of agreement with the Secretary of State, the Department of Transportation and the Department of Professional and Financial Regulation, Bureau of Insurance to develop, test and operate pilot programs for the use of autonomous vehicles for public transportation until March 31, 2022. It requires any municipality that develops, tests or operates a pilot program to submit a report regarding the pilot program to the joint standing committee of the Legislature having jurisdiction over transportation matters by December 1, 2021, and it authorizes the joint standing committee to report out a bill to the Second Regular Session of the 130th Legislature.

### **Committee Amendment "A" (H-649)**

This amendment, which replaces the bill with a resolve, establishes the Commission on Autonomous Vehicles to coordinate efforts among state agencies and knowledgeable stakeholders to inform the development of a process to allow an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public way.

The amendment also requires that the Commissioner of Transportation, in consultation with the Commission on Autonomous Vehicles, establish a process to evaluate and authorize an autonomous vehicle tester to demonstrate

## Joint Standing Committee on Transportation

and deploy for testing purposes an automated driving system on a public way.

### Enacted Law Summary

Resolve 2017, chapter 46 establishes the Commission on Autonomous Vehicles to coordinate efforts among state agencies and knowledgeable stakeholders to inform the development of a process to allow an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public way.

Resolve 2017, chapter 46 also requires that the Commissioner of Transportation, in consultation with the Commission on Autonomous Vehicles, establish a process to evaluate and authorize an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public way.

### LD 1727      **Resolve, To Designate a Bridge in Surry the Old Surry Schoolhouse Bridge**      **RESOLVE 31**

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

This resolve designates Bridge 5977 in the Town of Surry the Old Surry Schoolhouse Bridge.

### Enacted Law Summary

Resolve 2017, chapter 31 designates Bridge 5977 in the Town of Surry the Old Surry Schoolhouse Bridge.

### LD 1750      **An Act To Allow the Operation of Autocycles on Roads in Maine**      **ONTP**

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

This bill allows a person licensed for the operation of a motor vehicle to legally operate an autocycle on roads in this State.

### LD 1752      **An Act To Amend the Laws Governing Pilotage Requirements for Passenger Ferry Service between Maine and Nova Scotia**      **ONTP**

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

This bill amends the pilotage requirements for vessels providing regularly scheduled passenger ferry service between Maine and Nova Scotia.

### LD 1754      **Resolve, Directing the Department of Transportation To Prioritize and Increase the Funding for Rural Roads**      **ONTP**

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

*Joint Standing Committee on Transportation*

This resolve directs the Department of Transportation to prioritize and increase funding for the construction and repair of rural roads, giving the highest priority to rural roads that provide the greatest economic benefit to the State.

**LD 1777     An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2019** **P & S 10**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R	OTP-AM	S-351

This bill makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2019 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

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

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2017, chapter 10 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2019 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**LD 1779     An Act To Increase Safety, Ensure Efficient Operation and Improve Traffic Flow on the Maine Turnpike by Requiring All-electronic Toll Collection at New and Reconstructed Toll Facilities** **ONTP**

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

This bill requires the Maine Turnpike Authority to install and implement only an electronic toll collection system, also known as an all-electronic tolling system, for any reconstructed or newly constructed toll facility on the turnpike.

**LD 1806     An Act To Ensure Equity in the Funding of Maine's Transportation Infrastructure by Imposing an Annual Fee on Hybrid and Electric Vehicles** **Accepted Majority (ONTP) Report**

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

This bill imposes a surcharge, dedicated to the Highway Fund, on the annual registration of a hybrid motor vehicle in the amount of \$150 and of a battery-electric motor vehicle in the amount of \$250.

**Committee Amendment "A" (H-644)**

This amendment, which is the minority report of the committee, decreases the proposed surcharge on the annual registration of a hybrid motor vehicle from \$150 to \$50 and of a battery-electric motor vehicle from \$250 to \$125.

**Joint Standing Committee on Transportation**

The amendment also adds an effective date of July 1, 2019. This amendment adds an appropriations and allocations section.

**LD 1818      Resolve, To Designate a Bridge in Gorham the Corporal Joshua P. Barron Memorial Bridge      RESOLVE 40**

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

This resolve designates Bridge 6443 in the Town of Gorham the Corporal Joshua P. Barron Memorial Bridge.

**Enacted Law Summary**

Resolve 2017, chapter 40 designates Bridge 6443 in the Town of Gorham the Corporal Joshua P. Barron Memorial Bridge.

**LD 1886      Resolve, To Provide Funding for a Pilot Project To Evaluate and Address the Transportation Needs of Maine's Veterans      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-725

This resolve was carried over from the Second Regular Session to the next special session by joint order S.P. 748 on the Special Appropriations Table.

This resolve is reported out by the Joint Standing Committee on Transportation pursuant to Resolve 2015, chapter 77, section 4. As required by the resolve, the Department of Transportation submitted to the committee a final written report, including findings and recommendations. The resolve establishes a pilot project in a location served by a regional transportation network to provide transportation for veterans.

**Committee Amendment "A" (H-725)**

This amendment adds an emergency preamble and emergency clause to the resolve. The amendment also changes the beginning date of the 30-month pilot project from September 1, 2018 to July 1, 2018. Finally, the amendment provides that for purposes of the pilot project, "veteran" does not include any person who served on active duty in the United States Armed Forces or served in the Maine National Guard or the reserve components of the United States Armed Forces and who received a dishonorable discharge. The amendment provides that the one-time funding for the pilot project does not lapse but must be carried over to future fiscal years for its intended purpose.

**LD 1890      An Act To Streamline the Management of Maine's Transportation Infrastructure by Initiating the Process of Terminating the Maine Turnpike Authority      INDEF PP**

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

This bill was not referred to committee.

This bill was carried over, pending reference, from the Second Regular Session to the next special session by joint



**Joint Standing Committee on Transportation**

order S.P. 748.

This bill:

1. Prohibits the Maine Turnpike Authority from issuing any bonds after October 15, 2018;
2. Requires the Maine Turnpike Authority, no later than October 15, 2028, to pay all its bonds and debts or to set aside sufficient funds in trust to pay all its bonds and debts;
3. Requires the Maine Turnpike Authority, no later than November 1, 2018, to provide to the Department of Transportation a plan to accomplish the requirements of the bill, including the payment of outstanding debt held by the authority;
4. Requires the Maine Turnpike Authority, no later than November 1, 2028, to submit for introduction to the First Regular Session of the 134th Legislature a bill to transfer all of the duties, responsibilities and assets of the authority to the department and to provide for the sale of all unnecessary equipment, buildings and property owned by the authority and the removal of all the toll facilities on the turnpike with the exception of the York toll facility. The bill must also include a plan to increase tolls at the York toll facility by \$2 for passenger vehicles and decrease tolls at the same facility by \$1 for commercial freight vehicles; and
5. Dissolves the Maine Turnpike Authority on October 15, 2029.

<b>LD 1914</b>	<b>Resolve, To Name the Bridge over the Kennebec River in the Town of Norridgewock the Corporal Eugene Cole Memorial Bridge</b>	<b>RESOLVE 59 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B LIBBY N		

This resolve was not referred to committee.

This resolve directs the Department of Transportation to designate Bridge 2187 on Route 201A, which crosses the Kennebec River in the Town of Norridgewock, the Corporal Eugene Cole Memorial Bridge.

**Enacted Law Summary**

Resolve 2017, chapter 59 directs the Department of Transportation to designate Bridge 2187 on Route 201A, which crosses the Kennebec River in the Town of Norridgewock, the Corporal Eugene Cole Memorial Bridge.

This resolve was finally passed as an emergency measure effective June 29, 2018.

<b>LD 1916</b>	<b>Resolve, To Name a Bridge over the Saco River in the Town of Fryeburg the Nathan Desjardins Memorial Bridge</b>	<b>RESOLVE 58</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N CYRWAY S		

This resolve was not referred to committee.

This resolve directs the Department of Transportation to designate Bridge 2121 on Route 5, which crosses the Saco River in the Town of Fryeburg, the Nathan Desjardins Memorial Bridge.

## *Joint Standing Committee on Transportation*

### **Enacted Law Summary**

Resolve 2017, chapter 59 directs the Department of Transportation to designate Bridge 2121 on Route 5, which crosses the Saco River in the Town of Fryeburg, the Nathan Desjardins Memorial Bridge.

# *Joint Standing Committee on Transportation*

## **SUBJECT INDEX**

### **Bridges**

#### **Enacted**

LD 1727	Resolve, To Designate a Bridge in Surry the Old Surry Schoolhouse Bridge	RESOLVE 31
LD 1818	Resolve, To Designate a Bridge in Gorham the Corporal Joshua P. Barron Memorial Bridge	RESOLVE 40
LD 1914	Resolve, To Name the Bridge over the Kennebec River in the Town of Norridgewock the Corporal Eugene Cole Memorial Bridge	RESOLVE 59 EMERGENCY
LD 1916	Resolve, To Name a Bridge over the Saco River in the Town of Fryeburg the Nathan Desjardins Memorial Bridge	RESOLVE 58

### **Highway Fund**

#### **Not Enacted**

LD 584	An Act To Create the Fund for Municipalities To Improve Pedestrian Safety	Majority (ONTP) Report
LD 1149	An Act To Provide Revenue To Fix and Rebuild Maine's Infrastructure	Died On Adjournment
LD 1806	An Act To Ensure Equity in the Funding of Maine's Transportation Infrastructure by Imposing an Annual Fee on Hybrid and Electric Vehicles	Majority (ONTP) Report

### **Inspection**

#### **Not Enacted**

LD 1595	An Act Regarding Inspection Requirements for Public Safety and Municipal Vehicles Owned by Island Communities	ONTP
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### **Marine Transportation**

#### **Not Enacted**

LD 1400	An Act To Create the Bar Harbor Port Authority	Veto Sustained
LD 1752	An Act To Amend the Laws Governing Pilotage Requirements for Passenger Ferry Service between Maine and Nova Scotia	ONTP

### **Motor Vehicles**

#### **Enacted**

LD 1692	An Act To Amend the Motor Vehicle Laws	PUBLIC 327
LD 1724	Resolve, To Establish the Commission on Autonomous Vehicles and To Allow the Testing, Demonstration and Deployment of Automated Driving Systems	RESOLVE 46

#### **Not Enacted**

LD 1750	An Act To Allow the Operation of Autocycles on Roads in Maine	ONTP
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### **Public Transportation**

#### **Not Enacted**

LD 1248	An Act To Improve Public Transportation in Maine	Died On Adjournment
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### **Railroads**

#### **Not Enacted**

LD 1688	An Act To Require That Railroads Grant Easements to Owners of Land That is Otherwise Inaccessible	ONTP
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### **Registration Plates**

#### **Enacted**

LD 1685	An Act To Create The Barbara Bush Children's Hospital Registration Plate	PUBLIC 400
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### **Signs**

#### **Enacted**

LD 209	An Act To Amend the Laws Governing Temporary Sign Usage	PUBLIC 321
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### **Transportation Department**

#### **Not Enacted**

LD 1754	Resolve, Directing the Department of Transportation To Prioritize and Increase the Funding for Rural Roads	ONTP
LD 1886	Resolve, To Provide Funding for a Pilot Project To Evaluate and Address the Transportation Needs of Maine's Veterans	Died On Adjournment

### **Turnpike Authority**

#### **Enacted**

LD 1777	An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2019	P & S 10
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#### **Not Enacted**

LD 1779	An Act To Increase Safety, Ensure Efficient Operation and Improve Traffic Flow on the Maine Turnpike by Requiring All-electronic Toll Collection at New and Reconstructed Toll Facilities	ONTP
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LD 1890

An Act To Streamline the Management of Maine's Transportation Infrastructure by Initiating the Process of Terminating the Maine Turnpike Authority

INDEF PP









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



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

**JOINT STANDING COMMITTEE ON VETERANS AND LEGAL  
AFFAIRS**

October 2018

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*Joint Standing Committee on Veterans and Legal Affairs*

**LD 31      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Require That Signatures on a Direct Initiative of Legislation Come  
from Each Congressional District** **Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E DIAMOND B	OTP-AM ONTP	H-572

This bill was reported out of committee and then recommitted to the committee in the First Regular Session of the 128th Legislature, and then carried over to the Second Regular Session.

This resolution proposes to amend the Constitution of Maine to require that the signatures on a petition to directly initiate legislation be of voters from each of the State's two congressional districts and that the number of signatures from each congressional district be not less than 10% of the total vote for Governor cast in that congressional district in the previous gubernatorial election. This resolution provides that, if the required votes are cast in favor of the proposed amendment to the Constitution, the proposed amendment becomes part of the Constitution on March 1, 2018 instead of on the date of the Governor's proclamation.

**Committee Amendment "B" (H-572)**

This amendment makes a technical change to the resolution regarding the effective date of the proposed amendment to the Constitution of Maine.

**LD 85      An Act Regarding Public Service Berthing Vessels Licensed for the Sale  
of Liquor** **Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D KUMIEGA W	OTP-AM	S-11

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order, S.P. 748.

This bill authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to issue licenses to public service berthing vessels for the sale of spirits, wine and malt liquor on overnight voyages of at least one night. The bill establishes requirements and fees for such licensing.

**Committee Amendment "A" (S-11)**

This amendment replaces the bill. Like the bill, the amendment provides for a definition of public service berthing vessel. Unlike the bill, the amendment does not establish a separate license for a public service berthing vessel but rather makes the vessel eligible for a Class V liquor license that permits the sale of spirits, wine and malt liquor to passengers of the vessel. It also provides that the license may be issued for a single event or voyage. Like the bill, the amendment requires that the vessel acquire municipal approval to sell liquor on board the vessel to passengers while the vessel is docked. The amendment also makes a provision for storage of liquor to be sold by the licensed vessel and requires that records be maintained for each event when the licensed vessel sells liquor to passengers.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 792      An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B CARPENTER M	OTP-AM ONTP	H-58

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order, S.P. 748.

This bill provides a one-time General Fund appropriation in fiscal year 2017-18 to the Department of Defense, Veterans and Emergency Management for the Betsy Ann Ross House of Hope to provide suitable housing for women veterans in transition and their families.

**Committee Amendment "A" (H-58)**

This amendment incorporates a fiscal note.

**LD 1201      An Act To Authorize Tribal Gaming**

**Died Between  
Houses**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill authorizes the Department of Public Safety, Gambling Control Board to accept applications for a casino operator license from federally recognized Indian tribes in the State. A license issued to a federally recognized Indian tribe would authorize operation of table games and up to an aggregate total of 1,500 slot machines at multiple facilities on land owned by the tribe. The bill provides that casinos operated by federally recognized Indian tribes are exempt from the requirement that a newly licensed casino may not be within 100 miles of an existing casino or slot machine facility. It also provides that the Gambling Control Board may not license a new casino, slot machine facility or other gambling facility or authorize expansion of existing casinos until all federally recognized Indian tribes have been licensed to operate a casino. The bill establishes a distribution rate of 25% of net slot machine income and 16% of net table game income for casinos operated by federally recognized Indian tribes. The slot machine income and table game income is deposited to the General Fund.

**Committee Amendment "A" (H-697)**

This amendment makes the following changes to the bill.

1. Rather than allowing each federally recognized Indian tribe in the State to operate a casino, it allows one legal entity, referred to as a joint tribal entity, the ownership of which is held equally, either jointly or in common, by the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians, to apply for and receive a license to operate a casino.
2. It specifies that, as a condition of a joint tribal entity's receiving a license, a casino must be located:

*Joint Standing Committee on Veterans and Legal Affairs*

A. On land that on January 1, 2018 was owned by the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs or the Houlton Band of Maliseet Indians or land held in trust by the United States or by any other person or entity for the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs or the Houlton Band of Maliseet Indians;

B. On land located in the unorganized territory; or

C. On land in a municipality and that municipality approves of the operation of the casino in that municipality, either by vote of its legislative body or in a referendum of the voters of the municipality.

3. It exempts a casino licensed to a joint tribal entity from the provision in current law that prohibits a new casino or slot machine facility from being located within 100 miles of an existing casino or slot machine facility. The amendment provides that a casino licensed to a joint tribal entity may not be located within 50 miles of an existing facility.

4. The amendment provides that a change in the composition of a joint tribal entity does not invalidate a casino license issued to the entity as long as the change occurs no sooner than six months after the license is issued and the entity still consists of at least two federally recognized Indian tribes in the State who own equal shares of the entity in its entirety.

5. Finally, the amendment changes the provision in current law that states that distributions of net slot machine revenue from the casino located in Oxford County to the Penobscot Nation and the Passamaquoddy Tribe revert to the operator if one or both operate or receive distributions from a newly licensed casino. The amendment provides that the distribution of that slot machine revenue would instead be deposited into the General Fund if either the Penobscot Nation or the Passamaquoddy Tribe operated or received distributions from a newly licensed casino.

**LD 1204 An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities**

**PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J	OTP-AM	H-494

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill amends the law governing the issuance of absentee ballots to a voter who is a resident of a nursing home, a residential care facility or an assisted housing program. The bill prohibits a municipal clerk from issuing an absentee ballot to an immediate family member or a third person for a voter who has granted another person power of attorney and who is receiving medical care due to dementia unless the clerk acquires the consent of the person who has been granted power of attorney. The bill also prohibits a municipal clerk, when facilitating absentee voting at a nursing home, a residential care facility or an assisted housing program, from issuing an absentee ballot to a voter who has granted power of attorney to another person and who is receiving medical care due to dementia unless the clerk acquires the consent of the person who has been granted power of attorney.

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

This amendment replaces the bill, which proposes to prohibit the issuance of absentee ballots at nursing and residential care facilities to certain residents who have granted another person power of attorney in the absence of consent of that person who has been granted power of attorney. The amendment instead requires that the municipal

## *Joint Standing Committee on Veterans and Legal Affairs*

clerk post notice of the date and time when absentee voting will be conducted at a licensed facility and requires the licensed facility to notify the contact person or persons, if any, for each resident at the facility that absentee voting will be conducted.

### **Enacted Law Summary**

Public Law 2017, chapter 433 amends the law governing the issuance of absentee ballots to a voter who is a resident of a licensed nursing home, residential care facility or assisted housing program. This law requires that the municipal clerk post notice of the date and time when absentee voting will be conducted at a licensed facility and requires the licensed facility to notify the contact person or persons, if any, for each resident at the facility that absentee voting will be conducted.

**LD 1554      *Resolve, Authorizing Claire Dean Perry and the Estate of William Dean To Bring Suit Against the Surety Obtained by the Department of Health and Human Services in Its Capacity as Public Conservator*      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P	OTP-AM	H-365 S-513    HAMPER J

This resolve was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This resolve was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This resolve authorizes Claire Dean Perry and the estate of William Dean to bring suit against the surety bond that was obtained by the Department of Health and Human Services in the department's capacity as public conservator or public guardian of William Dean and that was filed with the Probate Court pursuant to the Maine Revised Statutes, Title 18-A, section 5-611. This resolve constitutes a waiver of the State's defense of sovereign immunity.

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

This amendment clarifies that the surety for the State may not assert the defense of immunity in any proceeding authorized by the resolve and filed with the Probate Court. The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-513)**

This amendment removes the funding for a court settlement.

**LD 1568      *An Act To Require That Principals of Corporations Remain the Same for a Specified Number of Years for the Corporation To Be Eligible for a Casino License*      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R SCHNECK J		

This bill was carried over from the First Regular Session of the 128th Legislature to the Second Regular Session. This bill was again carried over from the Second Regular Session to the next special session by joint order S.P. 748.

Current law prohibits the transfer or assignment of a casino operator license. This bill requires that a corporation applying for a license must have had the same principal officers for at least five years prior to the issue of that

***Joint Standing Committee on Veterans and Legal Affairs***

license and must retain those officers for at least 10 years after the issue or renewal of the license. This bill was not reported out of committee.

**LD 1590    An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino**

**Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

Current law requires that 4% of the net slot machine income from the casino in Oxford be distributed to the tribal governments of the Penobscot Nation and the Passamaquoddy Tribe. This bill requires that this 4% of the net slot machine income be distributed to the tribal governments of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs.

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

This amendment incorporates a fiscal note.

**LD 1646    An Act To Implement Ranked-choice Voting in 2021**

**PUBLIC 316**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends the ranked-choice voting law to bring it into compliance with the Constitution of Maine by applying the provisions of the law only to primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative and general and special elections for the offices of United States Senator and United States Representative to Congress. The bill does not allow ranked-choice voting to be used for general and special elections for the offices of Governor, State Senator and State Representative unless an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 that authorizes the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected is ratified.

The bill requires the Secretary of State to adopt routine technical rules for the administration of ranked-choice voting, including the administration of recounts.

**Committee Amendment "B" (H-568)**

This amendment delays the implementation of ranked-choice voting until elections held after December 1, 2021. This amendment provides that the laws governing ranked-choice voting are repealed unless the Constitution of Maine is amended to authorize the Legislature to determine the method by which the Governor and members of the Legislature are elected. The amendment requires the Secretary of State to submit a report on the implementation of ranked-choice voting to the joint standing committee of the Legislature having jurisdiction over election matters no

*Joint Standing Committee on Veterans and Legal Affairs*

later than January 2, 2019.

**Enacted Law Summary**

Public Law 2017, chapter 316 amends the law governing the method of determining the results of elections using ranked-choice voting. It repeals the definition of "offices elected by ranked-choice voting" and replaces it with a definition of "elections determined by ranked-choice voting." It also clarifies existing law that requires ballots to be counted by election clerks under the supervision of the warden, by providing an exception for elections determined by ranked-choice voting.

Chapter 316 directs the Secretary of State to adopt routine technical rules for the proper and efficient administration of elections to be determined by ranked-choice voting, which must include, at a minimum, procedures for conducting recounts. It also requires the Secretary of State to submit a report on the implementation of ranked-choice voting by January 2, 2019.

Chapter 316 provides that the implementation of ranked-choice voting is delayed until elections held after December 1, 2021 and clarifies that the winner of a primary election held before that date is the candidate who receives a plurality of the votes cast for nomination to that office. Primaries held after December 1, 2021 are determined by ranked-choice voting.

Finally, chapter 316 imposes a contingent repeal on the use of ranked-choice voting for elections. It states that unless the voters of the State, prior to December 2021, ratify an amendment to the Constitution of Maine authorizing the Legislature, by proper enactment, to determine the method by which the Governor, members of the State Senate and House of Representatives are elected, the sections of statute that authorize the implementation of ranked-choice voting are repealed.

Portions of Public Law 2017, chapter 316 were suspended on November 6, 2017 upon the filing of an application for a people's veto pursuant to Article IV, Part Third, Section 17 of the Constitution of Maine. The date of the people's veto referendum election was June 12, 2018.

**LD 1693     An Act To Clarify the Law Governing the Separation of a Class A Restaurant and an Off-premises Retail Licensee Located on the Same Premises**

**PUBLIC 324**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M MILLETT R	OTP	

This bill clarifies that a provision of the liquor laws that requires complete separation, including supplies and inventory, of two retail liquor establishments at the same location does not apply to a manufacturing facility and a retail establishment at the same location.

**Enacted Law Summary**

Public Law 2017, chapter 324 clarifies that a provision of the liquor laws that requires complete separation, including supplies and inventory, of two retail liquor establishments at the same location does not apply to a manufacturing facility and a retail establishment at the same location.



*Joint Standing Committee on Veterans and Legal Affairs*

**LD 1725 An Act To Ensure Stability for Certain Holders of Liquor Licenses**

**PUBLIC 341**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L MASON G	OTP-AM	H-585

This bill permanently prohibits the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations from suspending, revoking or refusing to renew certain licenses for the manufacture or sale of liquor issued prior to June 1, 2017 based solely on a change in the bureau's interpretation of the terms "exclusively held" and "exclusively owned" or based solely on a conflict with the Maine Revised Statutes, Title 28-A, section 707, subsection 2, 3 or 4.

**Committee Amendment "A" (H-585)**

The bill establishes June 1, 2017 as the date before which certain liquor licensees must have been issued a license to be subject to the grandfathering provision in the bill. This amendment changes that date to January 1, 2018.

**Enacted Law Summary**

Public Law 2017 chapter 341 prohibits the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations from suspending, revoking or refusing to renew certain licenses for the manufacture or sale of liquor issued prior to January 1, 2018 based solely on a change in the bureau's interpretation of the terms "exclusively held" and "exclusively owned" or based solely on a conflict with the Maine Revised Statutes, Title 28-A, section 707, subsection 2, 3 or 4.

**LD 1726 An Act To Amend the Laws Governing Elections**

**Died Between Houses**

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

This bill makes the following changes to the election laws.

1. It reduces the retention period for the receipt for certified copies of the incoming voting list from one year to six months.
2. It adds a retention period of six months for test ballots and documentation of testing.
3. It adds a deadline for an aggrieved person to appeal a decision of the registrar of voters regarding the person's voter registration.
4. It removes an obsolete requirement that primary and nomination petitions for the nomination of county commissioners must specify the term office.
5. It clarifies that county committee members residing within county commissioner districts make choices for county commissioner nominations for vacancies.
6. It provides that when two United States Senators are to be elected, the term of office sought by each candidate must be specified on the ballot.

## *Joint Standing Committee on Veterans and Legal Affairs*

7. It specifies acceptable formats for names of candidates for nomination to appear on a ballot.
8. It repeals the provision of law allowing for collection of signatures in the voting place.
9. It replaces the current restrictions on political activities occurring within 250 feet of the voting place on election day with new restrictions on both election-related and nonelection-related political and other activities within a designated zone that includes the building where the registrar's office is located when it is open, the voting place, public property within 50 feet of each entrance to the voting place and a 50-foot-wide pathway from the parking or drop-off areas to the entrances to the voting place. Candidates for any office that is on the ballot for the election that day may attend the voting place and orally communicate with voters only if they do so outside the designated zone. Exit polling, the collection of signatures for a candidate or a direct initiative of legislation or referendum and the conduct of charitable or other nonelection-related activities may occur only outside the designated zone. It also applies these restrictions to the municipal clerk's office during the time when absentee voting may be occurring.
10. It adds a new method for returning a voted absentee ballot to the municipal clerk.
11. It changes the manner by which the municipal clerk must give notice of the municipality's intent to process absentee ballots prior to election day.
12. It removes a provision regarding allowing another person to sign for the voter a direct initiative of legislation or a people's veto referendum petition.
13. It removes an incorrect reference to a notary public or other person authorized by law to administer oaths being able to certify petitions.
14. It decreases the public comment period regarding proposed ballot questions for direct initiatives from 30 days to 21 days.
15. It removes an incorrect reference to a census block in Augusta that was included in State Representative District 80 that already was correctly included in State Representative District 85.
16. It repeals a redundant section of the Maine Revised Statutes, Title 30-A that addresses the nomination petitions for county commissioners.
17. It clarifies that the municipal treasurer's statement that must accompany a question for ratification of a municipal bond issue either may be printed on the ballot or may be printed as a separate document that is made available to voters.
18. It corrects cross-references to repealed provisions of law.

### **Committee Amendment "A" (H-683)**

This amendment, which is the majority report of the committee, removes the provisions in the bill that make changes to the laws governing political activities at the polling place. It also removes the provision of the bill that removes language that allows an authorized person to sign a petition for a direct initiative of legislation or a people's veto referendum on behalf of a voter at that voter's direction. The amendment removes a section in the bill that makes changes to the laws governing when a notary public or other person authorized to administer oaths is prohibited from administering an oath to a circulator of a petition for a direct initiative of legislation or people's veto referendum and replaces it with a new section. The new section provides that a notary public or other person authorized to administer oaths is not authorized to administer an oath to a circulator of a petition for a direct initiative of legislation or people's veto referendum petition if that notary public or other person has provided services to initiate or promote that direct initiative of legislation or people's veto referendum. Finally,

*Joint Standing Committee on Veterans and Legal Affairs*

the amendment makes changes to the deadlines governing submission of municipal official candidate nomination papers, municipal official candidate withdrawals and petitions for local option elections on the sale of liquor. These deadline changes make those provisions consistent with other deadlines enacted for similar submissions under Public Law 2017, chapter 248.

**Committee Amendment "B" (H-684)**

This amendment, which is the minority report of the committee, removes the provision in the bill that repeals the laws governing political activities at the voting place and instead amends those laws. The amendment limits to one person the number of people who may attend a voting place on behalf of a candidate to communicate with voters in the manner permitted under existing law. It provides that a person collecting signatures must do so outside of the voting place unless there is a separate room on the premises of the voting place that is not accessible from the area where voting occurs. It limits the number of signature collectors on any one measure, issue or candidate to two and states that no more than two persons who oppose that measure, issue or candidate for which signatures are being collected may be afforded access to the area. It limits the total number of measures, issues or candidates for which signatures may be collected to five.

The amendment removes a provision in the bill that permits the deposit of absentee ballots into a secured drop box accessible only by the municipal election clerk. It also removes a section in the bill that makes changes to the laws governing when a notary public or other person authorized to administer oaths is prohibited from administering an oath on a petition for a direct initiative of legislation or people's veto referendum and replaces it with a new section. The new section provides that a notary public or other person authorized by law to administer oaths is not authorized to administer an oath for a direct initiative of legislation or people's veto referendum petition if that person has provided services to initiate the measure or promote that direct initiative of legislation or people's veto referendum. Finally, the amendment makes changes to the deadlines governing submission of municipal official candidate nomination papers, municipal candidate withdrawals and petitions for local option votes on the sale of liquor. These deadline changes make those provisions consistent with other deadlines enacted for similar submissions under Public Law 2017, chapter 248.

The fiscal note on the amendment identifies a requirement that municipal election clerks provide informational materials to petition circulators describing the laws governing the solicitation of signatures at the voting place as a potential mandate. This requirement does not necessarily require the development of new materials, as a copy of relevant statutory sections governing solicitation of signatures at the voting place sufficiently satisfies the requirement. A municipality may choose to provide informational materials of the municipality's own creation but that is an optional method of compliance. Thus, the members of the committee on this report find that the provisions identified as a potential mandate do not necessitate additional expenditures from local revenue.

**LD 1736 An Act To Broaden Educational Opportunities to Members of the Maine National Guard and Provide Financial Assistance to Veterans**

**PUBLIC 419**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M POULIOT M	OTP-AM	S-445 H-748 LUCHINI L H-743 FARRIN B

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill broadens the tuition benefit program that is available to members of the Maine National Guard who attend a state postsecondary education institution to provide a tuition benefit for members who attend a private nonprofit

## *Joint Standing Committee on Veterans and Legal Affairs*

postsecondary education institution in the State. The bill limits the tuition benefit at private nonprofit postsecondary education institutions to the tuition at the Maine Maritime Academy during the prior academic year.

### **Committee Amendment "A" (S-445)**

This amendment replaces the bill. It repeals the provision in current law that allows the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to provide veterans with temporary and emergency assistance and instead establishes the Veterans Temporary Assistance Fund and prescribes the purposes for which it may be used within the bureau. The amendment also provides ongoing funding for the Veterans Temporary Assistance Fund and the Maine National Guard Postsecondary Fund from the Liquor Operation Revenue Fund.

Like the bill, the amendment expands the Maine National Guard Education Assistance Program to include private nonprofit postsecondary education institutions as institutions where members of the Maine National Guard may receive a tuition benefit. It amends the definition of "state postsecondary education institution," which includes the University of Maine System, the Maine Maritime Academy and the Maine Community College System, to add private nonprofit postsecondary education institutions in the State that have registered with the Military Bureau. The amendment requires that private nonprofit postsecondary education institutions must register with the Military Bureau in order to take part in the Maine National Guard Education Assistance Program. In the amendment, the tuition benefit provided by a private nonprofit postsecondary education institution may not exceed the in-state tuition at the University of Maine at Orono for the previous academic year. The amendment also adds an appropriations and allocations section.

### **House Amendment "B" To Committee Amendment "A" (H-748)**

This amendment removes the Liquor Operation Revenue Fund as the source of funding of the Veterans Temporary Assistance Fund and the Maine National Guard Postsecondary Fund. Instead, this amendment provides funding from the General Fund.

### **House Amendment "A" To Committee Amendment "A" (H-743)**

This amendment includes the Maine Criminal Justice Academy in the list of institutions where members of the Maine National Guard may receive a tuition benefit.

### **Enacted Law Summary**

Public Law 2017, chapter 419 repeals the provision in current law that allows the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to provide veterans with temporary and emergency assistance and instead establishes the Veterans Temporary Assistance Fund and prescribes the purposes for which it may be used within the bureau. The law also provides ongoing funding for the Veterans Temporary Assistance Fund and the Maine National Guard Postsecondary Fund from the General Fund.

This law also expands the Maine National Guard Education Assistance Program to include the Maine Criminal Justice Academy and private nonprofit postsecondary education institutions as institutions where members of the Maine National Guard may receive a tuition benefit. The law requires that private nonprofit postsecondary education institutions must register with the Military Bureau in order to take part in the Maine National Guard Education Assistance Program. Under this law, the tuition benefit provided by a private nonprofit postsecondary education institution may not exceed the in-state tuition at the University of Maine at Orono for the previous academic year.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 1738 An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises**

**PUBLIC 337**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S HARRINGTON M	OTP-AM	S-354

This bill allows the sale of alcohol to persons who are on municipally owned property that is not contiguous to the licensed premises of a person licensed to sell spirits, wine or malt liquor for on-premises consumption as long as certain conditions are met, such as approval by the municipality, the exercise of control over the noncontiguous real estate by the licensee, restricting to employees of the licensee the sale of alcohol and limiting the time during which alcohol may be sold on the noncontiguous real estate. The bill also permits the public to travel between the licensed premises and noncontiguous real estate.

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

This amendment clarifies that noncontiguous real estate near an establishment licensed for the sale of liquor for consumption on the premises that is approved by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations as a proper place for exercise of the licensee's privilege is considered part of the licensed premises. The amendment also clarifies that only an employee of the licensed establishment may transport liquor between the licensed establishment and the noncontiguous real estate.

**Enacted Law Summary**

Public Law 2017 chapter 337 authorizes an establishment licensed to sell liquor for consumption on the licensed premises to sell liquor to patrons on property not contiguous to the licensed premises. The noncontiguous property near the establishment must be owned by the municipality where the establishment is licensed and approved by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages as a proper place for the exercise of the licensee's privilege to sell liquor. The noncontiguous area is considered to be part of the licensed premises. Chapter 337 provides that only an employee of the licensed establishment may transport liquor between the licensed establishment and the noncontiguous real estate. If the space between the licensed establishment and the noncontiguous space is a public way, that space remains accessible to the public.

**LD 1743 An Act To Increase the Number of Agency Liquor Store Licenses in Larger Municipalities**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M	ONTP OTP-AM	S-382

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

This bill proposes to modify the number of retail liquor licenses allowed in a municipality based on the population of that municipality.

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

This amendment replaces the bill, which is a concept draft. The amendment provides that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations may license up to 11 agency liquor stores in a municipality with a population over 60,000. Under current law, the maximum number of agency liquor stores that may be licensed in a municipality with a population over 45,000 is 10.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 1780    An Act To Transfer Funds to the Maine Clean Election Fund To Provide Adequate Funding for Maine Clean Election Fund Candidates**

**Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-665

This bill was carried over on the Special Appropriations Table from the Second Regular Session to the next special session by joint order S.P. 748.

This bill provides funding to the Maine Clean Election Fund in order to ensure that adequate funds are available to candidates participating in the Maine Clean Election Act.

**Committee Amendment "A" (H-665)**

This amendment reduces the appropriation to the Maine Clean Election Fund proposed in the bill from \$1,700,000 to \$700,000.

**LD 1786    An Act Regarding Maine's Liquor Laws**

**PUBLIC 347**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	H-619

This bill clarifies provisions in existing law authorizing a licensed manufacturer to hold a license for a retail establishment where liquor is consumed on the premises. The bill also repeals a provision that requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to establish rules for the separation of areas where the privilege of a liquor license may be exercised from where it may not be exercised.

**Committee Amendment "A" (H-619)**

This amendment provides that distilled spirits may be donated to charitable organizations by both in-state and out-of-state manufacturers. It also clarifies how those donations are processed by the State or the State's wholesale liquor provider. This amendment provides that a manufacturer in the State is entitled to have a retail license under the Maine Revised Statutes, Title 28-A, chapter 43 per licensed manufacturing location, either on the premises of the manufacturing facility or at another location. The amendment also clarifies that liquor sold under a retail license issued pursuant to chapter 43 may not be consumed on any part of the premises where patrons are not generally permitted.

**Enacted Law Summary**

Public Law 2017 c. 347 amends provisions in the liquor laws authorizing a licensed manufacturer to hold a license for a retail establishment where liquor is consumed on the premises. It clarifies that a manufacturer may also hold a license for an establishment licensed to sell liquor for consumption on the premises, under Title 28-A, Chapter 43 as long as the same person or persons have a controlling interest in both. The Chapter 43 license may be sited at the manufacturing facility location or at another location. It also clarifies that the manufacturing facility and the Chapter 43 establishment may be accessed by the same entrance. It also provides that liquor sold under the Chapter 43 license may not be consumed on any part of the premises where patrons are not generally permitted.

It repeals a provision that requires the Department of Administrative and Financial Services, Bureau of Alcoholic

## Joint Standing Committee on Veterans and Legal Affairs

Beverages and Lottery Operations to establish rules for the separation of areas where the privilege of a liquor license may be exercised from where it may not be exercised.

Chapter 347 provides that distilled spirits may be donated to charitable organizations by both in-state and out-of-state manufacturers. It also clarifies how those donations are processed by the State or the State's wholesale liquor provider.

**LD 1802      Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices**      **RESOLVE 37  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a major substantive rule of the Commission on Governmental Ethics and Election Practices.

### Enacted Law Summary

Resolves 2017 chapter 37 authorizes the final adoption of major substantive rules provisionally adopted by the Commission on Governmental Ethics and Election Practices governing the Maine Clean Election Act.

Resolves 2017 chapter 37 was finally passed as an emergency measure effective April 1, 2018.

**LD 1803      Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board**      **RESOLVE 45  
EMERGENCY**

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

This resolve provides for legislative review of Chapter 28: Advanced Deposit Wagering, a major substantive rule of the Gambling Control Board.

### Enacted Law Summary

Resolves 2017 chapter 45 authorize the final adoption of major substantive rules provisionally adopted by the Department of Public Safety, Gambling Control Unit governing advance deposit wagering on horse races.

Resolves 2017, chapter 45 was finally passed as an emergency measure effective April 10, 2018.

**LD 1837      An Act To Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations**      **PUBLIC 365  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R LUCHINI L	OTP-AM	S-378

Current law allows an eligible organization that has registered with the Gambling Control Unit within the Department of Public Safety to conduct one raffle in a 12-month period awarding noncash prizes up to \$75,000 in

*Joint Standing Committee on Veterans and Legal Affairs*

value. This bill allows that raffle to include total cash prizes not exceeding \$20,000 with no more than one \$10,000 prize for the holder of a winning chance.

**Committee Amendment "A" (S-378)**

Current law states that a person or an organization is not required to register with the Gambling Control Unit when conducting a raffle with a prize of \$1,000 or less. This amendment adds provisions to the bill amending the law to increase that prize amount to \$2,500. The amendment also adds an emergency preamble and an emergency clause to the bill.

**Enacted Law Summary**

Public Law 2017, chapter 365 amends a provision of the laws governing games of chance which allows an eligible organization registered with the Gambling Control Unit to conduct one raffle in a 12-month period awarding noncash prizes up to \$75,000 in value. Chapter 365 allows that raffle to include total cash prizes not exceeding \$20,000 with no more than one \$10,000 prize for the holder of a winning chance.

Chapter 365 increases the threshold prize amount which requires an organization conducting a raffle to register with the Gambling Control Unit from an amount greater than \$1,000 to \$2,500.

Public Law 2017, chapter 365 was enacted as an emergency measure effective April 8, 2018.

**LD 1846      An Act To Require the Provision of Photographic Identification by Voters      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R		

This bill was not referred to committee.

This bill requires that a voter provide proof of identity with photographic identification for the purpose of voting. The bill specifies the types of photographic identification that may be used to verify the identity of a voter. It provides that a person who does not present photographic identification may cast a provisional ballot and establishes the process for provisional voting. Under this process, if the person can verify the person's identity to the municipal clerk, deputy clerk or warden or an election clerk within three business days after the election by presenting acceptable photographic identification, the ballot will be cast as a regular ballot. The bill provides that, through the general election of 2018, a person who does not present acceptable photographic identification but is known to a municipal clerk, registrar or election official at the voting place may cast a regular ballot upon submission of an affidavit by the municipal clerk, registrar or election official attesting to the person's identity. The bill requires that provisional ballots must be retained in tamper-proof containers separately from provisional ballot affidavits and the provisional ballot log and that rejected provisional ballots, provisional ballot logs and provisional ballot affidavits must be retained in the same manner as regular ballots and election materials. Finally, the bill requires the Secretary of State to provide, without a fee, nondriver identification cards to eligible persons who do not have another form of acceptable photographic identification to verify identity for the purpose of voting.

**LD 1865      An Act To Increase Transparency in the Direct Initiative Process      PUBLIC 418**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM ONTP	H-714



## *Joint Standing Committee on Veterans and Legal Affairs*

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748.

The bill changes the requirements regarding the statements the Secretary of State must include on petitions used for the collection of signatures for a direct initiative. If the circulator of a petition is being paid to circulate the petition, that petition must include, on each page intended for voter signatures, a statement under the circulator's name that the circulator is being paid. The bill also states that a notary public or other person generally authorized to administer oaths or affirmations is not considered authorized to administer oaths or affirmations to a petition circulator if the notary public or person is also providing services to initiate that petition or promote the measure for which the petition is being circulated. It also provides that a notary public has a conflict of interest if the notary public provides services, other than notarial acts, to a campaign for a direct initiative or people's veto referendum and also administers an oath to a circulator who is collecting signatures for that same direct initiative or people's veto referendum. The bill requires financial reports from major contributors to a direct initiative or people's veto referendum campaign. A major contributor is an entity, other than an individual, that makes contributions aggregating more than \$100,000 in a calendar year to a ballot committee or political action committee for the purpose of initiating or influencing a direct initiative or people's veto referendum. The report must disclose the name and purpose of the organization making the contribution, the amount and date of each contribution, the five largest sources of income in the year prior to filing the report, whether the organization has received contributions for the purposes of influencing a direct initiative or people's veto referendum, if the organization is a tax-exempt organization and if the organization has filed campaign finance reports in other jurisdictions in the past 12 months.

### **Committee Amendment "A" (H-714)**

This amendment is the majority report of the committee. It removes the provisions in the bill requiring an additional statement on a petition for a direct initiative of legislation indicating if the circulator is being paid to solicit signatures. The amendment clarifies the definition of "major contributor." It provides that a person, other than an individual, becomes a major contributor upon making one or more contributions aggregating \$100,000 or more to a ballot question committee or political action committee to influence any one direct initiative campaign or any one people's veto referendum campaign. The amendment also changes the date by which a major contributor must file a report. Under the bill, the report is due at the same time as the recipient committee's October quarterly report. The amendment provides that the major contributor files a report on or before the next regularly scheduled filing deadline after the major contributor receives notice of the reporting requirement. Under the bill, a major contributor is required to report the five largest sources of funds received by the major contributor during the 12 months prior to submitting the report. The amendment provides that the report must identify the five largest sources of funds received by the major contributor during the period six months before the first contribution is made to the direct initiative or people's veto campaign through the date the report is filed. Finally, the amendment provides that a major contributor is not required to identify a source of funds if that source restricted the use of those funds to purposes that are unrelated to a direct initiative or people's veto campaign. The bill allows for this exception to be governed by rules to be adopted by the Commission on Governmental Ethics and Election Practices.

### **Enacted Law Summary**

Public Law 2017, Chapter 418 modifies the law governing the direct initiative and people's veto referendum processes.

Chapter 418 replaces current law limiting who may notarize or certify a petition to initiate the direct initiative or people's veto referendum. Current law provides that a notary public or other authorized person is prohibited from notarizing or certifying a petition if employed or compensated by a petition organization for any purpose other than notarial acts; if providing services or offering assistance to a ballot question committee established to influence the ballot measure for which the petitions are being circulated or employed by or receiving compensation from such a ballot question committee for any purpose other than notarial acts; or if a treasurer, principal officer, primary fundraiser or primary decision maker to a ballot question committee established to influence the ballot measure for

*Joint Standing Committee on Veterans and Legal Affairs*

which petitions are being circulated. Chapter 418 provides instead that that it is a conflict of interest for a notary public to administer an oath or affirmation to a circulator of a petition for a direct initiative or people's veto referendum if the notary public also provides other services to initiate or promote the direct initiative or people's veto referendum. It also prohibits a notary public or other authorized person from administering an oath or affirmation to the circulator of a petition to initiate the direct initiative or people's veto referendum if the notary public or other authorized person is providing any other services, regardless of compensation, to initiate the direct initiative or people's veto referendum or providing other services, regardless of compensation, to promote the direct initiative or people's veto referendum.

Chapter 418 also creates certain reporting requirements for contributions made by a major contributor to a ballot question committee or political action committee for the purpose of initiating or influencing a people's veto referendum campaign or a direct initiative campaign. It defines a "major contributor" as a person, other than an individual, that makes one or more contributions aggregating in excess of \$100,000. It also requires the recipient committee to notify a major contributor of the reporting requirement. Chapter 418 provides for certain civil penalties for a major contributor that does not file a timely report.

**LD 1912     An Act To Prohibit Campaign Fund-raising at the Voting Place**

**Died On  
Adjournment**

Sponsor(s)

PARRY W

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill prohibits collection or solicitation by any person of campaign contributions related to a political organization, candidate for elected office or proposition submitted to voters on public property within 250 feet of the entrance to the voting place as well as within the voting place itself.

**LD 1926     RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Specify the Qualifications of Electors**

**Died On  
Adjournment**

Sponsor(s)

BRAKEY E

Committee Report

Amendments Adopted

This resolution proposes to amend the Constitution of Maine to specify that only a person who is a citizen of the United States may vote in a state, county or municipal or other local election.

# *Joint Standing Committee on Veterans and Legal Affairs*

## **SUBJECT INDEX**

### **Alcoholic Beverages**

#### **Enacted**

LD 1693	An Act To Clarify the Law Governing the Separation of a Class A Restaurant and an Off-premises Retail Licensee Located on the Same Premises	PUBLIC 324
LD 1725	An Act To Ensure Stability for Certain Holders of Liquor Licenses	PUBLIC 341
LD 1738	An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises	PUBLIC 337
LD 1786	An Act Regarding Maine's Liquor Laws	PUBLIC 347

#### **Not Enacted**

LD 85	An Act Regarding Public Service Berthing Vessels Licensed for the Sale of Liquor	Died On Adjournment
LD 1743	An Act To Increase the Number of Agency Liquor Store Licenses in Larger Municipalities	Veto Sustained

### **Beano and Games of Chance**

#### **Enacted**

LD 1837	An Act To Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations	PUBLIC 365 EMERGENCY
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### **Campaign Finance and Maine Clean Election Act**

#### **Enacted**

LD 1802	Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices	RESOLVE 37 EMERGENCY
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#### **Not Enacted**

LD 1780	An Act To Transfer Funds to the Maine Clean Election Fund To Provide Adequate Funding for Maine Clean Election Fund Candidates	Died On Adjournment
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### **Campaign Practices**

#### **Not Enacted**

LD 1912	An Act To Prohibit Campaign Fund-raising at the Voting Place	Died On Adjournment
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### **Casino Gaming**

#### **Not Enacted**

LD 1201	An Act To Authorize Tribal Gaming	Died Between Houses
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LD 1568	An Act To Require That Principals of Corporations Remain the Same for a Specified Number of Years for the Corporation To Be Eligible for a Casino License	Died On Adjournment
LD 1590	An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino	Majority (ONTP) Report

### *Claims Against the State*

#### Not Enacted

LD 1554	Resolve, Authorizing Claire Dean Perry and the Estate of William Dean To Bring Suit Against the Surety Obtained by the Department of Health and Human Services in Its Capacity as Public Conservator	Veto Sustained
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### *Elections*

#### Not Enacted

LD 1726	An Act To Amend the Laws Governing Elections	Died Between Houses
LD 1926	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Specify the Qualifications of Electors	Died On Adjournment

### *Harness Racing and Off-track Betting*

#### Enacted

LD 1803	Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board	RESOLVE 45 EMERGENCY
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### *Initiatives and Referenda*

#### Enacted

LD 1865	An Act To Increase Transparency in the Direct Initiative Process	PUBLIC 418
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#### Not Enacted

LD 31	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District	Died Between Houses
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### *Maine National Guard*

#### Enacted

LD 1736	An Act To Broaden Educational Opportunities to Members of the Maine National Guard and Provide Financial Assistance to Veterans	PUBLIC 419
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**Veterans**

**Not Enacted**

LD 792	An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families	Died On Adjournment
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**Voting**

**Enacted**

LD 1204	An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities	PUBLIC 433
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LD 1646	An Act To Implement Ranked-choice Voting in 2021	PUBLIC 316
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**Not Enacted**

LD 1846	An Act To Require the Provision of Photographic Identification by Voters	INDEF PP
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## APPENDIX A





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**APPENDIX A**  
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**SESSION STATISTICS**  
**OVERALL AND**  
**BY INDIVIDUAL COMMITTEE**



**128th Legislature  
FIRST SPECIAL SESSION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee		
<i>Bills referred and voted out and not carried over</i>	5	71.4%
<i>Bills and Joint Resolutions Carried Over to next session</i>	<u>0</u>	0.0%
<b>Total Bills referred</b>	5	71.4%
B. Bills reported out by law or joint order and not referred back to committee	1	14.3%
C. Bills introduced without reference	1	14.3%
D. <u>Bills referred, but not reported out</u>	<u>0</u>	
<b>Total Bills considered by Legislature</b>	7	100.0%
E. Orders and Resolutions Referred to Committee		
<i>Joint Study Orders</i>	0	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	<u>0</u>	0.0%
<b>Total Orders and Resolutions Referred</b>	0	0.0%
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports		
<i>Ought to Pass</i>	1	16.7%
<i>Ought to Pass as Amended</i>	3	50.0%
<i>Leave to Withdraw</i>	0	0.0%
<u><i>Ought Not to Pass</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	4	66.7%
B. Divided committee reports		
<i>Two-way reports</i>	0	0.0%
<i>Three-way reports</i>	1	16.7%
<u><i>Four-way reports</i></u>	<u>1</u>	<u>16.7%</u>
<b>Total divided reports</b>	2	33.3%
<b>Total Committee reports</b>	6	100.0%
III. CONFIRMATION HEARINGS	0	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of All Bills/Rules</u>
A. Bills and Papers enacted or finally passed		
<i>Joint Study Orders</i>	0	0.0%
<i>Public laws</i>	4	57.1%
<i>Private and Special Laws</i>	0	0.0%
<i>Resolves</i>	1	14.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	5	71.4%
B. Resolves to authorize major substantive rules		
Rules authorized without legislative changes	0	0.0%
Rules authorized with legislative changes	0	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	0	0.0%
C. Bills vetoed or held by Governor		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	1	14.3%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total</b>	1	14.3%



**128TH LEGISLATURE  
SECOND REGULAR SESSION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee		
<i>Bills referred</i>	239	41.4%
<i>Bills and Joint Resolutions carried over from previous session</i>	<u>317</u> *	54.9%
<b>Total Bills referred</b>	<b>556</b>	<b>96.4%</b>
B. Bills reported out by law or joint order and not referred back to committee	3	0.5%
C. Bills introduced without reference	18	3.1%
D. Total Bills considered by Legislature	<u>577</u> **	100.0%
E. Bills referred, but not reported out	<u>47</u> ***	8.1%
F. Orders and Resolutions Referred to Committee		
<i>Joint Study Orders</i>	0	0.0%
<i>Joint Resolutions/Orders referred (SLG)</i>	2	0.3%
<b>Total Orders and Resolutions Referred</b>	<b>2</b>	<b>0.3%</b>
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports		
<i>Ought to Pass</i>	24	4.7%
<i>Ought to Pass as Amended</i>	172	33.6%
<i>Leave to Withdraw</i>	33	6.4%
<i>Ought Not to Pass</i>	<u>96</u>	<u>18.7%</u>
<b>Total unanimous reports</b>	<b>325</b>	<b>63.2%</b>
B. Divided committee reports		
<i>Two-way reports</i>	173	33.7%
<i>Three-way reports</i>	15	2.9%
<i>Four-way reports</i>	1	<u>0.2%</u>
<b>Total divided reports</b>	<b>189</b>	<b>36.8%</b>
<b>Total Committee reports</b>	<b>514</b>	<b>91.6%</b>
III. CONFIRMATION HEARINGS	61	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of All Bills/Rules</u>
A. Bills and Papers enacted or finally passed:		
<i>Joint Study Orders</i>	0	0.0%
<i>Public laws</i>	101	17.5%
<i>Private and Special Laws</i>	6	1.0%
<i>Resolves</i>	28	4.9%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>135</b>	<b>23.4%</b>
B. Resolves to authorize major substantive rules		
Rules authorized without legislative changes	5	38.5%
Rules authorized with legislative changes	8	61.5%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>13</b>	<b>100.0%</b>
C. Bills vetoed or held by Governor		
<i>Vetoed over-riden</i>	31	5.4%
<i>Vetoed sustained</i>	18	3.1%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>
<b>Total</b>	<b>49</b>	<b>8.5%</b>

\* Total number of bills carried over from the previous Includes 76 bills reported out of various committees and then carried over on the Special Appropriations Table by SP 601, 1 bill carried over on the Special Appropriations Table by HP 1138 and 1 bill carried over on the Special Study Table by SP 602. The total does not include LD 328 and LD 1646, which were carried over from the First Regular Session and then enacted during the First Special Session.

\*\* 231 bills, upon the adjournment of the Second Regular Session, did not have a final disposition and were carried over to the next special session by SP 748.

\*\*\* Includes 40 bills which were referred to the AFA committee, 2 bills referred to the CJPS committee 4 bills referred to the MLI Committee and 1 bill referred to the VLA committee.

Prepared by the Office of Policy and Legal Analysis  
128th Legislature, Second Regular Session

**128th LEGISLATURE  
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>	10	47.6%	1.7%
<i><u>Bills carried over from previous session</u></i>	11 *	52.4%	1.9%
<b>Total Bills referred</b>	21	100.0%	3.6%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	21	100.0%	3.6%
<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>	0	0.0%	0.0%
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>	10	47.6%	1.9%
<i>Leave to Withdraw</i>	1	4.8%	0.2%
<i>Ought Not to Pass</i>	4	19.0%	0.8%
<b>Total unanimous reports</b>	15	71.4%	2.9%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	19.0%	0.8%
<i>Three-way reports</i>	2	9.5%	0.4%
<i>Four-way reports</i>	0	0.0%	0.0%
<b>Total divided reports</b>	6	28.6%	1.2%
<b>Total committee reports</b>	21	100.0%	4.1%
<b>III. CONFIRMATION HEARINGS</b>	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>	4	19.0%	0.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	4.8%	0.2%
<i><u>Constitutional Resolutions</u></i>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	5	23.8%	0.9%
<b>B. Major substantive rules</b>			
<i>Authorized without legislative changes</i>	0	0.0%	0.0%
<i>Authorized with legislative changes</i>	0	0.0%	0.0%
<i>Rules Not Reviewed - LTW</i>	1	100.0%	0.0%
<i><u>Not authorized by the Legislature</u></i>	0	0.0%	0.0%
<b>Total number of rules reviewed</b>	1	100.0%	0.0%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	4.8%	0.2%
<i><u>Held by the Governor</u></i>	0	0.0%	0.0%
<b>Total</b>	1	4.8%	0.2%

\* Total number of bills carried over from the previous session includes 4 bills reported out of the ACF Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE  
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</i>	6	11.5%	1.0%
<i>Bills carried over from previous session</i>	45 *	86.5%	7.8%
<b>Total Bills referred</b>	51	98.1%	8.8%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	1	1.9%	0.2%
<b>Total Bills considered by Committee</b>	52	100.0%	9.0%
<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>	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	8.3%	0.2%
<i>Ought to Pass as Amended</i>	2	16.7%	0.4%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	3	25.0%	0.6%
<b>Total unanimous reports</b>	6	50.0%	1.2%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	6	50.0%	1.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	0	0.0%	0.0%
<b>Total divided reports</b>	6	50.0%	1.2%
<b>Total committee reports</b>	12 **	23.1%	2.3%
<b>III. CONFIRMATION HEARINGS</b>	1	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>	3	5.8%	0.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	1.9%	0.2%
<i>Constitutional Resolutions</i>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	4	7.7%	0.7%
<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>Rules not authorized by the Legislature</i>	0	0.0%	0.0%
<b>Total number of rules reviewed</b>	0	0.0%	0.0%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-riden</i>	1	1.9%	0.2%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	0	0.0%	0.0%
<b>Total</b>	1	1.9%	0.2%

\* Total number of bills carried over to the next session includes 2 bills reported out of the AFA Committee and then carried over to the Second Regular Session by HP 1136.

\*\* Total number of committee reports does not include 40 bills referred to the AFA Committee, but not reported out of the committee.

**128th LEGISLATURE  
CRIMINAL JUSTICE AND PUBLIC SAFETY**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred</i>	18	45.0%	3.1%
<i><u>Bills carried over from previous session</u></i>	22 *	55.0%	3.8%
<b>Total Bills referred</b>	40	100.0%	6.9%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	40	100.0%	6.9%
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	0	0.0%	0.0%
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	2.6%	0.2%
<i>Ought to Pass as Amended</i>	15	39.5%	2.9%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	8	21.1%	1.6%
<b>Total unanimous reports</b>	24	63.2%	4.7%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	13	34.2%	2.5%
<i>Three-way reports</i>	1	2.6%	0.2%
<i>Four-way reports</i>	0	0.0%	0.0%
<b>Total divided reports</b>	14	36.8%	2.7%
<b>Total committee reports</b>	38 **	95.0%	7.4%
<b>III. CONFIRMATION HEARINGS</b>	2	N/A	N/A
<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>	11	27.5%	1.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<i><u>Constitutional Resolutions</u></i>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	11	27.5%	1.9%
<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>	0	0.0%	0.0%
<b>Total number of rules reviewed</b>	0	0.0%	0.0%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	5	12.5%	0.9%
<i>Vetoed sustained</i>	1	2.5%	0.2%
<i><u>Held by the Governor</u></i>	0	0.0%	0.0%
<b>Total</b>	6	15.0%	1.0%

\* Total number of bills carried over from the previous session includes 10 bills reported out of the CJPS Committee and then carried over on the Special Appropriations Table by SP 601.

\*\* Total number of committee reports does not include one bill and one resolution referred to the CJPS Committee, but not reported out of the committee



**128th LEGISLATURE  
EDUCATION AND CULTURAL 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>	27	67.5%	4.7%
<i><u>Bills carried over from previous session</u></i>	13 *	32.5%	2.3%
<b>Total Bills referred</b>	40	100.0%	6.9%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	40	100.0%	6.9%
<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>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	2.5%	0.2%
<i>Ought to Pass as Amended</i>	9	22.5%	1.8%
<i>Leave to Withdraw</i>	1	2.5%	0.2%
<i><u>Ought Not to Pass</u></i>	7	17.5%	1.4%
<b>Total unanimous reports</b>	18	45.0%	3.5%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	17	42.5%	3.3%
<i>Three-way reports</i>	5	12.5%	1.0%
<i><u>Four-way reports</u></i>	0	0.0%	0.0%
<b>Total divided reports</b>	22	55.0%	4.3%
<b>Total committee reports</b>	40	100.0%	7.8%
<b>III. CONFIRMATION HEARINGS</b>	14	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>	6	15.0%	1.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	7.5%	0.5%
<i><u>Constitutional Resolutions</u></i>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	9	22.5%	1.6%
<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>	2	100.0%	15.4%
<i><u>Rules not authorized by the Legislature</u></i>	0	0.0%	0.0%
<b>Total number of rules reviewed</b>	2	100.0%	15.4%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	2	5.0%	0.3%
<i>Vetoed sustained</i>	1	2.5%	0.2%
<i><u>Held by the Governor</u></i>	0	0.0%	0.0%
<b>Total</b>	3	7.5%	0.5%

\* Total number of bills carried over from the previous session includes 7 bills reported out of the EDU Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE  
ENERGY, UTILITIES AND TECHNOLOGY**

**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	53.8%	3.6%
<i><u>Bills carried over from previous session</u></i>	<u>18</u> *	<u>46.2%</u>	<u>3.1%</u>
<b>Total Bills referred</b>	39	100.0%	6.8%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	39	100.0%	6.8%
<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>	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	2.6%	0.2%
<i>Ought to Pass as Amended</i>	8	20.5%	1.6%
<i>Leave to Withdraw</i>	1	2.6%	0.2%
<i><u>Ought Not to Pass</u></i>	<u>14</u>	<u>35.9%</u>	<u>2.7%</u>
<b>Total unanimous reports</b>	24	61.5%	4.7%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	15	38.5%	2.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	15	38.5%	2.9%
<b>Total committee reports</b>	39	100.0%	7.6%
<b>III. CONFIRMATION HEARINGS</b>	1	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>	4	10.3%	0.7%
<i>Private and Special Laws</i>	1	2.6%	0.2%
<i>Resolves</i>	2	5.1%	0.3%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	7	17.9%	1.2%
<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>	2	100.0%	15.4%
<i>Rules carried over to next session</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>	2	100.0%	15.4%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1	2.6%	0.2%
<i>Vetoed sustained</i>	3	7.7%	0.5%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	4	10.3%	0.7%

\* Total number of bills carried over from the previous session includes 2 bills reported out of the EUT Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE  
ENVIRONMENT AND 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>	8	66.7%	1.4%
<i><u>Bills carried over from previous session</u></i>	<u>4</u>	<u>33.3%</u>	<u>0.7%</u>
<b>Total Bills referred</b>	<b>12</b>	<b>100.0%</b>	<b>2.1%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>12</b>	<b>100.0%</b>	<b>2.1%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	8.3%	0.2%
<i>Ought to Pass as Amended</i>	9	75.0%	1.8%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>10</b>	<b>83.3%</b>	<b>1.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	1	8.3%	0.2%
<i>Three-way reports</i>	1	8.3%	0.2%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>2</b>	<b>16.7%</b>	<b>0.4%</b>
<b>Total committee reports</b>	<b>12</b>	<b>100.0%</b>	<b>2.3%</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>	8	66.7%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	16.7%	0.3%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>10</b>	<b>83.3%</b>	<b>1.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	1	50.0%	7.7%
<i>Rules authorized with legislative changes</i>	1	50.0%	7.7%
<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>2</b>	<b>100.0%</b>	<b>15.4%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1	8.3%	0.2%
<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>1</b>	<b>8.3%</b>	<b>0.2%</b>

**128th LEGISLATURE  
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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	31	30.1%	5.4%
<i>Bills carried over from previous session</i>	72 *	69.9%	12.5%
Total Bills referred	103	100.0%	17.9%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	103	100.0%	17.9%
Orders and Resolutions referred to Committee			
<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%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	1.9%	0.4%
<i>Ought to Pass as Amended</i>	32	31.1%	6.2%
<i>Leave to Withdraw</i>	2	1.9%	0.4%
<i>Ought Not to Pass</i>	27	26.2%	5.3%
Total unanimous reports	63	61.2%	12.3%
B. Divided committee reports			
<i>Two-way reports</i>	37	35.9%	7.2%
<i>Three-way reports</i>	3	2.9%	0.6%
<i>Four-way reports</i>	0	0.0%	0.0%
Total divided reports	40	38.8%	7.8%
Total committee reports	103	100.0%	20.0%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	9	8.7%	1.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	8	7.8%	1.4%
<i>Constitutional Resolutions</i>	0	0.0%	0.0%
Total Enacted or Finally Passed	17	16.5%	2.9%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	2	50.0%	15.4%
Rules authorized with legislative changes	2	50.0%	15.4%
<i>Rules not authorized by the Legislature</i>	0	0.0%	0.0%
Total number of rules reviewed	4	100.0%	30.8%
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</i>	6	5.8%	1.0%
<i>Vetoed sustained</i>	2	1.9%	0.3%
<i>Held by the Governor</i>	0	0.0%	0.0%
Total	8	7.8%	1.4%

\* Total number of bills carried over from the previous session includes 20 bills reported out of the HHS Committee and then carried over on the Special Appropriations Table by SP 801 and 1 bill carried over on the Special Appropriations Table by HP 1138.

**128th LEGISLATURE  
INLAND FISHERIES AND WILDLIFE**

**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>	9	56.3%	1.6%
<i><u>Bills carried over from previous session</u></i>	7	<u>43.8%</u>	<u>1.2%</u>
<b>Total Bills referred</b>	<b>16</b>	<b>100.0%</b>	<b>2.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>16</b>	<b>100.0%</b>	<b>2.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	18.8%	0.6%
<i>Ought to Pass as Amended</i>	5	31.3%	1.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>3</u>	<u>18.8%</u>	<u>0.6%</u>
<b>Total unanimous reports</b>	<b>11</b>	<b>68.8%</b>	<b>2.1%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	5	31.3%	1.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>5</b>	<b>31.3%</b>	<b>1.0%</b>
<b>Total committee reports</b>	<b>16</b>	<b>100.0%</b>	<b>3.1%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>4</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>	6	37.5%	1.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<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>6</b>	<b>37.5%</b>	<b>1.0%</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 vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	3	18.8%	0.5%
<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>3</b>	<b>18.8%</b>	<b>0.5%</b>

\* Total number of bills carried over from the previous session includes 2 bills reported out of the IFW Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE  
INSURANCE AND FINANCIAL SERVICES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	7	35.0%	1.2%
<u><i>Bills carried over from previous session</i></u>	<u>13</u> *	<u>65.0%</u>	<u>2.3%</u>
<b>Total Bills referred</b>	<b>20</b>	<b>100.0%</b>	<b>3.5%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>20</b>	<b>100.0%</b>	<b>3.5%</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>	2	10.0%	0.4%
<i>Ought to Pass as Amended</i>	8	40.0%	1.6%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>3</u>	<u>15.0%</u>	<u>0.6%</u>
<b>Total unanimous reports</b>	<b>13</b>	<b>65.0%</b>	<b>2.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	7	35.0%	1.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>7</b>	<b>35.0%</b>	<b>1.4%</b>
<b>Total committee reports</b>	<b>20</b>	<b>100.0%</b>	<b>3.9%</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>	9	45.0%	1.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>9</b>	<b>45.0%</b>	<b>1.6%</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 vetoed or held by Governor</b>			
<i>Vetoes over-riden</i>	3	15.0%	0.5%
<i>Vetoes sustained</i>	4	20.0%	0.7%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>7</b>	<b>35.0%</b>	<b>1.2%</b>

\* Total number of bills carried over from the previous session includes 2 bills reported out of the IFS Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE  
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>	21	55.3%	3.6%
<u><i>Bills carried over from previous session</i></u>	16 *	42.1%	2.8%
<b>Total Bills referred</b>	37	97.4%	6.4%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	1	2.6%	0.2%
<b>Total Bills considered by Committee</b>	38	100.0%	6.6%
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	0	0.0%	0.0%
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	5.3%	0.4%
<i>Ought to Pass as Amended</i>	13	34.2%	2.5%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	8	21.1%	1.6%
<b>Total unanimous reports</b>	23	60.5%	4.5%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	15	39.5%	2.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	0	0.0%	0.0%
<b>Total divided reports</b>	15	39.5%	2.9%
<b>Total committee reports</b>	38	100.0%	7.4%
<b>III. CONFIRMATION HEARINGS</b>	11	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>	8	21.1%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	2.6%	0.2%
<u><i>Constitutional Resolutions</i></u>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	9	23.7%	1.6%
<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>Rules carried over to the next session</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	0	0.0%	0.0%
<b>Total number of rules reviewed</b>	0	0.0%	0.0%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	2	5.3%	0.3%
<i>Vetoed sustained</i>	2	5.3%	0.3%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
<b>Total</b>	4	10.5%	0.7%

\* Total number of bills carried over from the previous session includes 4 bills reported out of the JUD Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE  
LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	14	43.8%	2.4%
<i><u>Bills carried over from previous session</u></i>	17 *	53.1%	2.9%
<b>Total Bills referred</b>	31	96.9%	5.4%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	1	3.1%	0.2%
<b>Total Bills considered by Committee</b>	32	100.0%	5.5%
<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>	0	0.0%	0.0%
		<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
II. COMMITTEE REPORTS	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	6.3%	0.4%
<i>Ought to Pass as Amended</i>	11	34.4%	2.1%
<i>Leave to Withdraw</i>	1	3.1%	0.2%
<i><u>Ought Not to Pass</u></i>	<u>2</u>	<u>6.3%</u>	<u>0.4%</u>
<b>Total unanimous reports</b>	16	50.0%	3.1%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	15	46.9%	2.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>1</u>	<u>3.1%</u>	<u>0.2%</u>
<b>Total divided reports</b>	16	50.0%	3.1%
<b>Total committee reports</b>	32	100.0%	6.2%
<b>III. CONFIRMATION HEARINGS</b>	17	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>	6	18.8%	1.0%
<i>Private and Special Laws</i>	1	3.1%	0.2%
<i>Resolves</i>	1	3.1%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	8	25.0%	1.4%
<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>	0	0.0%	0.0%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	3	9.4%	0.5%
<i>Vetoed sustained</i>	2	6.3%	0.3%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	5	15.6%	0.9%

\* Total number of bills carried over from the previous session includes 8 bills reported out of the LCRED Committee and then carried over on the Special Appropriations Table by SP 601.



**128th LEGISLATURE  
MARIJUANA LEGALIZATION IMPLEMENTATION COMMITTEE**

**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</i>	2	6.1%	0.3%
<u><i>Bills carried over from previous session</i></u>	<u>31</u>	<u>93.9%</u>	<u>5.4%</u>
<b>Total Bills referred</b>	<b>33</b>	<b>100.0%</b>	<b>5.7%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>33</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%
<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>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	1	3.4%	0.2%
<i>Leave to Withdraw</i>	27	93.1%	5.3%
<u><i>Ought Not to Pass</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>28</b>	<b>96.6%</b>	<b>5.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	1	3.4%	0.2%
<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>1</b>	<b>3.4%</b>	<b>0.2%</b>
<b>Total committee reports</b>	<b>29 *</b>	<b>87.9%</b>	<b>5.6%</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>	1	3.0%	0.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>1</b>	<b>3.0%</b>	<b>0.2%</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 vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1	3.0%	0.2%
<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>1</b>	<b>3.0%</b>	<b>0.2%</b>

\* Total number of committee reports does not include four bills referred to the MLI Committee, but not reported out of the committee.

**128th LEGISLATURE  
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>	5	62.5%	0.9%
<i><u>Bills carried over from previous session</u></i>	<u>3</u>	<u>37.5%</u>	<u>0.5%</u>
<b>Total Bills referred</b>	<b>8</b>	<b>100.0%</b>	<b>1.4%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>8</b>	<b>100.0%</b>	<b>1.4%</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><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. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	12.5%	0.2%
<i>Ought to Pass as Amended</i>	3	37.5%	0.6%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>4</b>	<b>50.0%</b>	<b>0.8%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	50.0%	0.8%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>4</b>	<b>50.0%</b>	<b>0.8%</b>
<b>Total committee reports</b>	<b>8</b>	<b>100.0%</b>	<b>1.6%</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>	5	62.5%	0.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	12.5%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>6</b>	<b>75.0%</b>	<b>1.0%</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>	1	100.0%	7.7%
<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>1</b>	<b>100.0%</b>	<b>7.7%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<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>

**128th LEGISLATURE  
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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	16	57.1%	2.8%
<u><i>Bills carried over from previous session</i></u>	12 *	<u>42.9%</u>	<u>2.1%</u>
<b>Total Bills referred</b>	<b>28</b>	<b>100.0%</b>	<b>4.9%</b>
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	<b>28</b>	<b>100.0%</b>	<b>4.9%</b>
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	2	100.0%	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>2</b>	<b>100.0%</b>	<b>0.0%</b>
 II. COMMITTEE REPORTS	 <u>Number</u>	 <u>% of this Committee's Reports</u>	 <u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	3.3%	0.2%
<i>Ought to Pass as Amended</i>	16	53.3%	3.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>4</u>	<u>13.3%</u>	<u>0.8%</u>
<b>Total unanimous reports</b>	<b>21</b>	<b>70.0%</b>	<b>4.1%</b>
B. Divided committee reports			
<i>Two-way reports</i>	8	26.7%	1.6%
<i>Three-way reports</i>	1	3.3%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>9</b>	<b>30.0%</b>	<b>1.8%</b>
<b>Total committee reports</b>	<b>30</b>	<b>100.0%</b>	<b>5.8%</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>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	6	21.4%	1.0%
<i>Private and Special Laws</i>	3	10.7%	0.5%
<i>Resolves</i>	2	7.1%	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>11</b>	<b>39.3%</b>	<b>1.9%</b>
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<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>
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	1	3.6%	0.2%
<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>1</b>	<b>3.6%</b>	<b>0.2%</b>

\* Total number of bills carried over from the previous session includes 2 bill reported out of the SLG Committee and then carried over on the Special Appropriations Table by SP 601 and 1 bill carried over on the Special Study Table by SP 602. The total does not include LD 328, which was carried over from the First Regular Session and then enacted during the First Special Session.

**128th LEGISLATURE  
TAXATION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	19	50.0%	3.3%
<u><i>Bills carried over from previous session</i></u>	<u>19</u> *	<u>50.0%</u>	<u>3.3%</u>
Total Bills referred	38	100.0%	6.6%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	38	100.0%	6.6%
Orders and Resolutions referred to Committee			
<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>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	2.6%	0.2%
<i>Ought to Pass as Amended</i>	15	39.5%	2.9%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>7</u>	<u>18.4%</u>	<u>1.4%</u>
Total unanimous reports	23	60.5%	4.5%
B. Divided committee reports			
<i>Two-way reports</i>	13	34.2%	2.5%
<i>Three-way reports</i>	2	5.3%	0.4%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	15	39.5%	2.9%
Total committee reports	38	100.0%	7.4%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	5	13.2%	0.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	2.6%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	6	15.8%	1.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	1	2.6%	0.2%
<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>
Total	1	2.6%	0.2%

\* Total number of bills carried over from the previous session includes 10 bills reported out of the TAX Committee and then carried over on the Special Appropriations Table by SF 601.

**128th LEGISLATURE  
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>	13	68.4%	2.3%
<u><i>Bills carried over from previous session</i></u>	<u>6</u> *	<u>31.6%</u>	<u>1.0%</u>
<b>Total Bills referred</b>	<b>19</b>	<b>100.0%</b>	<b>3.3%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>19</b>	<b>100.0%</b>	<b>3.3%</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>
<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>	2	10.5%	0.4%
<i>Ought to Pass as Amended</i>	7	36.8%	1.4%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	6	31.6%	1.2%
<b>Total unanimous reports</b>	<b>15</b>	<b>78.9%</b>	<b>2.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	21.1%	0.8%
<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>21.1%</b>	<b>0.8%</b>
<b>Total committee reports</b>	<b>19</b>	<b>100.0%</b>	<b>3.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</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>	3	15.8%	0.5%
<i>Private and Special Laws</i>	1	5.3%	0.2%
<i>Resolves</i>	3	15.8%	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>7</b>	<b>36.8%</b>	<b>1.2%</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 vetoed or held by Governor</b>			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	5.3%	0.2%
<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>5.3%</b>	<b>0.2%</b>

\* Total number of bills carried over from the previous session includes 1 bill reported out of the TRA Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE  
VETERANS AND LEGAL 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</i>	12	60.0%	2.1%
<i><u>Bills and Joint Resolutions carried over from previous session</u></i>	8 *	40.0%	1.4%
<b>Total Bills referred</b>	20	100.0%	3.5%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	20	100.0%	3.5%
<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%
<b>Total Orders and Resolutions Referred</b>	0	0.0%	0.0%
		<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>	3	15.8%	0.6%
<i>Ought to Pass as Amended</i>	8	42.1%	1.6%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	0	0.0%	0.0%
<b>Total unanimous reports</b>	11	57.9%	2.1%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	8	42.1%	1.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	0	0.0%	0.0%
<b>Total divided reports</b>	8	42.1%	1.6%
<b>Total committee reports</b>	19 **	95.0%	3.7%
<b>III. CONFIRMATION HEARINGS</b>	0	N/A	N/A
		<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<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>	5	25.0%	0.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	10.0%	0.3%
<i><u>Constitutional Resolutions</u></i>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	7	35.0%	1.2%
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	2	100.0%	15.4%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	0	0.0%	0.0%
<b>Total number of rules reviewed</b>	2	100.0%	15.4%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-riden</i>	1	5.0%	0.2%
<i>Vetoed sustained</i>	1	5.0%	0.2%
<i><u>Held by the Governor</u></i>	0	0.0%	0.0%
<b>Total</b>	2	10.0%	0.3%

\* Total number of bills carried over from the previous session includes 2 bills reported out of the AFA Committee and then carried over to the Second Regular Session by HP 1138.

\*\* Total number of committee reports does not include one bill referred to the VLA Committee, but not reported out of the committee.

**128th LEGISLATURE  
SECOND SPECIAL 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</i>	7	2.8%
<i>Bills carried over from previous session in committee</i>	<u>47</u>	19.0%
<b>Total Bills referred</b>	<b>54</b>	<b>21.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>0.4%</b>
<b>C. Bills introduced without reference</b>	<b>8</b>	<b>3.2%</b>
<b>D. Bills carried over from previous session in some status on floor</b>	<b>185</b>	
<b>E. Total Bills considered by Legislature</b>	<b><u>248</u></b>	<b>100.0%</b>
<b>F. Orders and Resolutions Referred to Committee</b>		
<i>Joint Study Orders</i>	0	0.0%
<i>Joint Resolutions/Orders referred</i>	0	0.0%
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>		
<i>Ought to Pass</i>	0	0.0%
<i>Ought to Pass as Amended</i>	5	38.5%
<i>Leave to Withdraw</i>	0	0.0%
<i>Ought Not to Pass</i>	<u>0</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>5</b>	<b>38.5%</b>
<b>B. Divided committee reports</b>		
<i>Two-way reports</i>	7	53.8%
<i>Three-way reports</i>	1	7.7%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>8</b>	<b>61.5%</b>
<b>Total Committee reports</b>	<b>13 *</b>	<b>23.6%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>6</b>	<b>N/A</b>
IV. FINAL DISPOSITION**	<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>	61	24.6%
<i>Private and Special Laws</i>	0	0.0%
<i>Resolves</i>	4	1.6%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>65</b>	<b>26.2%</b>
<b>B. Resolves to authorize major substantive rules</b>		
Rules authorized without legislative changes	0	0.0%
Rules authorized with legislative changes	0	0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>		
<i>Vetoed over-ridden</i>	20	8.1%
<i>Vetoed sustained</i>	24	9.7%
<i>Held by the Governor</i>	0	0.0%
<b>Total</b>	<b>44</b>	<b>17.7%</b>

\* Total committee reports does not include the following 42 bills: LD 1926, which was referred to the VLA Committee, but was not reported out of the committee; 1 bill carried over from the Second Regular Session in VLA that was not reported out; 34 bills carried over from the Second Regular Session in the AFA Committee that were not reported out of committee; 2 bills carried over from the Second Regular Session in the CRJ Committee that were not reported out of committee; 3 bills in the MLI Committee carried over from the Second Regular Session that were not reported out of committee; and 1 bill in the MLI Committee carried over from the Second Regular Session that was removed from the committee without a vote under Joint Rule 309.

\*\* Totals include final disposition from bills carried over from the previous session on the floor.

Note: MAR and TRA handled no bills in the Second Special Session. TRA reported three bills in the Second Regular Session that were carried over to the Second Special Session; all died on adjournment.

Prepared by the Office of Policy and Legal Analysis  
128th Legislature, Second Special Session

**128th LEGISLATURE  
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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</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. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	0	0.0%	0.0%
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
B. Divided committee reports			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION*	<u>Number</u>		<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0		0.0%
<i>Public laws</i>	3		1.2%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>0</b>		<b>0.0%</b>
B. Major substantive rules			0.0%
<i>Authorized without legislative changes</i>	0		0.0%
<i>Authorized with legislative changes</i>	0		0.0%
<i>Rules Not Reviewed - LTW</i>	0		0.0%
<i><u>Not authorized by the Legislature</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	2		0.8%
<i>Vetoed sustained</i>	0		0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>2</b>		<b>0.8%</b>



**128th LEGISLATURE  
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</i>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	<u>40</u>	<u>97.6%</u>	<u>16.1%</u>
<b>Total Bills referred</b>	<b>40</b>	<b>97.6%</b>	<b>16.1%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>			
	<b>1</b>	<b>2.4%</b>	<b>0.4%</b>
<b>Total Bills considered by Committee</b>	<b>41</b>	<b>100.0%</b>	<b>16.5%</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	42.9%	23.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>3</b>	<b>42.9%</b>	<b>23.1%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	57.1%	30.8%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>4</b>	<b>57.1%</b>	<b>30.8%</b>
<b>Total committee reports</b>	<b>7 *</b>	<b>17.1%</b>	<b>53.8%</b>
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION**	<u>Number</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%
<i>Public laws</i>	6		2.4%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>6</b>		<b>2.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	2		0.8%
<i>Vetoes sustained</i>	2		0.8%
<i><u>Held by the Governor</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>4</b>		<b>1.6%</b>

**128th LEGISLATURE  
CRIMINAL JUSTICE AND PUBLIC SAFETY**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred</i>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	<u>2</u>	<u>100.0%</u>	<u>0.8%</u>
<b>Total Bills referred</b>	<b>2</b>	<b>100.0%</b>	<b>0.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>			
	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	<b>2</b>	<b>100.0%</b>	<b>0.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>0 *</b>	<b>0.0%</b>	<b>0.0%</b>
<b>III. CONFIRMATION HEARINGS</b>			
	0	N/A	N/A
<b>IV. FINAL DISPOSITION**</b>			
	<u>Number</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%
<i>Public laws</i>	4		1.6%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>4</b>		<b>1.6%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1		0.4%
<i>Vetoed sustained</i>	1		0.4%
<i><u>Held by the Governor</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>2</b>		<b>0.8%</b>

\* Total number of committee reports does not include 2 bills carried over from the previous session, but not reported out of the committee.

**128th LEGISLATURE  
EDUCATION AND CULTURAL 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>	1	100.0%	0.4%
<u><i>Bills carried over from previous session in committee</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>1</b>	<b>100.0%</b>	<b>0.4%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>1</b>	<b>100.0%</b>	<b>0.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. 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>	1	100.0%	7.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>1</b>	<b>100.0%</b>	<b>7.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>1</b>	<b>100.0%</b>	<b>7.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION*	<u>Number</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%
<i>Public laws</i>	7		2.8%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>7</b>		<b>2.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			0.0%
Rules authorized without legislative changes	0		0.0%
Rules authorized with legislative changes	0		0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1		0.4%
<i>Vetoed sustained</i>	1		0.4%
<u><i>Held by the Governor</i></u>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>2</b>		<b>0.8%</b>

\* Totals include final disposition from bills carried over from the previous session on the floor.

**128th LEGISLATURE  
ENERGY, UTILITIES AND TECHNOLOGY**

**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>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	0	0.0%	0.0%
<b>Total Bills referred</b>	0	0.0%	0.0%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	0	0.0%	0.0%
<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>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	0	0.0%	0.0%
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	0	0.0%	0.0%
<b>Total unanimous reports</b>	0	0.0%	0.0%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	0	0.0%	0.0%
<b>Total divided reports</b>	0	0.0%	0.0%
<b>Total committee reports</b>	0	0.0%	0.0%
<b>III. CONFIRMATION HEARINGS</b>	0	N/A	N/A
<b>IV. FINAL DISPOSITION*</b>	<u>Number</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%
<i>Public laws</i>	3		1.2%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	0		0.0%
<b>Total Enacted or Finally Passed</b>	3		1.2%
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i>Rules carried over to next session</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	0		0.0%
<b>Total number of rules reviewed</b>	0		0.0%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1		0.4%
<i>Vetoed sustained</i>	0		0.0%
<i><u>Held by the Governor</u></i>	0		0.0%
<b>Total</b>	1		0.4%

**128th LEGISLATURE  
ENVIRONMENT AND 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>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION*</b>	<u>Number</u>		<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0		0.0%
<i>Public laws</i>	0		0.0%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>0</b>		<b>0.0%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-riden</i>	0		0.0%
<i>Vetoed sustained</i>	1		0.4%
<i><u>Held by the Governor</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>1</b>		<b>0.4%</b>

\* Totals include final disposition from bills carried over from the previous session on the floor.

**128th LEGISLATURE  
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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	5	100.0%	2.0%
<u><i>Bills carried over from previous session in committee</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>5</b>	<b>100.0%</b>	<b>2.0%</b>
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	<b>5</b>	<b>100.0%</b>	<b>2.0%</b>
Orders and Resolutions referred to Committee			
<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>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	1	20.0%	7.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>1</b>	<b>20.0%</b>	<b>7.7%</b>
B. Divided committee reports			
<i>Two-way reports</i>	3	60.0%	23.1%
<i>Three-way reports</i>	1	20.0%	7.7%
<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>80.0%</b>	<b>30.8%</b>
<b>Total committee reports</b>	<b>5</b>	<b>100.0%</b>	<b>38.5%</b>
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION*	<u>Number</u>		<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0		0.0%
<i>Public laws</i>	13		5.2%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	2		0.8%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>15</b>		<b>6.0%</b>
B. Resolves to authorize major substantive rules			0.0%
Rules authorized without legislative changes	0		0.0%
Rules authorized with legislative changes	0		0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	9		3.6%
<i>Vetoed sustained</i>	6		2.4%
<u><i>Held by the Governor</i></u>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>15</b>		<b>6.0%</b>

\* Totals include final disposition from bills carried over from the previous session on the floor.

**128th LEGISLATURE  
INLAND FISHERIES AND WILDLIFE**

**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>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</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>	<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>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION*</b>	<b><u>Number</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%
<i>Public laws</i>	4		1.6%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>4</b>		<b>1.6%</b>
<b>B. Resolves to authorize major substantive rules</b>			0.0%
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1		0.4%
<i>Vetoed sustained</i>	0		0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>1</b>		<b>0.4%</b>

\* Totals include final disposition from bills carried over from the previous session on the floor.

**128th LEGISLATURE  
INSURANCE AND FINANCIAL SERVICES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	0	0.0%	0.0%
<i>Bills carried over from previous session in committee</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</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>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
B. Divided committee reports			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION*</b>	<u>Number</u>		<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0		0.0%
<i>Public laws</i>	1		0.4%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i>Constitutional Resolutions</i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>1</b>		<b>0.4%</b>
B. Resolves to authorize major substantive rules			0.0%
Rules authorized without legislative changes	0		0.0%
Rules authorized with legislative changes	0		0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0		0.0%
<i>Vetoed sustained</i>	2		0.8%
<i>Held by the Governor</i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>2</b>		<b>0.8%</b>



**128th LEGISLATURE  
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>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION*</b>	<u>Number</u>		<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0		0.0%
<i>Public laws</i>	4		1.6%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>4</b>		<b>1.6%</b>
<b>B. Resolves to authorize major substantive rules</b>			0.0%
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i>Rules carried over to the next session</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	2		0.8%
<i>Vetoed sustained</i>	2		0.8%
<i><u>Held by the Governor</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>4</b>		<b>1.6%</b>

**128th LEGISLATURE  
LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	0	0.0%	0.0%
<i>Bills carried over from previous session in committee</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
Orders and Resolutions referred to Committee			
<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>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
B. Divided committee reports			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
III. CONFIRMATION HEARINGS	0	N/A	N/A
 IV. FINAL DISPOSITION*	 <u>Number</u>		 <u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0		0.0%
<i>Public laws</i>	3		1.2%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i>Constitutional Resolutions</i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>3</b>		<b>1.2%</b>
B. Resolves to authorize major substantive rules			0.0%
Rules authorized without legislative changes	0		0.0%
Rules authorized with legislative changes	0		0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</i>	1		0.4%
<i>Vetoed sustained</i>	4		1.6%
<i>Held by the Governor</i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>5</b>		<b>2.0%</b>

\* Totals include final disposition from bills carried over from the previous session on the floor.

**128th LEGISLATURE  
MARIJUANA LEGALIZATION IMPLEMENTATION COMMITTEE**

**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</i>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	<u>4</u>	<u>100.0%</u>	<u>1.6%</u>
<b>Total Bills referred</b>	<b>4</b>	<b>100.0%</b>	<b>1.6%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>4</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%
<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>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>0 *</b>	<b>0.0%</b>	<b>0.0%</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 All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0		0.0%
<i>Public laws</i>	0		0.0%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>0</b>		<b>0.0%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0		0.0%
<i>Vetoed sustained</i>	0		0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>0</b>		<b>0.0%</b>

**128th LEGISLATURE  
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>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	0	0.0%	0.0%
<b>Total Bills referred</b>	0	0.0%	0.0%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	0	0.0%	0.0%
<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>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	0	0.0%	0.0%
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>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	0	0.0%	0.0%
<b>Total unanimous reports</b>	0	0.0%	0.0%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	0	0.0%	0.0%
<b>Total divided reports</b>	0	0.0%	0.0%
<b>Total committee reports</b>	0	0.0%	0.0%
<b>III. CONFIRMATION HEARINGS</b>	0	N/A	N/A
IV. FINAL DISPOSITION*	<u>Number</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%
<i>Public laws</i>	1		0.4%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	0		0.0%
<b>Total Enacted or Finally Passed</b>	1		0.4%
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	0		0.0%
<b>Total number of rules reviewed</b>	0		0.0%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0		0.0%
<i>Vetoed sustained</i>	2		0.8%
<i><u>Held by the Governor</u></i>	0		0.0%
<b>Total</b>	2		0.8%

\* Totals include final disposition from bills carried over from the previous session on the floor.

**128th LEGISLATURE  
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>	0	0.0%	0.0%
<i><u>Bills carried over from previous session in committee</u></i>	0	0.0%	0.0%
<b>Total Bills referred</b>	0	0.0%	0.0%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	0	0.0%	0.0%
<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>	0	0.0%	0.0%
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>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	0	0.0%	0.0%
<b>Total unanimous reports</b>	0	0.0%	0.0%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	0	0.0%	0.0%
<b>Total divided reports</b>	0	0.0%	0.0%
<b>Total committee reports</b>	0	0.0%	0.0%
<b>III. CONFIRMATION HEARINGS</b>	0	N/A	N/A
IV. FINAL DISPOSITION*	<u>Number</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%
<i>Public laws</i>	6		2.4%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	0		0.0%
<b>Total Enacted or Finally Passed</b>	6		2.4%
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	0		0.0%
<b>Total number of rules reviewed</b>	0		0.0%
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	0		0.0%
<i>Vetoes sustained</i>	1		0.4%
<i><u>Held by the Governor</u></i>	0		0.0%
<b>Total</b>	1		0.4%

**128th LEGISLATURE  
VETERANS AND LEGAL 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</i>	1	50.0%	0.4%
<i><u>Bills carried over from previous session in committee</u></i>	<u>1</u>	<u>50.0%</u>	<u>0.4%</u>
<b>Total Bills referred</b>	<b>2</b>	<b>100.0%</b>	<b>0.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>2</b>	<b>100.0%</b>	<b>0.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<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>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>0 *</b>	<b>0.0%</b>	<b>0.0%</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 All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0		0.0%
<i>Public laws</i>	3		1.2%
<i>Private and Special Laws</i>	0		0.0%
<i>Resolves</i>	0		0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>3</b>		<b>1.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0		0.0%
<i>Rules authorized with legislative changes</i>	0		0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>		<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0		0.0%
<i>Vetoed sustained</i>	1		0.4%
<i><u>Held by the Governor</u></i>	<u>0</u>		<u>0.0%</u>
<b>Total</b>	<b>1</b>		<b>0.4%</b>

\* Total number of committee reports does not include one bill referred to the committee during the Second Special Session, but not reported



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**APPENDIX B**  
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**LISTS OF BILLS**  
**SHOWING SESSIONS IN WHICH**  
**CONSIDERED**





## SORTED BY COMMITTEE

**Key to Actions in Sessions:**

I = Introduced in this session

CO = Carried over to or through this session

FD = Final disposition in this session

*Note: If name of committee underlined, bill not referred, but summary may be found under this committee*

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
ACF	8	I	CO	CO	CO/FD	Veto Overridden	456
ACF	173	I	CO	CO	CO/FD	Died On Adjournment	
ACF	174	I	CO	CO	CO/FD	Died On Adjournment	
ACF	637	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
ACF	742	I	CO	CO/FD		Accepted Majority (ONTP) Report	
ACF	858	I	CO	CO/FD		Enacted	404
ACF	939	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
ACF	1127	I	CO	CO	CO/FD	Died On Adjournment	
ACF	1574	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
ACF	1584	I	CO	CO	CO/FD	Enacted	437
ACF	1611	I	CO	CO/FD		Accepted Majority (ONTP) Report	
ACF	1647		I/FD			Emergency Finally Passed	29
ACF	1648		I/FD			Emergency Enacted	314
ACF	1662			I/FD		Leave to Withdraw Pursuant to Joint Rule 310	
ACF	1681			I/FD		Emergency Enacted	331
ACF	1739			I/FD		Accepted Majority (ONTP) Report	
ACF	1747			I/FD		Veto Sustained	
ACF	1766			I/FD		Enacted	371
ACF	1773			I/FD		Finally Passed	51
ACF	1789			I/FD		Enacted	362
ACF	1809			I	CO/FD	Veto Overridden Emergency	449
ACF	1839			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
ACF	1844			I	CO/FD	Died On Adjournment	
<u>ACF</u>	1915				I/FD	Veto Sustained	
AFA	47	I	CO	CO	CO/FD	Died On Adjournment	
AFA	139	I	CO	CO	CO/FD	Died On Adjournment	
AFA	143	I	CO	CO	CO/FD	Died On Adjournment	
AFA	176	I	CO	CO/FD		Enacted	378
AFA	177	I	CO	CO	CO/FD	Died On Adjournment	
AFA	178	I	CO	CO	CO/FD	Died On Adjournment	
AFA	247	I	CO	CO/FD		Emergency Enacted	392
AFA	292	I	CO	CO	CO/FD	Died On Adjournment	
AFA	316	I	CO	CO	CO/FD	Died On Adjournment	
AFA	317	I	CO	CO	CO/FD	Died On Adjournment	
AFA	318	I	CO	CO	CO/FD	Died On Adjournment	
AFA	319	I	CO	CO	CO/FD	Died On Adjournment	
AFA	345	I	CO	CO	CO/FD	Died On Adjournment	
AFA	376	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	416	I	CO	CO	CO/FD	Died On Adjournment	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
AFA	467	I	CO	CO	CO/FD	Died On Adjournment	
AFA	520	I	CO	CO	CO/FD	Died On Adjournment	
AFA	521	I	CO	CO/FD		Enacted	384
AFA	546	I	CO	CO	CO/FD	Died On Adjournment	
AFA	590	I	CO	CO	CO/FD	Died On Adjournment	
AFA	638	I	CO	CO	CO/FD	Died On Adjournment	
AFA	650	I	CO	CO	CO/FD	Died On Adjournment	
AFA	675	I	CO	CO	CO/FD	Died On Adjournment	
AFA	735	I	CO	CO	CO/FD	Died On Adjournment	
AFA	743	I	CO	CO	CO/FD	Died On Adjournment	
AFA	836	I	CO	CO	CO/FD	Enacted	465
AFA	837	I	CO	CO	CO/FD	Veto Sustained	
AFA	897	I	CO	CO	CO/FD	Died On Adjournment	
AFA	924	I	CO	CO	CO/FD	Veto Overridden Emergency	459
AFA	925	I	CO	CO	CO/FD	Veto Overridden Emergency	460
AFA	953	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	955	I	CO	CO	CO/FD	Died On Adjournment	
AFA	964	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1118	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1163	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1330	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1331	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1509	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	1510	I	CO	CO	CO/FD	Enacted	425
AFA	1511	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1562	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1586	I	CO	CO/FD		Died Between Houses	
AFA	1602	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1613	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1614	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1649		I/FD			Emergency Enacted	315
AFA	1653			I	CO/FD	Enacted	439
AFA	1760			I	CO/FD	Died On Adjournment	
AFA	1815			I	CO/FD	Enacted	467
AFA	1834			I	CO/FD	Died On Adjournment	
AFA	1867			I	CO/FD	Died Between Houses	
AFA	1883			I	CO/FD	Died On Adjournment	
AFA	1907			I/FD		Veto Overridden Emergency	57
AFA	1908			I	CO/FD	Died On Adjournment	
AFA	1925				I/FD	Veto Sustained	
CJPS	250	I	CO	CO/FD		Accepted Majority (ONTP) Report	
CJPS	377	I	CO	CO	CO/FD	Died On Adjournment	
CJPS	449	I	CO	CO/FD		Enacted	374
CJPS	524	I	CO	CO	CO/FD	Died On Adjournment	
CJPS	525	I	CO	CO	CO/FD	Enacted	431
CJPS	861	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
CJPS	951	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	990	I	CO	CO	CO/FD	Died On Adjournment	
CJPS	1048	I	CO	CO	CO/FD	Died On Adjournment	
CJPS	1091	I	CO	CO	CO/FD	Emergency Enacted	432
CJPS	1146	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1168	I	CO	CO	CO/FD	Died On Adjournment	
CJPS	1183	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1202	I	CO	CO/FD		Accepted Majority (ONTP) Report	
CJPS	1268	I	CO	CO/FD		Indefinitely Postponed	
CJPS	1322	I	CO	CO	CO/FD	Enacted	436
CJPS	1388	I	CO	CO/FD		Veto Overridden	410
CJPS	1389	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1414	I	CO	CO/FD		Veto Sustained	
CJPS	1415	I	CO	CO/FD		Died Between Houses	
CJPS	1429	I	CO	CO	CO/FD	Died On Adjournment	
CJPS	1490	I	CO	CO	CO/FD	Veto Overridden	-450
CJPS	1672			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1704			I	CO/FD	Veto Sustained	
CJPS	1705			I/FD		Enacted	386
CJPS	1706			I/FD		Died Between Houses	
CJPS	1728			I/FD		Enacted	336
CJPS	1735			I/FD		Veto Overridden Emergency	373
CJPS	1740			I/FD		Veto Overridden	416
CJPS	1751			I/FD		Enacted	348
CJPS	1782			I/FD		Accepted Majority (ONTP) Report	
CJPS	1783			I	CO/FD	Died On Adjournment	
CJPS	1795			I/FD		Veto Overridden Emergency	377
CJPS	1813			I/FD		Enacted	354
CJPS	1819			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1822			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1838			I/FD		Veto Overridden	397
CJPS	1841			I/FD		Indefinitely Postponed	
CJPS	1855			I/FD		Emergency Enacted	383
CJPS	1859			I/FD		Indefinitely Postponed	
CJPS	1904			I/FD		Died Between Houses	-
CJPS	1910			I	CO/FD	Enacted	468
EDU	49	I	CO	CO	CO/FD	Died On Adjournment	
EDU	51	I	CO	CO/FD		Enacted	385
EDU	228	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	334	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	526	I	CO	CO	CO/FD	Died On Adjournment	
EDU	681	I	CO	CO	CO/FD	Died On Adjournment	
EDU	816	I	CO	CO	CO/FD	Died On Adjournment	
EDU	1016	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	1130	I	CO	CO	CO/FD	Died On Adjournment	
EDU	1286	I	CO	CO	CO/FD	Enacted	426

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
EDU	1321	I	CO	CO	CO/FD	Veto Sustained	
EDU	1336	I	CO	CO/FD		Died Between Houses	
EDU	1492	I	CO	CO	CO/FD	Died On Adjournment	
EDU	1656			I/FD		Veto Overridden	370
EDU	1666			I	CO/FD	Enacted	466
EDU	1684			I	CO/FD	Died On Adjournment	
EDU	1689			I	CO/FD	Died On Adjournment	
EDU	1694			I/FD		Finally Passed	38
EDU	1696			I	CO/FD	Veto Overridden	463
EDU	1697			I	CO/FD	Died On Adjournment	
EDU	1698			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	1731			I/FD		Enacted	342
EDU	1733			I/FD		Leave to Withdraw Pursuant to Joint Rule 310	
EDU	1749			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	1756			I/FD		Veto Overridden Emergency	413
EDU	1761			I/FD		Accepted Majority (ONTP) Report	
EDU	1829			I/FD		Enacted	381
EDU	1843			I	CO/FD	Enacted	420
EDU	1845			I	CO/FD	Enacted	444
EDU	1851			I/FD		Emergency Finally Passed	53
EDU	1852			I/FD		Emergency Finally Passed	54
EDU	1858			I/FD		Enacted	389
EDU	1860			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	1861			I	CO/FD	Died On Adjournment	
EDU	1866			I/FD		Veto Sustained	
EDU	1869			I	CO/FD	Emergency Enacted	446
EDU	1870			I	CO/FD	Died On Adjournment	
EDU	1898			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	1900			I	CO/FD	Accepted Majority (ONTP) Report	
EDU	1902			I	CO/FD	Died On Adjournment	
EDU	1924				I/FD	Enacted	477
ENR	399	I	CO	CO/FD		Enacted	353
ENR	1095	I	CO	CO	CO/FD	Veto Sustained	
ENR	1298	I	CO	CO/FD		Enacted	319
ENR	1534	I	CO	CO/FD		Enacted	369
ENR	1657			I/FD		Enacted	323
ENR	1674			I/FD		Emergency Finally Passed	30
ENR	1703			I/FD		Accepted Report A (ONTP)	
ENR	1784			I/FD		Emergency Enacted	333
ENR	1797			I/FD		Emergency Finally Passed	39
ENR	1807			I/FD		Enacted	334
ENR	1808			I/FD		Enacted	376
ENR	1847			I/FD		Veto Overridden	391
EUT	131	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	140	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	257	I	CO	CO/FD		Veto Sustained	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
EUT	260	I	CO	CO	CO/FD	Died On Adjournment	
EUT	423	I	CO	CO	CO/FD	Died On Adjournment	-
EUT	532	I	CO	CO/FD		Accepted Majority (ONTP) Report	
EUT	822	I	CO	CO/FD		Enacted	358
EUT	1176	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1224	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1372	I	CO	CO	CO/FD	Died On Adjournment	
EUT	1373	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1399	I	CO	CO	CO/FD	Died On Adjournment	
EUT	1444	I	CO	CO/FD		Veto Sustained	
EUT	1472	I	CO	CO/FD		Enacted	344
EUT	1487	I	CO	CO	CO/FD	Died On Adjournment	
EUT	1515	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1610	I	CO	CO/FD		Died Between Houses	
EUT	1632	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1671			I	CO/FD	Enacted	428
EUT	1686			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1690			I/FD		Accepted Majority (ONTP) Report	
EUT	1699			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1700			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1701			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	-
EUT	1702			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1729			I	CO/FD	Veto Overridden Emergency	448
EUT	1732			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1741			I	CO/FD	Died On Adjournment	
EUT	1745			I/FD		Veto Sustained	
EUT	1746			I	CO/FD	Enacted	422
EUT	1785			I/FD		Leave to Withdraw Pursuant to Joint Rule 310	
EUT	1798			I/FD		Emergency Finally Passed	44
EUT	1799			I/FD		Emergency Finally Passed	49
EUT	1810			I/FD		Died Between Houses	
EUT	1814			I/FD		Enacted	13
EUT	1830			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1848			I/FD		Veto Overridden	414
EUT	1872			I/FD		Emergency Enacted	408
EUT	1895			I	CO/FD	Died Between Houses	
EUT	1896			I/FD		Died Between Houses	
HHS	20	I	CO	CO	CO/FD	Died On Adjournment	
HHS	40	I	CO	CO	CO/FD	Veto Sustained	
HHS	59	I	CO	CO	CO/FD	Died On Adjournment	-
HHS	106	I	CO	CO	CO/FD	Died On Adjournment	
HHS	166	I	CO	CO/FD		Veto Overridden	412
HHS	186	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
HHS	230	I	CO	CO	CO/FD	Died On Adjournment	
HHS	238	I	CO	CO	CO/FD	Veto Overridden Emergency	447
HHS	267	I	CO	CO	CO/FD	Died On Adjournment	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
HHS	270	I	CO	CO	CO/FD	Died On Adjournment	
HHS	272	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	274	I	CO	CO	CO/FD	Veto Overridden	457
HHS	320	I	CO	CO	CO/FD	Enacted	421
HHS	323	I	CO	CO	CO/FD	Died On Adjournment	
HHS	383	I	CO	CO/FD		Veto Overridden	50
HHS	384	I	CO	CO/FD		Finally Passed	47
HHS	386	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	401	I	CO	CO	CO/FD	Veto Overridden	454
HHS	411	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	470	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	561	I	CO	CO/FD		Accepted Majority (ONTP) Report	
HHS	562	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
HHS	565	I	CO	CO/FD		Veto Overridden	364
HHS	566	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	605	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	643	I	CO	CO	CO/FD	Died On Adjournment	
HHS	687	I	CO	CO	CO/FD	Veto Overridden	60
HHS	691	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	692	I	CO	CO	CO/FD	Died On Adjournment	
HHS	720	I	CO	CO	CO/FD	Died On Adjournment	
HHS	762	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	763	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	765	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	812	I	CO	CO	CO/FD	Veto Sustained	
HHS	842	I	CO	CO	CO/FD	Veto Overridden	61
HHS	898	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	902	I	CO	CO	CO/FD	Died On Adjournment	
HHS	966	I	CO	CO	CO/FD	Died On Adjournment	
HHS	967	I	CO	CO	CO/FD	Died On Adjournment	
HHS	998	I	CO	CO	CO/FD	Died On Adjournment	
HHS	999	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1000	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1063	I	CO	CO/FD		Veto Sustained	
HHS	1097	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1098	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1109	I	CO	CO	CO/FD	Veto Sustained	
HHS	1133	I	CO	CO	CO/FD	Veto Overridden	461
HHS	1135	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1148	I	CO	CO/FD		Died Between Houses	
HHS	1162	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1177	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1188	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1189	I	CO	CO/FD		Accepted Majority (ONTP) Report	
HHS	1214	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1273	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
HHS	1301	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1314	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1329	I	CO	CO/FD		Accepted Majority (ONTP) Report	
HHS	1374	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1423	I	CO	CO/FD		Accepted Majority (ONTP) Report	
HHS	1430	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1433	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1435	I	CO	CO/FD		Veto Sustained	
HHS	1466	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1474	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1481	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1494	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1495	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1517	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1527	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1539	I	CO	CO	CO/FD	Veto Overridden	452
HHS	1612	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1661			I/FD		Emergency Finally Passed	48
HHS	1664			I/FD		Emergency Finally Passed	32
HHS	1665			I/FD		Enacted	380
HHS	1675			I/FD		Enacted	322
HHS	1676			I	CO/FD	Veto Sustained	
HHS	1682			I	CO/FD	Died On Adjournment	
HHS	1707			I	CO/FD	Veto Overridden	464
HHS	1708			I	CO/FD	Died On Adjournment	
HHS	1709			I	CO/FD	Veto Sustained	
HHS	1710			I	CO/FD	Died On Adjournment	
HHS	1711			I	CO/FD	Veto Sustained	
HHS	1712			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1713			I	CO/FD	Died On Adjournment	
HHS	1714			I	CO/FD	Emergency Enacted	442
HHS	1715			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1730			I/FD		Enacted	360
HHS	1737			I	CO/FD	Died On Adjournment	
HHS	1742			I	CO/FD	Died On Adjournment	
HHS	1748			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1762			I	CO/FD	Veto Overridden Emergency	451
HHS	1771			I/FD		Veto Overridden	415
HHS	1774			I/FD		Enacted	387
HHS	1778			I/FD		Veto Overridden Emergency	41
HHS	1800			I/FD		Emergency Finally Passed	33
HHS	1801			I/FD		Emergency Finally Passed	35
HHS	1811			I/FD		Indefinitely Postponed	
HHS	1820			I	CO/FD	Died On Adjournment	
HHS	1863			I/FD		Emergency Enacted	372
HHS	1864			I/FD		Died Between Houses	



List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
HHS	1868			I	CO/FD	Died On Adjournment	
HHS	1871			I/FD		Enacted	407
HHS	1873			I	CO/FD	Indefinitely Postponed	
HHS	1874			I/FD		Veto Overridden Emergency	56
HHS	1899			I	CO/FD	Died On Adjournment	
HHS	1906			I	CO/FD	Indefinitely Postponed	
HHS	1909			I	CO/FD	Died On Adjournment	
HHS	1911			I	CO/FD	Died On Adjournment	
HHS	1919				I/FD	Accepted Majority (ONTP) Report	
HHS	1920				I/FD	Enacted	472
HHS	1921				I/FD	Enacted	473
HHS	1922				I/FD	Enacted	470
HHS	1923				I/FD	Emergency Enacted	471
IFS	192	I	CO	CO	CO/FD	Veto Sustained	
IFS	389	I	CO	CO/FD		Veto Sustained	
IFS	453	I	CO	CO/FD		Died Between Houses	
IFS	660	I	CO	CO/FD		Accepted Majority (ONTP) Report	
IFS	696	I	CO	CO	CO/FD	Enacted	429
IFS	968	I	CO	CO/FD		Veto Overridden	390
IFS	1030	I	CO	CO/FD		Veto Overridden	340
IFS	1032	I	CO	CO/FD		Veto Sustained	
IFS	1279	I	CO	CO/FD		Veto Sustained	
IFS	1407	I	CO	CO	CO/FD	Veto Sustained	
IFS	1417	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFS	1476	I	CO	CO/FD		Veto Overridden	343
IFS	1507	I	CO	CO/FD		Veto Sustained	
IFS	1663			I/FD		Enacted	317
IFS	1677			I/FD		Enacted	318
IFS	1753			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFS	1792			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFS	1875			I/FD		Enacted	382
IFS	1881			I/FD		Emergency Enacted	394
IFS	1888			I/FD		Enacted	401
IFW	11	I	CO	CO/FD		Died Between Houses	
IFW	630	I	CO	CO/FD		Veto Overridden	379
IFW	768	I	CO	CO	CO/FD	Enacted	427
IFW	843	I	CO	CO	CO/FD	Veto Overridden	458
IFW	1236	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFW	1391	I	CO	CO	CO/FD	Died On Adjournment	
IFW	1451	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFW	1667			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFW	1683			I	CO/FD	Enacted	441
IFW	1759			I/FD		Enacted	325
IFW	1790			I/FD		Enacted	357
IFW	1816			I/FD		Veto Overridden	355
IFW	1823			I/FD		Veto Overridden	356

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
IFW	1824			I/FD		Emergency Enacted	366
IFW	1835			I	CO/FD	Emergency Enacted	423
IFW	1836			I/FD		Accepted Majority (ONTP) Report	
JUD	111	I	CO	CO	CO/FD	Died On Adjournment	
JUD	123	I	CO	CO/FD		Enacted	402
JUD	170	I	CO	CO	CO/FD	Veto Sustained	
JUD	197	I	CO	CO	CO/FD	Died On Adjournment	
JUD	283	I	CO	CO/FD		Died Between Houses	
JUD	821	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	846	I	CO	CO/FD		Emergency Enacted	359
JUD	860	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	934	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	969	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1187	I	CO	CO/FD		Veto Overridden	411
JUD	1190	I	CO	CO	CO/FD	Veto Overridden	462
JUD	1267	I	CO	CO/FD		Veto Sustained	
JUD	1355	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1406	I	CO	CO/FD		Enacted	406
JUD	1541	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1658			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1670			I/FD		Enacted	328
JUD	1678			I/FD		Enacted	329
JUD	1691			I/FD		Died Between Houses	
JUD	1695			I/FD		Accepted Majority (ONTP) Report	
JUD	1716			I/FD		Enacted	338
JUD	1717			I/FD		Enacted	335
JUD	1763			I	CO/FD	Died On Adjournment	
JUD	1788			I	CO/FD	Veto Overridden	455
JUD	1793			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1812			I/FD		Emergency Finally Passed	52
JUD	1817			I	CO/FD	Emergency Enacted	430
JUD	1821			I/FD		Died Between Houses	
JUD	1827			I/FD		Enacted	349
JUD	1831			I/FD		Accepted Majority (ONTP) Report	
JUD	1832			I/FD		Accepted Majority (ONTP) Report	
JUD	1833			I/FD		Accepted Majority (ONTP) Report	
JUD	1854			I	CO/FD	Indefinitely Postponed	
JUD	1876			I/FD		Veto Sustained	
JUD	1884			I	CO/FD	Veto Sustained	
JUD	1885			I	CO/FD	Died On Adjournment	
JUD	1889			I	CO/FD	Died On Adjournment	
JUD	1894			I	CO/FD	Emergency Enacted	475
JUD	1897			I/FD		Veto Overridden	395
LCED	285	I	CO	CO	CO/FD	Died On Adjournment	
LCED	367	I	CO	CO	CO/FD	Died On Adjournment	
LCED	503	I	CO	CO	CO/FD	Died On Adjournment	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
LCED	656	I	CO	CO	CO/FD	Died On Adjournment	
LCED	669	I	CO	CO/FD		Veto Sustained	
LCED	700	I	CO	CO	CO/FD	Veto Overridden Emergency	453
LCED	912	I	CO	CO	CO/FD	Veto Sustained	
LCED	958	I	CO	CO/FD		Veto Overridden	396
LCED	1006	I	CO	CO	CO/FD	Died On Adjournment	
LCED	1244	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
LCED	1280	I	CO	CO	CO/FD	Enacted	434
LCED	1308	I	CO	CO	CO/FD	Died On Adjournment	
LCED	1327	I	CO	CO/FD		Enacted	326
LCED	1343	I	CO	CO	CO/FD	Died On Adjournment	
LCED	1542	I	CO	CO	CO/FD	Died On Adjournment	
LCED	1566	I	CO	CO	CO/FD	Veto Sustained	
LCED	1587	I	CO	CO/FD		Veto Sustained	
LCED	1654			I	CO/FD	Enacted	440
LCED	1718			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
LCED	1757			I/FD		Died Between Houses	
LCED	1768			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
LCED	1769			I/FD		Died Between Houses	
LCED	1770			I	CO/FD	Veto Sustained	
LCED	1772			I/FD		Veto Overridden	42
LCED	1787			I/FD		Emergency Enacted	12
LCED	1825			I/FD		Enacted	388
LCED	1826			I/FD		Emergency Enacted	351
LCED	1856			I/FD		Emergency Enacted	363
LCED	1857			I	CO/FD	Veto Sustained	
LCED	1879			I	CO/FD	Died On Adjournment	
LCED	1880			I	CO/FD	Indefinitely Postponed	
LCED	1887			I	CO/FD	Accepted Majority (ONTP) Report	
LCED	1892			I/FD		Veto Overridden Emergency	417
LCED	1893			I	CO/FD	Indefinitely Postponed	
LCED	1905			I	CO/FD	Indefinitely Postponed	
LCED	1913				I/FD	Died On Adjournment	
LCED	1917				I/FD	Enacted	476
LCED	1927				I/FD	Died On Adjournment	
MAR	703	I	CO	CO/FD		Accepted Majority (ONTP) Report	
MAR	922	I	CO	CO/FD		Indefinitely Postponed	
MAR	1519	I	CO	CO/FD		Enacted	350
MAR	1652			I/FD		Enacted	346
MAR	1659			I/FD		Enacted	320
MAR	1720			I/FD		Enacted	352
MAR	1767			I/FD		Emergency Finally Passed	43
MAR	1791			I/FD		Enacted	368
MLI	164	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	215	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	231	I	CO	CO	CO/FD	Died On Adjournment	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
MLI	301	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	310	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	387	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	433	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	498	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	499	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	545	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	596	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	625	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	626	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	627	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	667	I	CO	CO	CO/FD	Indefinitely Postponed	
MLI	672	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	734	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	797	I	CO	CO	CO/FD	Died On Adjournment	
MLI	798	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	799	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	806	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	854	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	855	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	938	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	1197	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	1209	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	1431	I	CO	CO	CO/FD	Died On Adjournment	
MLI	1448	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	1491	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	1499	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	1596	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	1650		I/FD			Veto Sustained	
MLI	1651		I/FD			Indefinitely Postponed	
MLI	1719			I/FD		Veto Overridden Emergency	409
MLI	1775			I/FD		Died Between Houses	
SLG	105	I	CO	CO	CO/FD	Veto Sustained	
SLG	288	I	CO	CO	CO/FD	Died On Adjournment	
SLG	328	I	CO/FD			Enacted	313
SLG	473	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	780	I	CO	CO/FD		Enacted	403
SLG	823	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	890	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	1021	I	CO	CO	CO/FD	Died On Adjournment	
SLG	1068	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	1345	I	CO	CO	CO/FD	Veto Sustained	
SLG	1484	I	CO	CO/FD		Enacted	14
SLG	1588	I	CO	CO/FD		Enacted	345
SLG	1604	I	CO	CO/FD		Indefinitely Postponed	
SLG	1668			I/FD		Died Between Houses	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
SLG	1673			I/FD		Enacted	11
SLG	1679			I/FD		Emergency Enacted	330
SLG	1764			I/FD		Died Between Houses	
SLG	1776			I/FD		Enacted	332
SLG	1794			I/FD		Accepted Majority (ONTP) Report	
SLG	1804			I/FD		Finally Passed	34
SLG	1828			I/FD		Emergency Enacted	15
SLG	1840			I/FD		Veto Overridden	398
SLG	1842			I	CO/FD	Enacted	443
SLG	1849			I/FD		Died Between Houses	
SLG	1850			I	CO/FD	Died On Adjournment	
SLG	1853			I/FD		Accepted Report A (ONTP)	
SLG	1877			I/FD		Enacted	393
SLG	1878			I	CO/FD	Died On Adjournment	
SLG	1901			I/FD		Emergency Finally Passed	55
SLG	1918				I/FD	Enacted	469
TAX	27	I	CO	CO	CO/FD	Died On Adjournment	
TAX	79	I	CO	CO	CO/FD	Died On Adjournment	
TAX	289	I	CO	CO	CO/FD	Died On Adjournment	
TAX	442	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	513	I	CO	CO	CO/FD	Died On Adjournment	
TAX	781	I	CO	CO	CO/FD	Died On Adjournment	
TAX	1196	I	CO	CO	CO/FD	Died On Adjournment	
TAX	1212	I	CO	CO	CO/FD	Died On Adjournment	
TAX	1283	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1287	I	CO	CO	CO/FD	Enacted	435
TAX	1317	I	CO	CO	CO/FD	Died On Adjournment	
TAX	1338	I	CO	CO	CO/FD	Died On Adjournment	
TAX	1461	I	CO	CO/FD		Died Between Houses	
TAX	1479	I	CO	CO/FD		Enacted	367
TAX	1537	I	CO	CO	CO/FD	Died On Adjournment	
TAX	1565	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1597	I	CO	CO	CO/FD	Enacted	438
TAX	1599	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1629	I	CO	CO	CO/FD	Enacted	478
TAX	1655			I	CO/FD	Emergency Enacted	474
TAX	1660			I/FD		Finally Passed	36
TAX	1669			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1680			I	CO/FD	Died On Adjournment	
TAX	1687			I/FD		Accepted Majority (ONTP) Report	
TAX	1721			I/FD		Indefinitely Postponed	
TAX	1722			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1723			I/FD		Accepted Majority (ONTP) Report	
TAX	1734			I/FD		Indefinitely Postponed	
TAX	1744			I	CO/FD	Veto Sustained	
TAX	1755			I/FD		Veto Overridden	399

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
TAX	1758			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1765			I/FD		Accepted Majority (ONTP) Report	
TAX	1781			I/FD		Enacted	361
TAX	1796			I/FD		Enacted	339
TAX	1805			I/FD		Enacted	375
TAX	1862			I	CO/FD	Emergency Enacted	424
TAX	1882			I	CO/FD	Enacted	445
TAX	1891			I/FD		Accepted Majority (ONTP) Report	
TAX	1903			I/FD		Enacted	405
TRA	209	I	CO	CO/FD		Enacted	321
TRA	584	I	CO	CO/FD		Accepted Majority (ONTP) Report	
TRA	1149	I	CO	CO	CO/FD	Died On Adjournment	
TRA	1248	I	CO	CO	CO/FD	Died On Adjournment	
TRA	1400	I	CO	CO/FD		Veto Sustained	
TRA	1595	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TRA	1685			I/FD		Enacted	400
TRA	1688			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TRA	1692			I/FD		Enacted	327
TRA	1724			I/FD		Finally Passed	46
TRA	1727			I/FD		Finally Passed	31
TRA	1750			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TRA	1752			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TRA	1754			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TRA	1777			I/FD		Enacted	10
TRA	1779			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TRA	1806			I/FD		Accepted Majority (ONTP) Report	
TRA	1818			I/FD		Finally Passed	40
TRA	1886			I	CO/FD	Died On Adjournment	
TRA	1890			I	CO/FD	Indefinitely Postponed	
TRA	1914			I/FD		Emergency Finally Passed	59
TRA	1916			I/FD		Finally Passed	58
VLA	31	I	CO	CO/FD		Died Between Houses	
VLA	85	I	CO	CO	CO/FD	Died On Adjournment	
VLA	792	I	CO	CO	CO/FD	Died On Adjournment	
VLA	1201	I	CO	CO/FD		Died Between Houses	
VLA	1204	I	CO	CO	CO/FD	Enacted	433
VLA	1554	I	CO	CO	CO/FD	Veto Sustained	
VLA	1568	I	CO	CO	CO/FD	Died On Adjournment	
VLA	1590	I	CO	CO/FD		Accepted Majority (ONTP) Report	
VLA	1646	I	CO/FD			Enacted	316
VLA	1693			I/FD		Enacted	324
VLA	1725			I/FD		Veto Overridden	341
VLA	1726			I/FD		Died Between Houses	
VLA	1736			I	CO/FD	Enacted	419
VLA	1738			I/FD		Enacted	337
VLA	1743			I/FD		Veto Sustained	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
VLA	1780			I	CO/FD	Died On Adjournment	
VLA	1786			I/FD		Enacted	347
VLA	1802			I/FD		Emergency Finally Passed	37
VLA	1803			I/FD		Emergency Finally Passed	45
VLA	1837			I/FD		Emergency Enacted	365
<u>VLA</u>	1846			I	CO/FD	Indefinitely Postponed	
VLA	1865			I	CO/FD	Enacted	418
<u>VLA</u>	1912				I/FD	Died On Adjournment	
VLA	1926				I/FD	Died On Adjournment	

## SORTED BY LD

**Key to Actions in Sessions:**

I = Introduced in this session

CO = Carried over to or through this session

FD = Final disposition in this session

*Note: If name of committee underlined, bill not referred, but summary may be found under this committee*

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
ACF	8	I	CO	CO	CO/FD	Veto Overridden	456
IFW	11	I	CO	CO/FD		Died Between Houses	
HHS	20	I	CO	CO	CO/FD	Died On Adjournment	
TAX	27	I	CO	CO	CO/FD	Died On Adjournment	
VLA	31	I	CO	CO/FD		Died Between Houses	
HHS	40	I	CO	CO	CO/FD	Veto Sustained	
AFA	47	I	CO	CO	CO/FD	Died On Adjournment	
EDU	49	I	CO	CO	CO/FD	Died On Adjournment	
EDU	51	I	CO	CO/FD		Enacted	385
HHS	59	I	CO	CO	CO/FD	Died On Adjournment	
TAX	79	I	CO	CO	CO/FD	Died On Adjournment	
VLA	85	I	CO	CO	CO/FD	Died On Adjournment	
SLG	105	I	CO	CO	CO/FD	Veto Sustained	
HHS	106	I	CO	CO	CO/FD	Died On Adjournment	
JUD	111	I	CO	CO	CO/FD	Died On Adjournment	
JUD	123	I	CO	CO/FD		Enacted	402
EUT	131	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	139	I	CO	CO	CO/FD	Died On Adjournment	
EUT	140	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	143	I	CO	CO	CO/FD	Died On Adjournment	
MLI	164	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
HHS	166	I	CO	CO/FD		Veto Overridden	412
JUD	170	I	CO	CO	CO/FD	Veto Sustained	
ACF	173	I	CO	CO	CO/FD	Died On Adjournment	
ACF	174	I	CO	CO	CO/FD	Died On Adjournment	
AFA	176	I	CO	CO/FD		Enacted	378
AFA	177	I	CO	CO	CO/FD	Died On Adjournment	
AFA	178	I	CO	CO	CO/FD	Died On Adjournment	
HHS	186	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
IFS	192	I	CO	CO	CO/FD	Veto Sustained	
JUD	197	I	CO	CO	CO/FD	Died On Adjournment	
TRA	209	I	CO	CO/FD		Enacted	321
MLI	215	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
EDU	228	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	230	I	CO	CO	CO/FD	Died On Adjournment	
MLI	231	I	CO	CO	CO/FD	Died On Adjournment	
HHS	238	I	CO	CO	CO/FD	Veto Overridden Emergency	447
AFA	247	I	CO	CO/FD		Emergency Enacted	392
CJPS	250	I	CO	CO/FD		Accepted Majority (ONTP) Report	



List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
EUT	257	I	CO	CO/FD		Veto Sustained	
EUT	260	I	CO	CO	CO/FD	Died On Adjournment	
HHS	267	I	CO	CO	CO/FD	Died On Adjournment	
HHS	270	I	CO	CO	CO/FD	Died On Adjournment	
HHS	272	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	274	I	CO	CO	CO/FD	Veto Overridden	457
JUD	283	I	CO	CO/FD		Died Between Houses	
LCED	285	I	CO	CO	CO/FD	Died On Adjournment	
SLG	288	I	CO	CO	CO/FD	Died On Adjournment	
TAX	289	I	CO	CO	CO/FD	Died On Adjournment	
AFA	292	I	CO	CO	CO/FD	Died On Adjournment	
MLI	301	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	310	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
AFA	316	I	CO	CO	CO/FD	Died On Adjournment	
AFA	317	I	CO	CO	CO/FD	Died On Adjournment	
AFA	318	I	CO	CO	CO/FD	Died On Adjournment	
AFA	319	I	CO	CO	CO/FD	Died On Adjournment	
HHS	320	I	CO	CO	CO/FD	Enacted	421
HHS	323	I	CO	CO	CO/FD	Died On Adjournment	
SLG	328	I	CO/FD			Enacted	313
EDU	334	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	345	I	CO	CO	CO/FD	Died On Adjournment	
LCED	367	I	CO	CO	CO/FD	Died On Adjournment	
AFA	376	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	377	I	CO	CO	CO/FD	Died On Adjournment	
HHS	383	I	CO	CO/FD		Veto Overridden	50
HHS	384	I	CO	CO/FD		Finally Passed	47
HHS	386	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
MLI	387	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
IFS	389	I	CO	CO/FD		Veto Sustained	
ENR	399	I	CO	CO/FD		Enacted	353
HHS	401	I	CO	CO	CO/FD	Veto Overridden	454
HHS	411	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	416	I	CO	CO	CO/FD	Died On Adjournment	
EUT	423	I	CO	CO	CO/FD	Died On Adjournment	
MLI	433	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
TAX	442	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	449	I	CO	CO/FD		Enacted	374
IFS	453	I	CO	CO/FD		Died Between Houses	
AFA	467	I	CO	CO	CO/FD	Died On Adjournment	
HHS	470	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	473	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
MLI	498	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	499	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
LCED	503	I	CO	CO	CO/FD	Died On Adjournment	
TAX	513	I	CO	CO	CO/FD	Died On Adjournment	

## List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
AFA	520	I	CO	CO	CO/FD	Died On Adjournment	
AFA	521	I	CO	CO/FD		Enacted	384
CJPS	524	I	CO	CO	CO/FD	Died On Adjournment	
CJPS	525	I	CO	CO	CO/FD	Enacted	431
EDU	526	I	CO	CO	CO/FD	Died On Adjournment	
EUT	532	I	CO	CO/FD		Accepted Majority (ONTP) Report	
MLI	545	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
AFA	546	I	CO	CO	CO/FD	Died On Adjournment	
HHS	561	I	CO	CO/FD		Accepted Majority (ONTP) Report	
HHS	562	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
HHS	565	I	CO	CO/FD		Veto Overridden	364
HHS	566	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TRA	584	I	CO	CO/FD		Accepted Majority (ONTP) Report	
AFA	590	I	CO	CO	CO/FD	Died On Adjournment	
MLI	596	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
HHS	605	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
MLI	625	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	626	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	627	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
IFW	630	I	CO	CO/FD		Veto Overridden	379
ACF	637	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	638	I	CO	CO	CO/FD	Died On Adjournment	
HHS	643	I	CO	CO	CO/FD	Died On Adjournment	
AFA	650	I	CO	CO	CO/FD	Died On Adjournment	
LCED	656	I	CO	CO	CO/FD	Died On Adjournment	
IFS	660	I	CO	CO/FD		Accepted Majority (ONTP) Report	
MLI	667	I	CO	CO	CO/FD	Indefinitely Postponed	
LCED	669	I	CO	CO/FD		Veto Sustained	
MLI	672	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
AFA	675	I	CO	CO	CO/FD	Died On Adjournment	
EDU	681	I	CO	CO	CO/FD	Died On Adjournment	
HHS	687	I	CO	CO	CO/FD	Veto Overridden	60
HHS	691	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	692	I	CO	CO	CO/FD	Died On Adjournment	
IFS	696	I	CO	CO	CO/FD	Enacted	429
LCED	700	I	CO	CO	CO/FD	Veto Overridden Emergency	453
MAR	703	I	CO	CO/FD		Accepted Majority (ONTP) Report	
HHS	720	I	CO	CO	CO/FD	Died On Adjournment	
MLI	734	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
AFA	735	I	CO	CO	CO/FD	Died On Adjournment	
ACF	742	I	CO	CO/FD		Accepted Majority (ONTP) Report	
AFA	743	I	CO	CO	CO/FD	Died On Adjournment	
HHS	762	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	763	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	765	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFW	768	I	CO	CO	CO/FD	Enacted	427

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
SLG	780	I	CO	CO/FD		Enacted	403
TAX	781	I	CO	CO	CO/FD	Died On Adjournment	
VLA	792	I	CO	CO	CO/FD	Died On Adjournment	
MLI	797	I	CO	CO	CO/FD	Died On Adjournment	
MLI	798	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	799	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	806	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
HHS	812	I	CO	CO	CO/FD	Veto Sustained	
EDU	816	I	CO	CO	CO/FD	Died On Adjournment	
JUD	821	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	822	I	CO	CO/FD		Enacted	358
SLG	823	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	836	I	CO	CO	CO/FD	Enacted	465
AFA	837	I	CO	CO	CO/FD	Veto Sustained	
HHS	842	I	CO	CO	CO/FD	Veto Overridden	61
IFW	843	I	CO	CO	CO/FD	Veto Overridden	458
JUD	846	I	CO	CO/FD		Emergency Enacted	359
MLI	854	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
MLI	855	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
ACF	858	I	CO	CO/FD		Enacted	404
JUD	860	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	861	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	890	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	897	I	CO	CO	CO/FD	Died On Adjournment	
HHS	898	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	902	I	CO	CO	CO/FD	Died On Adjournment	
LCED	912	I	CO	CO	CO/FD	Veto Sustained	
MAR	922	I	CO	CO/FD		Indefinitely Postponed	
AFA	924	I	CO	CO	CO/FD	Veto Overridden Emergency	459
AFA	925	I	CO	CO	CO/FD	Veto Overridden Emergency	460
JUD	934	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
MLI	938	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
ACF	939	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	951	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	953	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	955	I	CO	CO	CO/FD	Died On Adjournment	
LCED	958	I	CO	CO/FD		Veto Overridden	396
AFA	964	I	CO	CO	CO/FD	Died On Adjournment	
HHS	966	I	CO	CO	CO/FD	Died On Adjournment	
HHS	967	I	CO	CO	CO/FD	Died On Adjournment	
IFS	968	I	CO	CO/FD		Veto Overridden	390
JUD	969	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	990	I	CO	CO	CO/FD	Died On Adjournment	
HHS	998	I	CO	CO	CO/FD	Died On Adjournment	
HHS	999	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1000	I	CO	CO	CO/FD	Died On Adjournment	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
LCED	1006	I	CO	CO	CO/FD	Died On Adjournment	
EDU	1016	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	1021	I	CO	CO	CO/FD	Died On Adjournment	
IFS	1030	I	CO	CO/FD		Veto Overridden	340
IFS	1032	I	CO	CO/FD		Veto Sustained	
CJPS	1048	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1063	I	CO	CO/FD		Veto Sustained	
SLG	1068	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1091	I	CO	CO	CO/FD	Emergency Enacted	432
ENR	1095	I	CO	CO	CO/FD	Veto Sustained	
HHS	1097	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1098	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1109	I	CO	CO	CO/FD	Veto Sustained	
AFA	1118	I	CO	CO	CO/FD	Died On Adjournment	
ACF	1127	I	CO	CO	CO/FD	Died On Adjournment	
EDU	1130	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1133	I	CO	CO	CO/FD	Veto Overridden	461
HHS	1135	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1146	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1148	I	CO	CO/FD		Died Between Houses	
TRA	1149	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1162	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1163	I	CO	CO	CO/FD	Died On Adjournment	
CJPS	1168	I	CO	CO	CO/FD	Died On Adjournment	
EUT	1176	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1177	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1183	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1187	I	CO	CO/FD		Veto Overridden	411
HHS	1188	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1189	I	CO	CO/FD		Accepted Majority (ONTP) Report	
JUD	1190	I	CO	CO	CO/FD	Veto Overridden	462
TAX	1196	I	CO	CO	CO/FD	Died On Adjournment	
MLI	1197	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
VLA	1201	I	CO	CO/FD		Died Between Houses	
CJPS	1202	I	CO	CO/FD		Accepted Majority (ONTP) Report	
VLA	1204	I	CO	CO	CO/FD	Enacted	433
MLI	1209	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
TAX	1212	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1214	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1224	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFW	1236	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
LCED	1244	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
TRA	1248	I	CO	CO	CO/FD	Died On Adjournment	
JUD	1267	I	CO	CO/FD		Veto Sustained	
CJPS	1268	I	CO	CO/FD		Indefinitely Postponed	
HHS	1273	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
IFS	1279	I	CO	CO/FD		Veto Sustained	
LCED	1280	I	CO	CO	CO/FD	Enacted	434
TAX	1283	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	1286	I	CO	CO	CO/FD	Enacted	426
TAX	1287	I	CO	CO	CO/FD	Enacted	435
ENR	1298	I	CO	CO/FD		Enacted	319
HHS	1301	I	CO	CO	CO/FD	Died On Adjournment	
LCED	1308	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1314	I	CO	CO	CO/FD	Died On Adjournment	
TAX	1317	I	CO	CO	CO/FD	Died On Adjournment	
EDU	1321	I	CO	CO	CO/FD	Veto Sustained	
CJPS	1322	I	CO	CO	CO/FD	Enacted	436
LCED	1327	I	CO	CO/FD		Enacted	326
HHS	1329	I	CO	CO/FD		Accepted Majority (ONTP) Report	
AFA	1330	I	CO	CO	CO/FD	Died On Adjournment	
AFA	1331	I	CO	CO	CO/FD	Died On Adjournment	
EDU	1336	I	CO	CO/FD		Died Between Houses	
TAX	1338	I	CO	CO	CO/FD	Died On Adjournment	
LCED	1343	I	CO	CO	CO/FD	Died On Adjournment	
SLG	1345	I	CO	CO	CO/FD	Veto Sustained	
JUD	1355	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1372	I	CO	CO	CO/FD	Died On Adjournment	
EUT	1373	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1374	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1388	I	CO	CO/FD		Veto Overridden	410
CJPS	1389	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFW	1391	I	CO	CO	CO/FD	Died On Adjournment	
EUT	1399	I	CO	CO	CO/FD	Died On Adjournment	
TRA	1400	I	CO	CO/FD		Veto Sustained	
JUD	1406	I	CO	CO/FD		Enacted	406
IFS	1407	I	CO	CO	CO/FD	Veto Sustained	
CJPS	1414	I	CO	CO/FD		Veto Sustained	
CJPS	1415	I	CO	CO/FD		Died Between Houses	
IFS	1417	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1423	I	CO	CO/FD		Accepted Majority (ONTP) Report	
CJPS	1429	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1430	I	CO	CO	CO/FD	Died On Adjournment	
MLI	1431	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1433	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1435	I	CO	CO/FD		Veto Sustained	
EUT	1444	I	CO	CO/FD		Veto Sustained	
MLI	1448	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
IFW	1451	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1461	I	CO	CO/FD		Died Between Houses	
HHS	1466	I	CO	CO	CO/FD	Died On Adjournment	
EUT	1472	I	CO	CO/FD		Enacted	344

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
HHS	1474	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFS	1476	I	CO	CO/FD		Veto Overridden	343
TAX	1479	I	CO	CO/FD		Enacted	367
HHS	1481	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	1484	I	CO	CO/FD		Enacted	14
EUT	1487	I	CO	CO	CO/FD	Died On Adjournment	
CJPS	1490	I	CO	CO	CO/FD	Veto Overridden	450
MLI	1491	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
EDU	1492	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1494	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1495	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
MLI	1499	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
IFS	1507	I	CO	CO/FD		Veto Sustained	
AFA	1509	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	1510	I	CO	CO	CO/FD	Enacted	425
AFA	1511	I	CO	CO	CO/FD	Died On Adjournment	
EUT	1515	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1517	I	CO	CO	CO/FD	Died On Adjournment	
MAR	1519	I	CO	CO/FD		Enacted	350
HHS	1527	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
ENR	1534	I	CO	CO/FD		Enacted	369
TAX	1537	I	CO	CO	CO/FD	Died On Adjournment	
HHS	1539	I	CO	CO	CO/FD	Veto Overridden	452
JUD	1541	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
LCED	1542	I	CO	CO	CO/FD	Died On Adjournment	
VLA	1554	I	CO	CO	CO/FD	Veto Sustained	
AFA	1562	I	CO	CO	CO/FD	Died On Adjournment	
TAX	1565	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
LCED	1566	I	CO	CO	CO/FD	Veto Sustained	
VLA	1568	I	CO	CO	CO/FD	Died On Adjournment	
ACF	1574	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
ACF	1584	I	CO	CO	CO/FD	Enacted	437
AFA	1586	I	CO	CO/FD		Died Between Houses	
LCED	1587	I	CO	CO/FD		Veto Sustained	
SLG	1588	I	CO	CO/FD		Enacted	345
VLA	1590	I	CO	CO/FD		Accepted Majority (ONTP) Report	
TRA	1595	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
MLI	1596	I	CO	CO/FD		Leave to Withdraw Pursuant to Joint Rule 310	
TAX	1597	I	CO	CO	CO/FD	Enacted	438
TAX	1599	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	1602	I	CO	CO	CO/FD	Died On Adjournment	
SLG	1604	I	CO	CO/FD		Indefinitely Postponed	
EUT	1610	I	CO	CO/FD		Died Between Houses	
ACF	1611	I	CO	CO/FD		Accepted Majority (ONTP) Report	
HHS	1612	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
AFA	1613	I	CO	CO	CO/FD	Died On Adjournment	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
AFA	1614	I	CO	CO	CO/FD	Died On Adjournment	
TAX	1629	I	CO	CO	CO/FD	Enacted	478
EUT	1632	I	CO	CO/FD		Ought Not to Pass Pursuant to Joint Rule 310	
VLA	1646	I	CO/FD			Enacted	316
ACF	1647		I/FD			Emergency Finally Passed	29
ACF	1648		I/FD			Emergency Enacted	314
AFA	1649		I/FD			Emergency Enacted	315
MLI	1650		I/FD			Veto Sustained	
MLI	1651		I/FD			Indefinitely Postponed	
MAR	1652			I/FD		Enacted	346
AFA	1653			I	CO/FD	Enacted	439
LCED	1654			I	CO/FD	Enacted	440
TAX	1655			I	CO/FD	Emergency Enacted	474
EDU	1656			I/FD		Veto Overridden	370
ENR	1657			I/FD		Enacted	323
JUD	1658			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
MAR	1659			I/FD		Enacted	320
TAX	1660			I/FD		Finally Passed	36
HHS	1661			I/FD		Emergency Finally Passed	48
ACF	1662			I/FD		Leave to Withdraw Pursuant to Joint Rule 310	
IFS	1663			I/FD		Enacted	317
HHS	1664			I/FD		Emergency Finally Passed	32
HHS	1665			I/FD		Enacted	380
EDU	1666			I	CO/FD	Enacted	466
IFW	1667			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	1668			I/FD		Died Between Houses	
TAX	1669			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1670			I/FD		Enacted	328
EUT	1671			I	CO/FD	Enacted	428
CJPS	1672			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	1673			I/FD		Enacted	11
ENR	1674			I/FD		Emergency Finally Passed	30
HHS	1675			I/FD		Enacted	322
HHS	1676			I	CO/FD	Veto Sustained	
IFS	1677			I/FD		Enacted	318
JUD	1678			I/FD		Enacted	329
SLG	1679			I/FD		Emergency Enacted	330
TAX	1680			I	CO/FD	Died On Adjournment	
ACF	1681			I/FD		Emergency Enacted	331
HHS	1682			I	CO/FD	Died On Adjournment	
IFW	1683			I	CO/FD	Enacted	441
EDU	1684			I	CO/FD	Died On Adjournment	
TRA	1685			I/FD		Enacted	400
EUT	1686			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1687			I/FD		Accepted Majority (ONTP) Report	
TRA	1688			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
EDU	1689			I	CO/FD	Died On Adjournment	
EUT	1690			I/FD		Accepted Majority (ONTP) Report	
JUD	1691			I/FD		Died Between Houses	
TRA	1692			I/FD		Enacted	327
VLA	1693			I/FD		Enacted	324
EDU	1694			I/FD		Finally Passed	38
JUD	1695			I/FD		Accepted Majority (ONTP) Report	
EDU	1696			I	CO/FD	Veto Overridden	463
EDU	1697			I	CO/FD	Died On Adjournment	
EDU	1698			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1699			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1700			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1701			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EUT	1702			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
ENR	1703			I/FD		Accepted Report A (ONTP)	
CJPS	1704			I	CO/FD	Veto Sustained	
CJPS	1705			I/FD		Enacted	386
CJPS	1706			I/FD		Died Between Houses	
HHS	1707			I	CO/FD	Veto Overridden	464
HHS	1708			I	CO/FD	Died On Adjournment	
HHS	1709			I	CO/FD	Veto Sustained	
HHS	1710			I	CO/FD	Died On Adjournment	
HHS	1711			I	CO/FD	Veto Sustained	
HHS	1712			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1713			I	CO/FD	Died On Adjournment	
HHS	1714			I	CO/FD	Emergency Enacted	442
HHS	1715			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1716			I/FD		Enacted	338
JUD	1717			I/FD		Enacted	335
LCED	1718			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
MLI	1719			I/FD		Veto Overridden Emergency	409
MAR	1720			I/FD		Enacted	352
TAX	1721			I/FD		Indefinitely Postponed	
TAX	1722			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1723			I/FD		Accepted Majority (ONTP) Report	
TRA	1724			I/FD		Finally Passed	46
VLA	1725			I/FD		Veto Overridden	341
VLA	1726			I/FD		Died Between Houses	
TRA	1727			I/FD		Finally Passed	31
CJPS	1728			I/FD		Enacted	336
EUT	1729			I	CO/FD	Veto Overridden Emergency	448
HHS	1730			I/FD		Enacted	360
EDU	1731			I/FD		Enacted	342
EUT	1732			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	1733			I/FD		Leave to Withdraw Pursuant to Joint Rule 310	
TAX	1734			I/FD		Indefinitely Postponed	



List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
CJPS	1735			I/FD		Veto Overridden Emergency	373
VLA	1736			I	CO/FD	Enacted	419
HHS	1737			I	CO/FD	Died On Adjournment	
VLA	1738			I/FD		Enacted	337
ACF	1739			I/FD		Accepted Majority (ONTP) Report	
CJPS	1740			I/FD		Veto Overridden	416
EUT	1741			I	CO/FD	Died On Adjournment	
HHS	1742			I	CO/FD	Died On Adjournment	
VLA	1743			I/FD		Veto Sustained	
TAX	1744			I	CO/FD	Veto Sustained	
EUT	1745			I/FD		Veto Sustained	
EUT	1746			I	CO/FD	Enacted	422
ACF	1747			I/FD		Veto Sustained	
HHS	1748			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	1749			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TRA	1750			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
CJPS	1751			I/FD		Enacted	348
TRA	1752			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFS	1753			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TRA	1754			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
TAX	1755			I/FD		Veto Overridden	399
EDU	1756			I/FD		Veto Overridden Emergency	413
LCED	1757			I/FD		Died Between Houses	
TAX	1758			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFW	1759			I/FD		Enacted	325
AFA	1760			I	CO/FD	Died On Adjournment	
EDU	1761			I/FD		Accepted Majority (ONTP) Report	
HHS	1762			I	CO/FD	Veto Overridden Emergency	451
JUD	1763			I	CO/FD	Died On Adjournment	
SLG	1764			I/FD		Died Between Houses	
TAX	1765			I/FD		Accepted Majority (ONTP) Report	
ACF	1766			I/FD		Enacted	371
MAR	1767			I/FD		Emergency Finally Passed	43
LCED	1768			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
LCED	1769			I/FD		Died Between Houses	
LCED	1770			I	CO/FD	Veto Sustained	
HHS	1771			I/FD		Veto Overridden	415
LCED	1772			I/FD		Veto Overridden	42
ACF	1773			I/FD		Finally Passed	51
HHS	1774			I/FD		Enacted	387
MLI	1775			I/FD		Died Between Houses	
SLG	1776			I/FD		Enacted	332
TRA	1777			I/FD		Enacted	10
HHS	1778			I/FD		Veto Overridden Emergency	41
TRA	1779			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
VLA	1780			I	CO/FD	Died On Adjournment	

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
TAX	1781			I/FD		Enacted	361
CJPS	1782			I/FD		Accepted Majority (ONTP) Report	
CJPS	1783			I	CO/FD	Died On Adjournment	
ENR	1784			I/FD		Emergency Enacted	333
EUT	1785			I/FD		Leave to Withdraw Pursuant to Joint Rule 310	-
VLA	1786			I/FD		Enacted	347
LCED	1787			I/FD		Emergency Enacted	12
JUD	1788			I	CO/FD	Veto Overridden	455
ACF	1789			I/FD		Enacted	362
IFW	1790			I/FD		Enacted	357
MAR	1791			I/FD		Enacted	368
IFS	1792			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1793			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	1794			I/FD		Accepted Majority (ONTP) Report	
CJPS	1795			I/FD		Veto Overridden Emergency	377
TAX	1796			I/FD		Enacted	339
ENR	1797			I/FD		Emergency Finally Passed	39
EUT	1798			I/FD		Emergency Finally Passed	44
EUT	1799			I/FD		Emergency Finally Passed	49
HHS	1800			I/FD		Emergency Finally Passed	33
HHS	1801			I/FD		Emergency Finally Passed	35
VLA	1802			I/FD		Emergency Finally Passed	37
VLA	1803			I/FD		Emergency Finally Passed	45
SLG	1804			I/FD		Finally Passed	34
TAX	1805			I/FD		Enacted	375
TRA	1806			I/FD		Accepted Majority (ONTP) Report	
ENR	1807			I/FD		Enacted	334
ENR	1808			I/FD		Enacted	376
ACF	1809			I	CO/FD	Veto Overridden Emergency	449
EUT	1810			I/FD		Died Between Houses	
HHS	1811			I/FD		Indefinitely Postponed	
JUD	1812			I/FD		Emergency Finally Passed	52
CJPS	1813			I/FD		Enacted	354
EUT	1814			I/FD		Enacted	13
AFA	1815			I	CO/FD	Enacted	467
IFW	1816			I/FD		Veto Overridden	355
JUD	1817			I	CO/FD	Emergency Enacted	430
TRA	1818			I/FD		Finally Passed	40
CJPS	1819			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1820			I	CO/FD	Died On Adjournment	
JUD	1821			I/FD		Died Between Houses	
CJPS	1822			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
IFW	1823			I/FD		Veto Overridden	356
IFW	1824			I/FD		Emergency Enacted	366
LCED	1825			I/FD		Enacted	388
LCED	1826			I/FD		Emergency Enacted	351

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
JUD	1827			I/FD		Enacted	349
SLG	1828			I/FD		Emergency Enacted	15
EDU	1829			I/FD		Enacted	381
EUT	1830			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
JUD	1831			I/FD		Accepted Majority (ONTP) Report	
JUD	1832			I/FD		Accepted Majority (ONTP) Report	
JUD	1833			I/FD		Accepted Majority (ONTP) Report	
AFA	1834			I	CO/FD	Died On Adjournment	
IFW	1835			I	CO/FD	Emergency Enacted	423
IFW	1836			I/FD		Accepted Majority (ONTP) Report	
VLA	1837			I/FD		Emergency Enacted	365
CJPS	1838			I/FD		Veto Overridden	397
ACF	1839			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
SLG	1840			I/FD		Veto Overridden	398
CJPS	1841			I/FD		Indefinitely Postponed	
SLG	1842			I	CO/FD	Enacted	443
EDU	1843			I	CO/FD	Enacted	420
ACF	1844			I	CO/FD	Died On Adjournment	
EDU	1845			I	CO/FD	Enacted	444
VLA	1846			I	CO/FD	Indefinitely Postponed	
ENR	1847			I/FD		Veto Overridden	391
EUT	1848			I/FD		Veto Overridden	414
SLG	1849			I/FD		Died Between Houses	
SLG	1850			I	CO/FD	Died On Adjournment	
EDU	1851			I/FD		Emergency Finally Passed	53
EDU	1852			I/FD		Emergency Finally Passed	54
SLG	1853			I/FD		Accepted Report A (ONTP)	
JUD	1854			I	CO/FD	Indefinitely Postponed	
CJPS	1855			I/FD		Emergency Enacted	383
LCED	1856			I/FD		Emergency Enacted	363
LCED	1857			I	CO/FD	Veto Sustained	
EDU	1858			I/FD		Enacted	389
CJPS	1859			I/FD		Indefinitely Postponed	
EDU	1860			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
EDU	1861			I	CO/FD	Died On Adjournment	
TAX	1862			I	CO/FD	Emergency Enacted	424
HHS	1863			I/FD		Emergency Enacted	372
HHS	1864			I/FD		Died Between Houses	
VLA	1865			I	CO/FD	Enacted	418
EDU	1866			I/FD		Veto Sustained	
AFA	1867			I	CO/FD	Died Between Houses	
HHS	1868			I	CO/FD	Died On Adjournment	
EDU	1869			I	CO/FD	Emergency Enacted	446
EDU	1870			I	CO/FD	Died On Adjournment	
HHS	1871			I/FD		Enacted	407
EUT	1872			I/FD		Emergency Enacted	408

## List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
<u>HHS</u>	1873			I	CO/FD	Indefinitely Postponed	
HHS	1874			I/FD		Veto Overridden Emergency	56
IFS	1875			I/FD		Enacted	382
JUD	1876			I/FD		Veto Sustained	
SLG	1877			I/FD		Enacted	393
SLG	1878			I	CO/FD	Died On Adjournment	
LCED	1879			I	CO/FD	Died On Adjournment	
<u>LCED</u>	1880			I	CO/FD	Indefinitely Postponed	
IFS	1881			I/FD		Emergency Enacted	394
TAX	1882			I	CO/FD	Enacted	445
AFA	1883			I	CO/FD	Died On Adjournment	
JUD	1884			I	CO/FD	Veto Sustained	
JUD	1885			I	CO/FD	Died On Adjournment	
TRA	1886			I	CO/FD	Died On Adjournment	
LCED	1887			I	CO/FD	Accepted Majority (ONTP) Report	
IFS	1888			I/FD		Enacted	401
JUD	1889			I	CO/FD	Died On Adjournment	
<u>TRA</u>	1890			I	CO/FD	Indefinitely Postponed	
TAX	1891			I/FD		Accepted Majority (ONTP) Report	
LCED	1892			I/FD		Veto Overridden Emergency	417
<u>LCED</u>	1893			I	CO/FD	Indefinitely Postponed	
JUD	1894			I	CO/FD	Emergency Enacted	475
<u>EUT</u>	1895			I	CO/FD	Died Between Houses	
EUT	1896			I/FD		Died Between Houses	
<u>JUD</u>	1897			I/FD		Veto Overridden	395
EDU	1898			I/FD		Ought Not to Pass Pursuant to Joint Rule 310	
HHS	1899			I	CO/FD	Died On Adjournment	
EDU	1900			I	CO/FD	Accepted Majority (ONTP) Report	
SLG	1901			I/FD		Emergency Finally Passed	55
EDU	1902			I	CO/FD	Died On Adjournment	
<u>TAX</u>	1903			I/FD		Enacted	405
<u>CJPS</u>	1904			I/FD		Died Between Houses	
<u>LCED</u>	1905			I	CO/FD	Indefinitely Postponed	
HHS	1906			I	CO/FD	Indefinitely Postponed	
AFA	1907			I/FD		Veto Overridden Emergency	57
<u>AFA</u>	1908			I	CO/FD	Died On Adjournment	
HHS	1909			I	CO/FD	Died On Adjournment	
<u>CJPS</u>	1910			I	CO/FD	Enacted	468
<u>HHS</u>	1911			I	CO/FD	Died On Adjournment	
<u>VLA</u>	1912				I/FD	Died On Adjournment	
<u>LCED</u>	1913				I/FD	Died On Adjournment	
<u>TRA</u>	1914				I/FD	Emergency Finally Passed	59
<u>ACF</u>	1915				I/FD	Veto Sustained	
<u>TRA</u>	1916				I/FD	Finally Passed	58
<u>LCED</u>	1917				I/FD	Enacted	476
<u>SLG</u>	1918				I/FD	Enacted	469

List of bills dealt with in First Special (S1), Second Regular (R2) or Second Special (S2) Sessions

Comm	LD	R1	S1	R2	S2	Final Disposition	Chapter #
HHS	1919				I/FD	Accepted Majority (ONTP) Report	
HHS	1920				I/FD	Enacted	472
HHS	1921				I/FD	Enacted	473
HHS	1922				I/FD	Enacted	470
HHS	1923				I/FD	Emergency Enacted	471
EDU	1924				I/FD	Enacted	477
AFA	1925				I/FD	Veto Sustained	
VLA	1926				I/FD	Died On Adjournment	
LCED	1927				I/FD	Died On Adjournment	