

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

LEGISLATIVE DIGEST OF BILL  
SUMMARIES AND ENACTED LAWS

VOLUME 2



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally  
Passed During the First Regular Session of the 126<sup>th</sup> Maine Legislature

First Regular Session convened Wednesday, December 5, 2012  
First Regular Session adjourned sine die Wednesday, July 10, 2013

Senate Legislative Days.....68  
House Legislative Days.....67  
Bills Considered.....1577

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**THE MAINE LEGISLATIVE COUNCIL**

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JULY 2013

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

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

**VOLUME 2**



*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

126<sup>TH</sup> LEGISLATURE

FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<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. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 126<sup>th</sup> Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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



Summaries of bills, amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2013

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*Joint Standing Committee on Judiciary*

**LD 19 An Act To Facilitate Access to Information by Legislators**

**ONTP**

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

This bill requires an agency or official having custody of a public record to waive inspection, copying and mailing fees if the requester is a member of the Legislature who serves on the legislative committee having subject matter jurisdiction over the agency or official.

**LD 37 Resolve, Regarding Legislative Review of Portions of Chapter 4: Rules of Practice, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry**

**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 4: Rules of Practice, a major substantive rule of the Department of Agriculture, Conservation and Forestry. The provisionally adopted rule provides that it is the Land Use Planning Commission's intent to interpret and apply the term "person aggrieved" whenever it appears in statute or rule consistent with Maine state court decisions that address judicial standing requirements for appeals of final agency action. LD 37 was originally referred to the Agriculture, Conservation and Forestry Committee.

**Enacted Law Summary**

Resolve 2013, Chapter 33 authorizes final adoption of portions of Chapter 4: Rules of Practice, a major substantive rule of the Department of Agriculture, Conservation and Forestry. The provisionally adopted rule provides that it is the Land Use Planning Commission's intent to interpret and apply the term "person aggrieved" whenever it appears in statute or rule consistent with Maine state court decisions that address judicial standing requirements for appeals of final agency action.

Resolve 2013, chapter 33 was finally passed as an emergency measure effective May 29, 2013.

**LD 45 An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives**

**DIED BETWEEN  
HOUSES**

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

This 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 127th 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.

## Joint Standing Committee on Judiciary

### Committee Amendment "A" (H-141)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It provides for the appointment, rather than the election, of the initial Representative to the Legislature of the Aroostook Band of Micmacs to the 127th Legislature. 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 126th Legislature. The amendment also adds an appropriations and allocations section to cover the costs of renovating the House Chamber and to provide for compensation, expenses and other costs attributable to an additional member of the House of Representatives.

This amendment was not adopted.

### LD 46 An Act To Protect Maine Business Names

PUBLIC 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BECK LACHOWICZ	OTP-AM	H-60

This bill requires the Secretary of State to disregard certain words, symbols and numbers when determining whether the name of a business entity is distinguishable from the names of other business entities.

### Committee Amendment "A" (H-60)

This amendment replaces the bill. The amendment addresses a potential ambiguity with regard to the reservation of a business name under the laws governing nonprofit corporations, business corporations, limited liability partnerships, limited partnerships and limited liability companies. The change clarifies that although a subsequent reservation is not considered a renewal of the reserved name, the same name can be reserved by the same applicant after the 120-day reservation period expires. A different applicant is also eligible to reserve the name once the 120-day period expires.

This amendment also directs the Secretary of State to develop options for the filing and protection of business names, and to report those options to the Joint Standing Committee on Judiciary by February 15, 2014. The Joint Standing Committee on Judiciary may submit a bill in response to the report.

### Enacted Law Summary

Public Law 2013, chapter 99 addresses a potential ambiguity with regard to the reservation of a business name under the laws governing nonprofit corporations, business corporations, limited liability partnerships, limited partnerships and limited liability companies. The change clarifies that although a subsequent reservation is not considered a renewal of the reserved name, the same name can be reserved by the same applicant after the 120-day reservation period expires. A different applicant is also eligible to reserve the name once the 120-day period expires.

Public Law 2013, chapter 99 also directs the Secretary of State to develop options for the filing and protection of business names, and to report those options to the Joint Standing Committee on Judiciary by February 15, 2014. The Joint Standing Committee on Judiciary may submit a bill in response to the report.

*Joint Standing Committee on Judiciary*

**LD 47      An Act To Retain the Position of Parent Coordinator in the Judicial Branch**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

Current law allowing a court to appoint a third party as a parent coordinator to oversee and resolve disputes that arise between parents in interpreting and implementing a parenting plan set by the court contains a self-repealing provision by which the law is repealed on January 1, 2014. This bill eliminates that repeal.

**Committee Amendment "A" (H-206)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment extends the date of repeal of the court's express authority to appoint parenting coordinators to January 1, 2016 to allow the development of more data to determine if the use of parenting coordinators is beneficial. The amendment also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

**LD 58      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Use of Eminent Domain**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This resolution proposes to amend the Constitution of Maine to provide that the property acquired through eminent domain may not be transferred to a person, nongovernmental entity, public-private partnership, corporation or other business entity except that, if the property is not used for the purposes for which it was acquired within five years of acquisition, before it may be transferred it must be offered to the owner or the heirs of the owner from whom the property was acquired at the fair market price or the amount of just compensation that had been provided to the owner, whichever is lower.

**Committee Amendment "A" (S-35)**

This amendment is the minority report of the committee and it incorporates a fiscal note.

This amendment was not adopted.

**LD 64      An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe**

**PUBLIC 91**

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

## Joint Standing Committee on Judiciary

This bill adds certain land in Centerville to the Passamaquoddy Indian territory if that land is acquired by the Secretary of the Interior of the United States prior to January 31, 2023 and is certified by the secretary as held for the benefit of the Passamaquoddy Tribe.

### Enacted Law Summary

Public Law 2013, chapter 91 adds certain land in Centerville to the Passamaquoddy Indian territory if that land is acquired by the Secretary of the Interior of the United States prior to January 31, 2023 and is certified by the secretary as held for the benefit of the Passamaquoddy Tribe.

### LD 104 An Act To Amend the Laws Governing Public Records

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON MILLETT	OTP-AM OTP ONTP	H-387

This bill amends the laws governing public records in three ways. First, it adds an exception to the definition of "public records" under the Freedom of Access Act for e-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive communications to individuals. Second, the bill eliminates the cap on the hourly rate that a governmental entity may charge to cover the actual cost of searching for, retrieving and compiling a requested public record and establishes a definition of "actual cost" that is tied to the hourly rate paid to employees to fulfill a request. Third, the bill creates an exception to the Freedom of Access Act for documents submitted to a municipal board of appeals that describe or verify the mental or physical disability of a person who is seeking a variance from certain land use regulations in order to accommodate the disability.

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

This amendment is the majority report of the Joint Standing Committee on Judiciary. It protects from release e-mail addresses collected and used by a political subdivision in a noninteractive way to provide information to subscribers. The amendment deletes proposed changes concerning fees under the Freedom of Access Act and the proposal to make disability variance application materials confidential.

#### House Amendment "A" To Committee Amendment "A" (H-421)

This amendment adds newsletters and other similar communications to the types of communications that a political subdivision can send via e-mail and continues to treat the e-mail addresses of the distribution list as not public records.

This amendment was not adopted.

### Enacted Law Summary

Public Law 2013, chapter 339 amends the Freedom of Access Act description of "public record" to protect from public release e-mail addresses collected and used by a political subdivision in a noninteractive way to provide information to subscribers.

### LD 125 An Act To Preserve Lender Equity in the Foreclosure Process

ONTP

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

## Joint Standing Committee on Judiciary

This bill does the following.

1. It reduces the filing fee for foreclosure actions from \$350, as set by administrative order, to \$150.
2. It prohibits a fee for mediation from being assessed unless the defendant answers the complaint or motion for summary judgment in a foreclosure action.
3. It makes clear that a court may enter summary judgment in a foreclosure action at any time. Under current court rules, the court must determine that certain requirements are met before entering summary judgment.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

### **LD 135      An Act To Require All Government Documents To Be Posted on the Internet      ONTP**

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

This bill amends the laws concerning the information practices of public entities. Current law defines "public entity" to include the Legislature; the Judicial Department; a state agency or authority; the University of Maine System, the Maine Maritime Academy and the Maine Community College System; a county, municipality or school district or any regional or other political or administrative subdivision; and an advisory organization established, authorized or organized by law or resolve or by executive order issued by the Governor. This bill requires a public entity to make available on a publicly accessible site on the Internet all public records in the possession of the public entity.

### **LD 147      An Act Regarding Adoption      PUBLIC 137**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BECK LACHOWICZ	OTP-AM	H-124

This bill requires that, if an adoptee already has an adoptive parent, before the petition of a second adoptive parent may be granted, written consent to the adoption must be given by the existing adoptive parent.

#### **Committee Amendment "A" (H-124)**

This amendment replaces the bill and provides that the Probate Court may not issue a final decree of adoption unless the petitioner who filed the petition has been heard or has waived the opportunity for a hearing and the court is satisfied that all the current statutory requirements are met.

#### **Enacted Law Summary**

Public Law 2013, chapter 137 provides that the Probate Court may not issue a final decree of adoption unless the petitioner who filed the petition has been heard or has waived the opportunity for a hearing and the court is satisfied that all the current statutory requirements are met.

*Joint Standing Committee on Judiciary*

**LD 154      Resolve, Directing the Department of Transportation To Convene a  
Task Force To Study Issues Concerning Private Railroad Crossings**

**RESOLVE 59**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL SAVIELLO	OTP-AM	H-331

This bill amends the laws governing limited liability for recreational or harvesting activities to provide limited immunity for owners of private railroad crossings when the crossing areas are used for "recreational or harvesting activities," the definition of which is expanded by the bill. It removes the provision that exempts an injury suffered in any case where permission to pursue a recreational or harvesting activity was granted in exchange for a payment from the extension of limited liability. It provides that the laws governing limited liability for recreational or harvesting activities do not limit the liability that would otherwise exist by virtue of the terms and conditions of a contract.

**Committee Amendment "A" (H-331)**

This amendment replaces the bill with a resolve directing the Department of Transportation to convene a task force to study the issues concerning private railroad crossings and report to the Joint Standing Committee on Judiciary by February 1, 2014. The Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 126th Legislature.

The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Resolve 2013, chapter 59 directs the Department of Transportation to convene a task force to study the issues concerning private railroad crossings and report to the Joint Standing Committee on Judiciary by February 1, 2014. The Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 126th Legislature.

**LD 165      An Act To Prohibit the Use of Eminent Domain in Certain  
Public-Private Partnerships**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill prohibits the use of the power of eminent domain for the development, operation, management, ownership, leasing or maintenance of a transportation facility as a public-private partnership project.

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

This amendment is the minority report of the Joint Standing Committee on Judiciary. It provides that the prohibition in the bill on the use of eminent domain power with respect to transportation facilities under public-private partnerships applies only to public-private roads and toll roads.

This amendment was not adopted.

*Joint Standing Committee on Judiciary*

**LD 206      An Act To Protect Title to Real and Personal Property of Public Employees and Public Officials**

**PUBLIC 160  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM BURNS	OTP-AM	H-174

This bill permits a civil action by a public employee to recover damages from a person who files a lien or encumbrance against the real or personal property of the public employee knowing or believing the lien or encumbrance to be false or without legal authority. The public employee is authorized to recover damages in the amount of the value of the lien or encumbrance and legal costs attributable to bringing legal action.

**Committee Amendment "A" (H-174)**

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

The amendment establishes an expedited process for a court to declare that a lien or encumbrance is without a legal basis. The expedited process authorizes a public employee or public official to file a motion for a judicial declaration if the lien or encumbrance was filed by a person who knows the recordable instrument is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties.

The amendment also provides a civil penalty against a person who knowingly files, attempts to file or causes to be filed in a registry of deeds a lien or other encumbrance against the real or personal property of a public employee or a public official if that person knows the lien or encumbrance is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties.

**Enacted Law Summary**

Public Law 2013, chapter 160 establishes an expedited process for a court to declare that a lien or encumbrance is without a legal basis. The expedited process authorizes a public employee or public official to file a motion for a judicial declaration if the lien or encumbrance was filed by a person who knows the recordable instrument is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties. Chapter 160 also provides a civil penalty against a person who knowingly files, attempts to file or causes to be filed in a registry of deeds a lien or other encumbrance against the real or personal property of a public employee or a public official if that person knows the lien or encumbrance is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties.

Public Law 2013, chapter 160 was enacted as an emergency measure effective May 29, 2013.

**LD 207      An Act Regarding the Factors Considered in Determining the Best Interest of a Child in a Court Award of Parental Rights and Responsibilities**

**ONTP**

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

## Joint Standing Committee on Judiciary

Current law requires the court, in deciding issues regarding a child's residence and parent-child contact, to consider the relationship of the child with persons who may significantly affect the child's welfare.

This bill specifically includes in this category of persons the current spouses or domestic partners of the child's parents.

**LD 208      An Act To Amend the Charter of St. Mark's Home for Women in      P & S 6**  
**Augusta**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT KATZ	OTP-AM	H-48

This bill changes the charter of St. Mark's Home for Women in Augusta by changing the name of the home to St. Mark's Home.

**Committee Amendment "A" (H-48)**

This amendment amends the bill to ensure that providing a residence for women will continue to be a responsibility of St. Mark's Home if the home's board of directors changes the policy to accommodate men as well as women.

**Enacted Law Summary**

Private and Special Law 2013, chapter 6 changes the name of St. Mark's Home for Women and also ensures that providing a residence for women will continue to be a responsibility of St. Mark's Home if the home's board of directors changes the policy to accommodate men as well as women.

**LD 209      An Act To Strengthen the Rights of Grandparents under the      ACCEPTED**  
**Grandparents Visitation Act      MAJORITY**  
**(ONTP) REPORT**

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

This bill amends the Grandparents Visitation Act to provide a definition of "significant existing relationship." A grandparent who can prove a sufficient existing relationship with a grandchild has standing to seek contact with the child. This new definition provides that a grandparent who proves that the grandparent is playing or has played a significant beneficial role in the child's life can establish standing to proceed with the action. This bill makes clear that, although acting as a parent to a child meets the requirements of a "sufficient existing relationship" with a child that is not the only relationship that meets the requirements.

**LD 217      An Act To Implement the Recommendations of the Right To Know      ONTP**  
**Advisory Committee Concerning Public Access to Records Relating to**  
**Public-private Partnerships**

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

*Joint Standing Committee on Judiciary*

This bill implements the majority recommendation of the Right To Know Advisory Committee concerning the confidentiality of public-private partnerships for transportation facilities.

Current law requires that the Department of Transportation submit to the Legislature a bill that authorizes the agreement that implements a public-private partnership for the development of a transportation facility. This bill requires the department to publish public notice on the department's publicly accessible website or in newspapers when it has determined that a public-private proposal and agreement meets the standards of the Maine Revised Statutes, Title 23, chapter 410, subchapter 5 and to wait at least 30 days after the public notice has been published to submit the bill.

See LD 721 reported out by the Joint Standing Committee on Transportation.

**LD 220     An Act To Ban the United Nations Agenda 21 in Maine**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill prohibits the State or any political subdivision of the State from adopting or implementing policies originating in the United Nations Agenda 21 or other international laws that restrict private property rights without due process. Because the United Nations has accredited and enlisted numerous nongovernmental and intergovernmental organizations to assist in the implementation of its policies related to Agenda 21 around the world, the bill prohibits the State or any political subdivision from entering into agreements or financial arrangements with those organizations.

**Committee Amendment "A" (H-177)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It incorporates a fiscal note.

This amendment was not adopted.

**LD 224     An Act To Streamline the Change of Name Process for Persons Getting Married**

**ONTP**

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

This 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.

*Joint Standing Committee on Judiciary*

**LD 236      An Act To Protect the Privacy of Citizens from Domestic Unmanned  
Aerial Vehicle Use**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK PETERSON	OTP-AM OTP-AM	S-282 S-285    PATRICK H-563    BERRY

This bill regulates unmanned aerial vehicles, including their acquisition and lawful operation by law enforcement agencies in collecting, disclosing and receiving information and the retention of information collected. For the permitted operation of an unmanned aerial vehicle, the bill requires the consent of the subject person, a warrant or court order, an emergency situation that threatens life or serious bodily injury or an emergency enforcement situation that threatens national security or evinces conspiratorial criminal conduct requiring immediate operation of the vehicle before a warrant can be obtained. The bill also allows delayed service of a warrant or court order informing the subject person until after the warrant's or order's issuance if necessary for avoiding certain adverse results. The bill provides for a private right of action or enforcement by the Attorney General for a violation and disallows the use of any information collected in violation as evidence in a hearing or court of law. The bill requires the Attorney General to report certain information concerning the use of unmanned aerial vehicles to the Legislature and the Administrative Office of the Courts and for law enforcement agencies and the Attorney General to post certain information on their publicly accessible websites.

**Committee Amendment "A" (S-281)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It replaces the bill.

This amendment includes a legislative findings subsection to recognize the potential benefits and risks of the evolving technology of unmanned aerial vehicles.

This amendment defines "unmanned aerial vehicle" to include the capability of performing audio and visual surveillance. It requires the governing body of the law enforcement agency to approve of the acquisition of an unmanned aerial vehicle by the law enforcement agency. It requires that a law enforcement agency must comply with Federal Aviation Administration requirements when operating an unmanned aerial vehicle.

This amendment creates a moratorium on the use of unmanned aerial vehicles by law enforcement agencies until July 1, 2014. On or after July 1, 2014, a law enforcement agency may operate an unmanned aerial vehicle only after it has adopted the standards established by the Board of Trustees of the Maine Criminal Justice Academy. There is an exception for the use of an unmanned aerial vehicle in emergency search or rescue operations when the Governor or the chief administrative officer of a law enforcement agency or the chief administrative officer's designee determines that the use is necessary to alleviate immediate danger to any person. Unmanned aerial vehicles can be used as part of training exercises to prepare for such emergencies. In addition, a law enforcement agency may use unmanned aerial vehicles for purposes other than the investigation of crimes, such as damage assessment, traffic accident assessment, flood stage assessment and wildfire assessment.

This amendment prohibits a law enforcement agency from using a weaponized unmanned aerial vehicle.

This amendment requires the Board of Trustees of the Maine Criminal Justice Academy to establish minimum standards for written policies and protocols for use of unmanned aerial vehicles. In developing the standards, the board of trustees is directed to take into account individuals' reasonable expectation of privacy under the

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Fourth Amendment of the United States Constitution. The board of trustees shall also review the options for collecting and reporting information on the use of unmanned aerial vehicles. The board of trustees is required to report to the Joint Standing Committee on Judiciary by December 31, 2013 concerning the minimum standards for written policies or protocols for use of unmanned aerial vehicles by law enforcement agencies, recommendations to ensure that individuals' reasonable expectation of privacy is protected and recommendations for the appropriate collection and reporting of information on the use of unmanned aerial vehicles.

The Joint Standing Committee on Judiciary is authorized to report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report.

This amendment was not adopted.

### **Committee Amendment "B" (S-282)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill.

This amendment retains a broad definition of "unmanned aerial vehicle."

This amendment requires approval of the acquisition of an unmanned aerial vehicle by the governing body of a law enforcement agency. It prohibits a law enforcement agency from operating an unmanned aerial vehicle or collecting, disclosing or receiving information acquired through the operation of an unmanned aerial vehicle except when pursuant to an emergency enforcement or administrative investigation exception, with the written consent of the person or property owner, pursuant to a warrant or pursuant to a court order.

This amendment prohibits the operation of an unmanned aerial vehicle that employs the use of facial recognition technology or that is equipped with a weapon except for research and development purposes.

This amendment provides for emergency enforcement exceptions to the use of an unmanned aerial vehicle without a warrant or court order. An emergency enforcement exception may be required because a situation exists that threatens national security, state or local security or the life or safety of one or more individuals. When a law enforcement agency has used an unmanned aerial vehicle to collect or receive information under an emergency enforcement exception, the law enforcement agency is required to document the factual basis for the emergency enforcement exception in an affidavit that the law enforcement agency retains.

This amendment provides for administrative investigation exceptions for the use of an unmanned aerial vehicle by the State or any political subdivision of the State to investigate and respond to natural disasters, to monitor the status of dams and flood-control systems, to conduct surveys, including but not limited to surveys conducted by the Maine Geological Survey, and to aid in weather forecasting.

This amendment provides that if the operation of an unmanned aerial vehicle is started before a warrant or court order is obtained and the information being sought is collected before the warrant or court order is obtained, the law enforcement agency must immediately terminate the operation of the unmanned aerial vehicle. If the warrant or court order is denied, the law enforcement agency must immediately terminate the operation of the unmanned aerial vehicle and the law enforcement agency may not retain or disclose any information obtained from the operation of the unmanned aerial vehicle.

When a warrant or court order is sought, the law enforcement agency may request an order delaying the notice required under the Maine Rules of Criminal Procedure. The delay may not exceed 10 days, and 10-day extensions may be granted. When the order for delayed notice has expired, the law enforcement agency is required to provide the notice to the person about whom the information was collected. The notice must include the nature of the law enforcement inquiry, the information that was collected and the justification for the delay.

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This amendment creates a private right of action against a law enforcement agency for violations of the new law. A person may collect compensatory damages plus up to \$5,000 and reasonable attorney's fees and court costs.

### **Senate Amendment "A" To Committee Amendment "B" (S-285)**

This amendment imposes a moratorium until July 1, 2015 on the use of unmanned aerial vehicles by law enforcement agencies. The moratorium does not apply to specified emergency situations.

### **House Amendment "A" To Committee Amendment "B" (H-540)**

This amendment imposes a moratorium until July 1, 2015 on the use of unmanned aerial vehicles by law enforcement agencies. The moratorium does not apply to specified emergency situations.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-299)**

This amendment requires the Joint Standing Committee on Judiciary to report out legislation based on the report of the Board of Trustees of the Maine Criminal Justice Academy.

This amendment was not adopted.

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

This amendment adds to the list of allowed uses of unmanned aerial vehicles the deployment of an unmanned aerial vehicle or any component parts by a manufacturer, subcontractor of a manufacturer, testing company or educational institution for the purposes of research, testing, training or manufacture of such vehicles, and exempts a manufacturer or subcontractor, testing company or educational institution deploying an unmanned aerial vehicle for such research, testing, training or manufacturing purposes from the prohibition on the use of facial recognition technology or equipping a vehicle with weapons.

<b>LD 258</b>	<b>An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Meetings of Public Bodies</b>	<b>ONTP</b>
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Sponsor(s)

Committee Report

Amendments Adopted

ONTP

This bill implements the majority recommendation of the Right To Know Advisory Committee concerning public meetings.

Part A authorizes the use of remote-access technology to conduct public proceedings. Subject to specific requirements, it authorizes a body to conduct a public proceeding during which a member of the body participates in the discussion or transaction of public or government business through telephonic, video, electronic or other similar means of communication.

Under current law, the following state agencies are authorized to use remote-access technology to conduct meetings: the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Emergency Medical Services' Board and the Workers' Compensation Board. Part B provides a specific exemption from the new requirements for the Small Enterprise Growth Board, the Emergency Medical Services' Board and the Workers' Compensation Board.

*Joint Standing Committee on Judiciary*

**LD 308      An Act To Require the Attorney General To Consult with Federally Recognized Indian Tribes before Issuing an Opinion on Federal Legislation Affecting the Maine Indian Claims Settlement Act of 1980      ONTP**

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

This bill provides that the Attorney General may not provide to the United States Congress or any of its members or agents any legal opinion on federal legislation affecting the federal Maine Indian Claims Settlement Act of 1980 or its implementation in this State that may have an effect on federally recognized tribes in the State without first consulting with the affected tribes in a manner mutually agreeable to the tribes and the Attorney General.

**LD 309      Resolve, Directing the Attorney General To Implement a Child Identity Protection Program To Safeguard the Personal Information of Minors and Prevent Identity Theft      ONTP**

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

This bill directs the Attorney General to implement a child identity protection program to safeguard the personal information of minors and prevent identity theft. A parent or guardian may enroll a child in the program to help prevent the unauthorized use of that child's personal identifying information in the issuance of credit. The Attorney General may model the program on a similar program in Utah.

**LD 310      An Act To Exempt Persons 80 Years of Age and Older from Jury Duty at Their Discretion      PUBLIC 74**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEAVER COLLINS	OTP-AM	H-49

This bill excuses from jury service a person 70 years of age or older who does not wish to serve on a jury.

**Committee Amendment "A" (H-49)**

This amendment changes the age at which a person may be excused from jury service if the person does not wish to serve on a jury from 70 years of age or older as in the bill to 80 years of age or older.

**Enacted Law Summary**

Public Law 2013, chapter 74 excuses from jury service a person 80 years of age or older who does not wish to serve on a jury.

*Joint Standing Committee on Judiciary*

**LD 311      An Act To Protect Landowners from the Exercise of Eminent Domain in Energy Infrastructure Corridors      ONTP**

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

This bill repeals the eminent domain authority for the purposes of developing an energy infrastructure corridor and prohibits any authority for eminent domain under Maine law to be used for the purposes of establishing or developing an energy infrastructure corridor.

**LD 313      An Act To Create the Maine Online Privacy Protection Act      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill requires a person or company that owns a publicly accessible website or online service that collects personal information from an individual consumer who is a resident of this State to post a privacy statement in a conspicuous location on its publicly accessible website. The bill also lists required content of the privacy statement.

**Committee Amendment "A" (H-435)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It makes changes consistent with California's Online Privacy Protection Act.

This amendment provides that the privacy statement required in the bill must list the categories of personal information that the website operator collects. It also provides that the categories of entities, rather than a description of entities with whom personal information may be shared as described in the bill, must be disclosed. It clarifies the process for a consumer who uses or visits the site to review and request changes to personal information. The amendment also makes the privacy statement font requirements the same as California's.

This amendment adds two exceptions to the application of the Maine Online Privacy Protection Act. First, if a website operator is subject to and in compliance with another state or federal law or regulation that requires the posting of an online privacy statement, this law does not apply. Government agencies of this State are also exempt.

This amendment was not adopted.

**LD 321      Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code      RESOLVE 5**

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

This resolve directs the Probate and Trust Law Advisory Commission to conduct a review of the current Probate Code and the latest version of the Uniform Probate Code adopted by the Uniform Law Commission and to make legislative recommendations based on the review. The Probate and Trust Law Advisory Commission is directed to

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invite interested parties to participate in the review.

The Probate and Trust Law Advisory Commission is required to submit a report to the Joint Standing Committee on Judiciary by December 1, 2013 that includes legislative recommendations and may submit a bill to the Second Regular Session of the 126th Legislature.

### **Enacted Law Summary**

Resolve 2013, chapter 5 directs the Probate and Trust Law Advisory Commission to conduct a review of the current Probate Code and the latest version of the Uniform Probate Code adopted by the Uniform Law Commission and to make legislative recommendations based on the review. The Probate and Trust Law Advisory Commission is directed to invite interested parties to participate in the review.

The Probate and Trust Law Advisory Commission is required to submit a report to the Joint Standing Committee on Judiciary by December 1, 2013 that includes legislative recommendations and may submit a bill to the Second Regular Session of the 126th Legislature.

### **LD 345      An Act To Ensure the Confidentiality of Concealed Handgun Permit Holder Personal Information**

**PUBLIC 54  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILSON PLUMMER	OTP-AM OTP-AM	H-89

This bill makes personal and identifying information of concealed weapons permit holders confidential and prohibits a person who has received concealed weapons permit holder information from redistributing or disseminating the information to a person who is not authorized to receive the information.

#### **Committee Amendment "A" (H-89)**

This amendment is the majority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill. It clarifies the current law concerning the confidentiality of concealed handgun permit information. It also provides that the permanent record that an issuing authority is required to make when issuing a concealed handgun permit is confidential, except that the municipality of residence of the permit holder, the date the permit was issued and the date the permit expires are public. The confidential information may be disclosed for criminal justice purposes or permitting purposes to law enforcement officers or issuing authorities.

The amendment directs the Chief of the State Police to develop a plan for the availability of statistical information about concealed handgun permits and the issuing process. The Chief of the State Police shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2014 that contains the plan along with any proposed implementing legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report. The plan must address specific data elements, whether a model permit would be desirable and a process to collect and make available statewide statistics and may include any other information or recommendations concerning issues about concealed handgun permits.

This amendment includes a mandate preamble to exempt the identified mandate on local government issuing authorities from the funding requirement.

This amendment provides an effective date of April 30, 2013, which is when Resolve 2013, chapter 1 is repealed.

#### **Committee Amendment "B" (H-90)**

*Joint Standing Committee on Judiciary*

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill and deletes the emergency preamble and emergency clause.

This amendment clarifies the current law concerning the confidentiality of concealed handgun permit information. It also provides that the permanent record that an issuing authority is required to make when issuing a concealed handgun permit is a public record, except that the personally identifying information about specific individuals may be protected from disclosure upon request.

The amendment directs the Chief of the State Police to develop a plan for the availability of statistical information about concealed handgun permits and the issuing process. The Chief of the State Police shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2014 that contains the plan along with any proposed implementing legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report. The plan must address specific data elements, whether a model permit would be desirable and a process to collect and make available statewide statistics and may include any other information or recommendations concerning issues about concealed handgun permits.

This amendment was not adopted.

**Enacted Law Summary**

Public Law 2013, chapter 54 clarifies the current law concerning the confidentiality of concealed handgun permit information. It also provides that the permanent record that an issuing authority is required to make when issuing a concealed handgun permit is confidential, except that the municipality of residence of the permit holder, the date the permit was issued and the date the permit expires are public. The confidential information may be disclosed for criminal justice purposes or permitting purposes to law enforcement officers or issuing authorities.

Public Law 2013, chapter 54 directs the Chief of the State Police to develop a plan for the availability of statistical information about concealed handgun permits and the issuing process. The Chief of the State Police shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2014 that contains the plan along with any proposed implementing legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report. The plan must address specific data elements, whether a model permit would be desirable and a process to collect and make available statewide statistics and may include any other information or recommendations concerning issues about concealed handgun permits.

Public Law 2013, chapter 54 was enacted as an emergency measure effective April 30, 2013, the repeal date of Resolve 2013, chapter 1.

**LD 352      An Act To Prohibit Prisoners from Filing Protection from Harassment      ONTP**  
**Complaints against Corrections Personnel**

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

This bill prevents a person who is confined in a state correctional or detention facility or a county jail from bringing a complaint of harassment against a corrections officer or any other person responsible for the person's custody, care or treatment.

*Joint Standing Committee on Judiciary*

**LD 375      Resolve, To Establish the Study Committee on Alternative Methods of Enforcement of Spousal Support**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE RUSSELL	OTP-AM	S-294

This bill directs the Department of Health and Human Services to use the remedies currently available for the collection and enforcement of child support to collect spousal support even when the recipient of the spousal support is not owed any child support. The department may charge the same fees that the department charges for child support collection assistance.

**Committee Amendment "A" (S-294)**

This amendment replaces the bill with a resolve that establishes the Study Committee on Alternative Methods of Enforcement of Spousal Support to examine how other states provide for enforcement of spousal support. The study committee consists of 5 Legislators, and must report by November 6, 2013 to the Joint Standing Committee on Judiciary on spousal support enforcement methods used in other states and whether any of these methods should be implemented in this State. This amendment adds an emergency preamble and emergency clause to the bill.

**LD 376      An Act To Amend the Laws Concerning the Adoption of Siblings**

**ONTP**

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

This bill provides that minor siblings who are separated by adoption, whether through child welfare actions or otherwise, may have contact with each other unless it is not in their best interests. Current law requires the Department of Health and Human Services in child welfare cases to make reasonable efforts to establish agreements with adoptive parents of children that provide for reasonable contact with the child's siblings when the department believes the contact is in the child's best interests. This bill requires the agreements unless the contact will not be in the best interests of the child. The bill also provides for contact between siblings who are adopted into different families in cases that are not child welfare cases.

**LD 392      An Act To Protect Homeowners and Reduce Foreclosure Fraud**

**ONTP**

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

This bill requires that a plaintiff seeking to foreclose on a mortgage is required, upon request of the defendant within 90 days of service of the foreclosure summons and complaint, to produce the original mortgage note, evidencing that the plaintiff has the right to foreclose. The bill provides procedures for lost, stolen or destroyed original promissory notes, and for promissory notes that are electronic transferable records.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

*Joint Standing Committee on Judiciary*

**LD 394 An Act To Add Members of the Aroostook Band of Micmacs to the  
Maine Indian Tribal-State Commission and Add Corresponding  
Members for the State**

**PUBLIC 81**

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

This bill adds to the Maine Indian Tribal-State Commission two members of the Aroostook Band of Micmacs and two members appointed by the Governor.

**Enacted Law Summary**

Public Law 2013, chapter 81 adds to the Maine Indian Tribal-State Commission two members of the Aroostook Band of Micmacs and two members appointed by the Governor.

**LD 395 An Act To Allow a Pet Owner To Collect Noneconomic Damages for the  
Death of a Pet**

**ONTP**

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

This bill creates a cause of action for noneconomic damages to be collected by a pet owner when another person or the person's animal kills the pet or injures the pet and the injuries lead to the death of the pet. The person must have been acting unlawfully and either intentionally or negligently.

**LD 396 An Act To Appropriate Sufficient Funds for Indigent Legal Services**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST VALENTINO	OTP-AM	

This bill provides a General Fund appropriation of \$3,490,209 in fiscal year 2013-14 and \$5,995,237 in fiscal year 2014-15 for the Maine Commission on Indigent Legal Services to increase reimbursement for indigent legal services from \$50 per hour to \$70 per hour effective October 1, 2013 and to \$75 per hour effective July 1, 2014.

**Committee Amendment "A" (H-123)**

This amendment revises the rule-making authority of the Maine Commission on Indigent Legal Services to provide that rules concerning the rates of compensation for assigned counsel and contract counsel are major substantive rules. It also amends the existing language concerning major substantive rules to be consistent with the Maine Administrative Procedure Act.

This amendment adjusts the appropriation initiative to reflect an increase in the rate of reimbursement for indigent legal services to \$60 per hour beginning July 1, 2013 and \$65 per hour beginning July 1, 2014. The Biennial Budget, Public Law 2013, chapter 368, includes additional funding for indigent legal services and increases the hourly rate by \$5 beginning July 1, 2014.

This amendment directs the Maine Commission on Indigent Legal Services to report to the Joint Standing

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Committee on Judiciary by December 1, 2013 on expanding financial screening by contracting for the screening services. This language was incorporated into the Biennial Budget, Public Law 2013, chapter 368 in Part RRR

This amendment also adds an emergency preamble and an emergency clause.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 415      An Act To Require a Warrant To Obtain the Location Information of a  
Cell Phone or Other Electronic Device**

**PUBLIC 409**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	ONTP	S-106
KRUGER	OTP-AM	S-339    HILL

This bill prohibits a government entity from obtaining the location information of a cellular telephone or other electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the electronic device, to respond to the user's call for emergency services or to respond to certain emergency situations when a warrant cannot be issued in time to avert death or serious physical injury. It also authorizes the Attorney General to designate a law enforcement officer to obtain location information without a warrant in cases where there is an imminent threat of serious physical injury or a threat to national security.

This bill requires a government entity to inform the owner or user of an electronic device that location information was obtained from that person's device within 3 days of obtaining the location information, unless the court determines there is good cause to delay this notification.

This bill also requires judges involved with granting warrants to obtain location information to report their activities regarding the warrants to the Administrative Office of the Courts annually. It directs the Administrative Office of the Courts to provide a summary of those reports to the Legislature.

### **Committee Amendment "A" (S-106)**

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment clarifies that a government entity that obtains the location information of a cellular telephone or other electronic device without a valid warrant has an obligation to notify the owner or user about obtaining the location information only if the government entity is able to identify the owner or user. Once the government entity identifies the owner or user, the government entity must notify the owner or user within three days. The bill allows a government entity, when applying for a warrant, to request a delay of not more than 90 days in notifying the owner or user. This amendment extends the delay period to up to 180 days.

This amendment deletes from the bill the authorization for the Attorney General to designate an investigative or law enforcement officer to obtain location information without a warrant if there is an imminent threat of death or serious physical injury or a threat to national security. It also deletes from the bill the reporting requirements imposed on judges who issue or deny warrants.

This amendment deletes from the bill the prohibition on the use of evidence obtained in violation of the provisions of the bill, instead relying on Fourth Amendment jurisprudence as it develops through case law to provide for the exclusion of evidence that is improperly obtained.

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This amendment also adds an appropriations and allocations section to the bill.

**Senate Amendment "A" To Committee Amendment "A" (S-339)**

This amendment replaces the language regarding notice of a search warrant to more closely track the language governing notice contained in L.D. 1377, "An Act To Protect Cellular Telephone Privacy." The change allows the government entity to request, when seeking a search warrant for electronic device location information, that the court waive the requirement that notice be given to the owner or user of the electronic device when a warrant is issued if the notice would result in an adverse result. In addition, this amendment specifies that a government entity must file a statement with the court within a reasonable period of time rather than 48 hours after seeking disclosure.

**Enacted Law Summary**

Public Law 2013, chapter 409 prohibits a government entity from obtaining the location information of a cellular telephone or other electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the electronic device, to respond to the user's call for emergency services or to respond to certain emergency situations when a warrant cannot be issued in time to avert death or serious physical injury. A government entity that obtains the location information of a cellular telephone or other electronic device without a valid warrant has an obligation to notify the owner or user about obtaining the location information, but only if the government entity is able to identify the owner or user. Once the government entity identifies the owner or user, the government entity must notify the owner or user within 3 days. A government entity may request, when seeking a search warrant for electronic device location information, that the court waive the requirement that notice be given to the owner or user of the electronic device if the notice would result in an adverse result.

**LD 419      Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals      RESOLVE 12**

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

This resolve directs the Family Law Advisory Commission to study current Maine law, the Uniform Parentage Act as recommended for enactment by the National Conference of Commissioners on Uniform State Laws and other similar laws and proposals and report to the Joint Standing Committee on Judiciary by December 1, 2013, including any necessary implementing legislation.

**Enacted Law Summary**

Resolve 2013, chapter 12 directs the Family Law Advisory Commission to study current Maine law, the Uniform Parentage Act as recommended for enactment by the National Conference of Commissioners on Uniform State Laws and other similar laws and proposals and report to the Joint Standing Committee on Judiciary by December 1, 2013, including any necessary implementing legislation.

**LD 420      An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions      ONTP**

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

This bill implements the recommendations of the Right To Know Advisory Committee relating to existing public records exceptions in the Maine Revised Statutes, Titles 22, 26, 29-A and 38. The bill does the following.

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1. It clarifies that all the information provided upon request to the Director of the Bureau of Health within the Department of Health and Human Services about toxic or hazardous substances in use or present at a specific location is public. It requires the director to release the information that is public upon request to any requester, and it repeals the requirement that the requester reside within 50 miles of the specific location.
2. It makes clear that reports of final bureau action of the Bureau of Labor Standards within the Department of Labor are public records, removing the language in current law that gives the Director of the Bureau of Labor Standards the discretion to release reports.
3. It requires that a report of the State Board of Arbitration and Conciliation in a labor dispute must be released 15 days after its receipt by the Governor and the Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.
4. It repeals language authorizing the Secretary of State to adopt rules relating to maintenance and use of data processing files concerning motor vehicles as the confidentiality of personal information is already protected under federal law.
5. It repeals a provision relating to the Secretary of State's motor vehicle information technology system because the confidentiality of the system is already addressed in another provision of law.
6. It removes language regarding confidentiality of records for unmarked law enforcement vehicles that is redundant with another section of law.
7. It repeals language making mercury reduction plans for air emission sources emitting mercury confidential.
8. It repeals language making hazardous air pollutant emissions inventory reports confidential.

**LD 424      An Act To Amend the Short Form Deeds Act**

**PUBLIC 90**

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

This bill amends the Short Form Deeds Act to provide that a conveyance or reservation of real estate must be construed to convey or reserve an estate in fee simple, unless a different intention is clearly expressed in the instrument by a statement that the interest conveyed or received is an interest other than an estate in fee, by a limiting of the duration of the interest to a period less than perpetual duration or by an explicit restriction of the interest to the use and benefit only of the person or persons to whom it is conveyed or reserved.

This bill is submitted in response to the decision of the Supreme Judicial Court in *Tarason v. Wesson Realty, LLC*, 2012 ME 47, 40 A.3d 1005.

### Enacted Law Summary

Public Law 2013, chapter 90 amends the Short Form Deeds Act to provide that a conveyance or reservation of real estate must be construed to convey or reserve an estate in fee simple, unless a different intention is clearly expressed in the instrument by a statement that the interest conveyed or received is an interest other than an estate in fee, by a limiting of the duration of the interest to a period less than perpetual duration or by an explicit restriction of the interest to the use and benefit only of the person or persons to whom it is conveyed or reserved. Chapter 90 is in response to the decision of the Supreme Judicial Court in *Tarason v. Wesson Realty, LLC*, 2012 ME 47, 40 A.3d 1005.

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**LD 425      An Act To Change the Membership of the Family Law Advisory Commission      ONTP**

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

This bill adds a member to the Family Law Advisory Commission, increasing the membership from 11 to 12. The new member must be a representative of an organization of guardians ad litem.

**LD 450      An Act To Permit Real Estate Agents To Assist Property Owners in Obtaining Relief in the Mortgage Foreclosure Process      LEAVE TO WITHDRAW**

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

This bill provides an exception to the provision governing the unauthorized practice of law to permit a licensed real estate agent to negotiate on behalf of a property owner with a mortgage lender to prevent mortgage foreclosure.

**LD 458      An Act Regarding Comparative Negligence      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill amends the laws governing comparative negligence. This bill provides that if a jury finds that the fault of a claimant is greater than the fault of all other persons, the claimant may not recover.

**Committee Amendment "A" (H-142)**

This amendment, which is the minority report of the committee, amends the bill by clarifying that if a jury finds that the fault of a claimant is greater than the combined fault of all other persons, the claimant may not recover.

This amendment was not adopted.

**LD 463      An Act To Prohibit the Sale and Purchase of Human Fetal Tissue      LEAVE TO WITHDRAW**

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

This bill makes the sale or purchase of human fetal tissue a Class C crime.

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**LD 495      An Act Regarding the Law Pertaining to the Confidentiality of  
Enhanced 9-1-1 System Information and Records**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill amends the law pertaining to the confidentiality of information and records of the E-9-1-1 system. The bill:

1. Clarifies the types of agencies that are subject to the current law governing the confidentiality of E-9-1-1 system information and records;
2. Defines the term "information or records declared to be confidential under other law" by providing that the term includes, but is not limited to, information or records that relate to a pending law enforcement investigation or a pending criminal prosecution;
3. Ensures that transcripts of E-9-1-1 call recordings may be accurately prepared;
4. Clarifies the types of disclosures of confidential information and records that are prohibited under the law; and
5. Clarifies actions that constitute a violation of E-9-1-1 confidentiality requirements.

**Committee Amendment "A" (S-151)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It changes the penalty for intentionally releasing confidential information from a Class E crime to a civil violation.

This amendment was not adopted.

**LD 503      An Act To Amend the Limited Liability Company Laws**

**PUBLIC 58  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO PRIEST	OTP-AM	S-22

This bill changes the requirements for the name of a limited liability company that is filing an assumed name or registering a name of a foreign limited liability company to make the provision consistent with the other entity filing laws.

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

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

**Enacted Law Summary**

Public Law 2013, chapter 58 changes the requirements for the name of a limited liability company that is filing an assumed name or registering a name of a foreign limited liability company to make the provision consistent with the other entity filing laws. Public Law 2013, chapter 424 (LD 1536, the Errors Bill), Part C, Section 2

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authorizes the Secretary of State to not charge the regular filing fee to a limited liability company that files a statement of correction to change its name pursuant to the statutory changes made in chapter 58 if the statement of correction is filed on or before October 1, 2013.

Public Law 2013, chapter 58 was enacted as an emergency measure effective May 3, 2013.

**LD 512 An Act To Allow Licensed Foresters To Use Mechanics Liens**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill adds licensed foresters to the list of people who can place a lien on the property of another for nonpayment of services.

**LD 522 An Act To Amend the Guardian Ad Litem Laws**

**ONTP**

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

This bill implements the recommendations included in the report "Recommendations for an Improved Process for Complaints Regarding Guardians Ad Litem" submitted to the Supreme Judicial Court in 2012 by the Guardian Ad Litem Task Force, appointed by Chief Justice Saufley. Current law requires a guardian ad litem appointed in a family matters case to submit a written report to the parties and the court.

This bill requires a written report only if the court directs the guardian ad litem to file a report. This bill provides that the Supreme Judicial Court may adopt rules governing guardians ad litem appointed in family matters cases under the Maine Revised Statutes, Title 19-A and in child protective cases under Title 22. The rules may cover registration or certification, qualifications, standards of practice, continuing education requirements and discipline. Discipline includes a process to provide for the just determination of complaints from parties in actions under Title 19-A and Title 22.

See LD 872, An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine.

**LD 548 An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions**

**PUBLIC 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON D YOUNGBLOOD	OTP-AM	H-330

This bill makes the following changes regarding spousal support in divorce actions.

1. It renames "general support" as "transitional support."
2. It removes the rebuttable presumption against an award of transitional support for marriages shorter than 10

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years in duration.

3. It provides for an end to transitional support if either party dies or reaches normal retirement age or if the party receiving support remarries or cohabits with someone for more than one year.
4. It provides that an award of transitional support may be modified for any other significant change in circumstances of either party.
5. It renames "transitional support" as "rehabilitative support" and limits the award of rehabilitative support to four years from the date the divorce action is filed.
6. It eliminates the ability of the court to award nominal support.

### Committee Amendment "A" (H-330)

This amendment replaces the bill. It provides that all spousal support orders issued on or after October 1, 2013 can be modified as the court determines justice requires. Current law prohibits modification of an order that expressly states it cannot be modified.

Current law allows modification of an order upon cohabitation by the recipient. This amendment makes clear that a spousal support order is subject to termination as justice requires when it can be shown that the recipient of the spousal support and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has existed for at least 12 months of a period of 18 consecutive months.

### Enacted Law Summary

Public Law 2013, chapter 327 provides that all spousal support orders issued on or after October 1, 2013 can be modified as the court determines justice requires.

Public Law 2013, chapter 327 provides that a spousal support order is subject to termination as justice requires when it can be shown that the recipient of the spousal support and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has existed for at least 12 months of a period of 18 consecutive months.

### LD 549 An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age

CARRIED OVER

#### Sponsor(s)

WELSH  
PLUMMER

#### Committee Report

OTP-AM  
ONTP

#### Amendments Adopted

This bill allows a person who is 21 years of age or older to petition the Secretary of State to expunge a criminal record of the person if the crime was committed when the person was between 18 and 20 years of age and it is the person's only criminal conviction.

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

This amendment is the majority report of the Joint Standing Committee on Judiciary and it replaces the bill. It establishes a process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction. An eligible criminal conviction must meet 6 requirements in order for the person to be eligible for special treatment of the conviction information. The person must have been at least 18 years of age but under 21 years of age when the person committed the crime, and the crime is limited to Class E theft. In addition, at least four years must have passed since the person has fully satisfied

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each of the sentencing alternatives imposed for the conviction of the Class E theft. The Class E theft conviction must be the only criminal conviction of the person in this State, the person may not have been adjudicated as having committed a juvenile crime for which the hearing was open to the general public under the Maine Revised Statutes, Title 15, section 3307 and the person may not have had a criminal charge dismissed as a result of a deferred disposition pursuant to Title 17-A, chapter 54-F. The person may have no criminal convictions from another jurisdiction, and no criminal charges may be pending in this State or in another jurisdiction.

Unlawfully releasing the restricted information is a violation of the release of confidential information under the criminal history record information laws under Title 16, chapter 3, subchapter 8.

The provisions establishing the process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction are repealed October 1, 2017.

This amendment also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 550      An Act To Require Probate Judges, Registers of Probate and Registers of Deeds To Be Appointed      ONTP**

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

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

This bill proposes to reform the probate court system to require probate judges to be appointed by the Governor and confirmed by the Senate. The Governor will appoint 16 probate judges, one to sit in each county, and each county will continue to pay the salary of the probate judge and the expenses of the probate court and probate registry in that county. The Maine Code of Judicial Conduct will apply to probate judges, therefore prohibiting them from practicing law and receiving compensation in addition to their salaries through fees or other payments. The Constitution of Maine, Article VI will apply to probate judges.

This bill proposes that registers of probate, rather than being elected as provided in the Probate Code, will be appointed by the probate judge in that county. This bill proposes that registers of deeds, rather than being elected, will be appointed by the county commissioners of the counties in which they serve.

This bill proposes that the probate courts, probate judges, registers of probate and registers of deeds in all other aspects will continue to function as in current law.

**LD 551      An Act To Establish Certification Standards for Guardians Ad Litem      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Supreme Judicial Court to

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establish certification standards for guardians ad litem. The certification standards must include, but not be limited to, criteria related to minimum educational achievement in relevant subject matter and minimum experience or background in relevant fields.

See LD 872, An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine.

**LD 552 An Act To Expedite Court Proceedings by Providing Funds for Additional District Court Personnel**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill provides a General Fund appropriation of \$511,969 in fiscal year 2013-14 and \$678,324 in fiscal year 2014-15 for two Judge positions, two deputy Marshal positions, two assistant Clerk positions and one Law Clerk position and related costs in order to expedite District Court proceedings.

**Committee Amendment "A" (H-78)**

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

This amendment was not adopted.

**LD 581 An Act To Amend the Laws Governing Service of Process in Eviction Actions**

**PUBLIC 135**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-140

This bill allows service of process in forcible entry and detainer actions to be made by mailing the complaint to the defendant's last known address and leaving the complaint at the defendant's last and usual place of abode if at least three good faith efforts on three different days have been made to serve the defendant.

**Committee Amendment "A" (H-140)**

This amendment requires the plaintiff in an eviction case to mail and post the summons as well as the complaint after three good faith attempts to serve the defendant in hand have been unsuccessful.

This amendment requires the plaintiff to file an affidavit that the service has occurred, which is currently required under Rule 4 of the Maine Rules of Civil Procedure when the court orders service by the mailing and posting of the summons and complaint. The changes are repealed September 1, 2016. After that date, the law currently in effect will go back into effect.

**Enacted Law Summary**

Public Law 2013, chapter 135 allows service of process in forcible entry and detainer actions to be made by mailing the summons and complaint to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode if at least three good faith efforts on three different days have been made to serve the defendant and are unsuccessful. The plaintiff is required to file an affidavit that the service has occurred, which is currently required under Rule 4 of the Maine Rules of Civil Procedure when the court orders service by the mailing and posting of the summons and complaint. The changes are repealed September 1, 2016.

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After that date, the law currently in effect will go back into effect.

**LD 612      An Act To Protect Owners of Property in Foreclosure from Accumulation of Debts When Mortgagees Refuse To Complete the Foreclosure Process      ONTP**

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

This bill requires owners of foreclosed property who vacate their homes after receiving notice of a foreclosure judgment to notify the attorney representing the mortgagee in the foreclosure and the municipal tax assessor of the municipality where the mortgaged premises are located that they have vacated the property within 30 days of vacating the mortgaged premises and to also provide their contact information. If, within six months following a foreclosure judgment, the mortgagee has not completed the foreclosure process, the bill requires the mortgagee to notify the mortgagor using the contact information provided and to notify the municipal tax assessor.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

**LD 619      An Act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State      PUBLIC 283**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN VALENTINO	OTP-AM	H-319

This bill requires all public entities to treat an individual's personal information as confidential if requested by the individual. "Personal information" includes but is not limited to the home address, home telephone number, home facsimile number, personal e-mail address, personal cellular telephone number and personal pager number of an individual.

**Committee Amendment "A" (H-319)**

This amendment, which replaces the bill, narrows the scope and requires e-mail addresses provided by applicants for licenses and motor vehicle registrations to the Department of the Secretary of State to be kept confidential. The e-mail addresses may not be disclosed outside the department except to law enforcement officers or for court proceedings.

**Enacted Law Summary**

Public Law 2013, chapter 283 requires e-mail addresses provided by applicants for licenses and motor vehicle registrations to the Department of the Secretary of State to be kept confidential. The e-mail addresses may not be disclosed outside the department except to law enforcement officers or for court proceedings.

**LD 640      An Act Regarding Legal Representation in Certain Eviction Actions      PUBLIC 134**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE DUNPHY	OTP-AM	S-56

This bill allows a person who is the sole member of a limited liability company or is a member of a limited liability

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company that is owned by a married couple or registered domestic partners who is not an attorney to appear in court for that company in an action for eviction.

### Committee Amendment "A" (S-56)

The bill provides an exception to the unauthorized practice of law by a person who is not an attorney in narrow circumstances concerning limited liability companies and eviction actions. This amendment adds a provision to repeal the exception on September 1, 2016.

### Enacted Law Summary

Public Law 2013, chapter 134 allows a person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney to appear in court for that company in an action for eviction. This exception to the unauthorized practice of law is repealed September 1, 2016.

### LD 680 An Act To Nullify the Federal Patient Protection and Affordable Care Act of 2010

ACCEPTED  
MAJORITY  
(ONTP) REPORT

#### Sponsor(s)

LIBBY A  
MASON G

#### Committee Report

ONTP  
OTP-AM

#### Amendments Adopted

This bill expresses the findings of the Legislature that the federal Patient Protection and Affordable Care Act of 2010, signed into law by President Barack Obama on March 23, 2010, is in violation of the United States Constitution, Amendment X and, as such, is considered null and void in Maine.

This bill prohibits a federal or state official, agent or employee from enforcing the federal Patient Protection and Affordable Care Act of 2010 or any other statute, law, rule, regulation or order made in connection with that Act. Violation by a federal official is a Class C crime, punishable by up to five years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in jail and a fine of up to \$2,000.

The bill also allows a civil cause of action.

### Committee Amendment "A" (H-186)

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

This amendment was not adopted.

### LD 684 An Act To Make Bylaws and Minutes of Board Meetings of Publicly Funded Hospitals Subject to the Freedom of Access Act

ONTP

#### Sponsor(s)

MACDONALD W

#### Committee Report

ONTP

#### Amendments Adopted

This bill makes bylaws and minutes of board meetings of hospitals that receive public funds public records for purposes of the Freedom of Access Act.

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**LD 686      Resolve, To Increase Funding for Indigent Legal Aid Provided to Wabanaki Tribal Members      ONTP**

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

This resolve directs the Maine Commission on Indigent Legal Services to amend its rules to increase the reimbursement rate for indigent legal services provided to a member of the Penobscot Nation, Passamaquoddy Tribe, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs from \$50 per hour to \$80 per hour effective January 1, 2014.

**LD 687      An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets      PUBLIC 109**

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

This bill amends the law concerning protection from abuse orders to allow the court to include provisions in protection from abuse orders, including temporary orders, that direct the defendant to refrain from injuring or threatening to injure an animal that is owned, possessed, leased, kept or held by either party or a minor child residing in the household.

**Enacted Law Summary**

Public Law 2013, chapter 109 allows the court to include provisions in protection from abuse orders, including temporary orders, that direct the defendant to refrain from injuring or threatening to injure an animal that is owned, possessed, leased, kept or held by either party or a minor child residing in the household.

**LD 688      An Act Concerning Adverse Possession      ONTP**

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

This bill provides that a person may not use a claim of adverse possession to gain ownership of property against an owner of record who has paid property taxes on the property during the period for which the claimant has asserted being in possession of the property.

**LD 725      An Act To Implement the Recommendations of the Judicial Compensation Commission      CARRIED OVER**

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

This bill implements the recommendations of the Judicial Compensation Commission. It increases the salary of justices in the Supreme Judicial Court, Superior Court and District Court to provide a cost-of-living increase equal

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to the amount that would have been awarded had statutory increases been granted in fiscal year 2003-04, fiscal year 2004-05, fiscal year 2010-11, fiscal year 2011-12 and fiscal year 2012-13. It also changes the reporting deadline for the Judicial Compensation Commission from December 1st to December 15th.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

See related provision in Public Law 2013, chapter 368, Part BB (biennial budget). Part BB directs the State Court Administrator to adjust upward the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by 3% on July 1, 2013 and by 3% on July 1, 2014.

**LD 726      An Act To Adopt the Uniform Parentage Act      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to adopt a law that is based on the Uniform Parentage Act. 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 numbering, structure and organization of the Maine Revised Statutes.

See LD 419, Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals, finally passed as Resolve 2013, chapter 12.

**LD 733      An Act To Improve the Child Support Collection Process      ONTP**

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

This bill allows the Commissioner of Health and Human Services and the court to order that the Secretary of State issue a work-restricted license when a driver's license has been suspended for nonpayment of child support. It separates the determination of nonsupport from the administrative hearing on the question of noncompliance.

The bill requires that, when an obligor requests a hearing on noncompliance with an order of support, an administrative hearing officer within the Department of the Secretary of State conduct the hearing and report the decision back to the Department of Health and Human Services for issuance.

**LD 744      An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits      PUBLIC 329**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM	S-232

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This bill extends the statute of limitations for professional negligence actions against health care providers and health care practitioners when the action is based on a sexual act or sexual contact. The bill provides that the new statute of limitations applies to all actions based on a sexual act or sexual contact occurring on or after the effective date of the Act and all actions for which the claim has not yet been barred by the previous statute of limitations.

**Committee Amendment "A" (S-232)**

The bill proposes to extend the statute of limitations for professional negligence actions against certain health care providers and health care practitioners to ten years when the action is based on a sexual act or sexual contact. The amendment decreases the extension of the statute of limitations to six years and applies it to professional negligence actions against specifically psychiatrists, psychologists, social workers, professional counselors, pastoral counselors, marriage and family therapists and clinical professional counselors. In addition, the amendment provides that the sexual act or sexual contact must have occurred during the period of time the person was a patient or client of the professional.

The amendment also repeals this extension of the statute of limitations July 1, 2017.

**Enacted Law Summary**

Public Law 2013, chapter 329 extends to six years the statute of limitations for professional negligence actions against specific professionals when the action is based on a sexual act or sexual contact. It applies the extension of the statute of limitations to professional negligence actions against psychiatrists, psychologists, social workers, professional counselors, pastoral counselors, marriage and family therapists and clinical professional counselors. It also provides that the sexual act or sexual contact must have occurred during the period of time the person was a patient or client of the professional. The extension of the statute of limitations is repealed July 1, 2017.

**LD 759 An Act To Hold Harmless a Municipality For Volunteer or Unpaid Labor**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill makes a municipality immune from liability for the activity of a volunteer, unpaid employee or a person performing community service for the municipality.

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

This amendment is the minority report of the Joint Standing Committee on Judiciary. The amendment replaces the bill, which amends the Maine Tort Claims Act, and instead provides that a municipality is not liable for death, personal injury or property damage suffered by a juvenile or adult who is participating in a supervised work or service program, performing community service or providing restitution or providing volunteer services. The amendment does not create liability for any claim, does not waive any existing immunity and does not affect the application of the workers' compensation laws to volunteer firefighters.

This amendment was not adopted.

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**LD 760 An Act Regarding Informed Consent to an Abortion**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

Current law requires the attending physician of a woman seeking an abortion to obtain the informed written consent of the woman and requires the provision of specific information, such as the number of weeks elapsed from the time of conception, the risks associated with the abortion and, at the woman's request, alternatives to abortion.

This bill specifies that the information must also be conveyed to the woman orally, removes the requirement that the woman request information about alternatives and requires additional information to be conveyed, including the name of the physician performing the abortion, scientifically accurate information about the fetus and the father's liability for support.

**House Amendment "A" (H-469)**

This amendment requires a physician to inform a pregnant woman of an undeniable right to see an ultrasound if an ultrasound was taken and removes from the bill all other changes to current law.

This amendment was not adopted.

**Senate Amendment "A" (S-275)**

This amendment requires a physician to inform a pregnant woman of an undeniable right to see an ultrasound if an ultrasound was taken and removes from the bill all other changes to current law.

This amendment was not adopted.

**LD 777 An Act To Protect Working Mothers Who Breast-feed**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM GRATWICK	OTP OTP-AM	

This bill provides that it is unlawful employment discrimination under the Maine Human Rights Act for an employer to fail to provide certain workplace accommodations for an employee with a nursing child.

**Committee Amendment "A" (H-295)**

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Judiciary. The amendment increases the penalty for an employer who fails to comply with current law requiring the employer to provide a time and place for an employee who is a nursing mother to express breast milk. It increases the minimum and maximum fines for violating certain employment practices and for discharging or discriminating from \$100 to \$300 and from \$500 to \$1,000. It also updates language concerning fines for civil violations.

This amendment was not adopted.

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**LD 784 An Act To Impose Penalties for Residential Mortgage Loan Fraud and False Representation Concerning Title**

**ONTP**

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

This bill establishes civil and criminal penalties for those persons engaging in residential mortgage loan fraud and making a false representation concerning title.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

**LD 785 An Act To Ensure the Periodic Review and Revision of Statutory Provisions**

**PUBLIC 110**

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

This bill requires that program evaluation reports filed by state agencies pursuant to the State Government Evaluation Act identify provisions contained in the agency's or independent agency's enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or judicial decisions.

The bill directs the Office of the Revisor of Statutes and the Office of Policy and Legal Analysis to review the program evaluation reports and any resulting legislation and to submit a report that lists statutory provisions that are identified as potentially requiring legislative review regarding the necessity of amendment to align the statute with federal law, other state law or judicial decisions to the relevant joint standing committees, as well as to the joint standing committee of the Legislature having jurisdiction over judiciary matters. Under the bill, each joint standing committee of the Legislature receiving a report is directed to make recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters, which is authorized to report out a bill to make statutory changes to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.

**Enacted Law Summary**

Public Law 2013, chapter 110 requires that program evaluation reports filed by state agencies pursuant to the State Government Evaluation Act identify provisions contained in the agency's or independent agency's enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or judicial decisions. The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall review the program evaluation reports and any resulting legislation and submit a report that lists statutory provisions that are identified as potentially requiring legislative review regarding the necessity of amendment to align the statute with federal law, other state law or judicial decisions to the relevant joint standing committees, as well as to the joint standing committee of the Legislature having jurisdiction over judiciary matters. Each joint standing committee of the Legislature receiving a report is required to make recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters, which is authorized to report out a bill to make statutory changes to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.

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**LD 807      An Act To Provide Protection to a Condominium Association When a Condominium Is Foreclosed On      ONTP**

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

This bill amends the Maine Condominium Act to create a definition of "priority amounts," which includes heat and utility expenses and regular condominium association assessments for a six-month period before filing a lawsuit to enforce a lien and the costs and attorney's fees to enforce the lien. This bill gives a lien based upon priority amounts priority over a first mortgage and establishes that, if the association fails to send the first mortgagee notice of a lien action, the association may not collect costs or attorney's fees.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

**LD 830      An Act To Further Protect Pregnant Women under the Maine Human Rights Act      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill provides that it is unlawful employment discrimination under the Maine Human Rights Act for a covered entity to fail to provide an employee who is pregnant the same reasonable accommodations applicable to a qualified individual with a disability.

**Committee Amendment "A" (H-294)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It clarifies that the provisions defining and limiting the scope of unlawful employment discrimination on the basis of pregnancy and medical conditions that result from pregnancy do not limit the new language included in the bill, which requires an employer to provide a pregnant employee with the same reasonable accommodations applicable to a qualified individual with a disability.

This amendment was not adopted.

**LD 849      An Act To Validate Certain Real Estate Transactions Entered into by a Corporation while Its Charter Was Suspended      P & S 7**

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

This bill validates certain real estate transactions and corporate actions that were made by a corporation during a period when its corporate status was suspended.

**Enacted Law Summary**

Private and Special Law, chapter 7 validates certain real estate transactions and corporate actions that were made by

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a specific corporation during a period when its corporate status was suspended.

**LD 850      Resolve, To Study the Issue of Inheritance of Digital Assets**

**RESOLVE 27**

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

This resolve directs the Probate and Trust Law Advisory Commission to conduct a review related to the disposition of digital assets upon an individual's death or incapacity and to develop legislative recommendations for submittal to the Joint Standing Committee on Judiciary. The recommendations must be submitted no later than December 1, 2013.

**Enacted Law Summary**

Resolve 2013, chapter 27 directs the Probate and Trust Law Advisory Commission to conduct a review related to the disposition of digital assets upon an individual's death or incapacity and to develop legislative recommendations for submittal to the Joint Standing Committee on Judiciary. The recommendations must be submitted no later than December 1, 2013.

**LD 851      An Act To Allow the Return of Excess Funds by a Municipality That Forecloses on Real Estate**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DICKERSON MAZUREK	OTP-AM ONTP	H-293

Under current law, if a municipality, or the State Tax Assessor for real estate located in the unorganized territory, forecloses on a parcel of real estate for failure to pay taxes owed on that real estate, the municipality is under no obligation to return any funds that exceed the amount owed in taxes after the sale of the real estate.

This bill requires the municipality, which includes the State Tax Assessor for real estate located in the unorganized territory, to provide notice of the availability of the excess funds, after subtracting the tax lien, interest, fees for recording the lien, costs of mailing notice, court costs and any other expenses incurred in disposing of the real estate, to the former owner within 30 days of sale of the real estate or 180 days of the foreclosure, whichever is sooner. The municipality is required to keep the excess funds in a segregated escrow account. If the former owner fails to claim the excess funds in person within 90 days of the notice, the municipality is allowed to retain the excess funds. If the former owner or the former owner's representative notifies the municipality within 90 days of the notice, the municipality must negotiate with the former owner over the return of the excess funds. If the former owner is dissatisfied with the municipality's offer, the former owner may seek binding arbitration for resolution of the matter.

**Committee Amendment "A" (H-293)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It allows a municipality to adopt an ordinance that allows the municipality to return proceeds from the sale and final disposition of tax-acquired property to the former owner. Proceeds must first be used to cover all back taxes, interest, costs and other unpaid municipal expenses either associated with the disposition of the tax-acquired property or assessed or charged against the property prior to disposition. The ordinance must provide for standards governing the return of the proceeds and the procedures to ensure that the interests of the taxpayers of the municipality are protected.

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**LD 852      An Act To Amend Certain Provisions of Law Affecting the Judicial Branch**

**PUBLIC 159**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST VALENTINO	OTP-AM	H-176

This bill does the following.

1. It authorizes the State Court Administrator to use the fees generated from the sale of publications or forms to fund publications, forms and information technology.
2. It combines the judicial divisions of Northern Penobscot and Central Penobscot into Northern and Central Penobscot and authorizes the Chief Judge to determine the level of service at the sites of the district courts for that judicial division.
3. It permits the Chief Judge of the District Court to employ retired family law magistrates.
4. It changes certain reporting dates for the Judicial Department and the State Court Administrator from January 15th to February 15th.
5. It requires the Maine Criminal Justice Sentencing Institute to meet only when sufficient funding has been allocated for that purpose, instead of every 3 years as in current law.
6. It requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services.

**Committee Amendment "A" (H-176)**

The bill requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services. This amendment provides that the compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

**Enacted Law Summary**

Public Law 2013, chapter 159 does the following.

1. It authorizes the State Court Administrator to use the fees generated from the sale of publications or forms to fund publications, forms and information technology.
2. It combines the judicial divisions of Northern Penobscot and Central Penobscot into Northern and Central Penobscot and authorizes the Chief Judge to determine the level of service at the sites of the district courts for that judicial division.
3. It permits the Chief Judge of the District Court to employ retired family law magistrates.
4. It changes certain reporting dates for the Judicial Department and the State Court Administrator from January 15th to February 15th.
5. It requires the Maine Criminal Justice Sentencing Institute to meet only when sufficient funding has been allocated for that purpose, instead of every threes as in current law.

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6. It requires attorney's fees for the defense of appeals by the State to be paid by the Maine Commission on Indigent Legal Services and provides that the compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

**LD 854      An Act To Clarify When a Manufactured Home Becomes Residential  
Real Property**

**PUBLIC 125**

Sponsor(s)

PRIEST

Committee Report

OTP

Amendments Adopted

This bill amends the laws governing manufactured housing.

1. It adds language to the declaration of purpose in the manufactured housing law to state that manufactured housing for which no certificate of title has been issued is considered real property when it has been permanently affixed to real property that is owned by the owner of the manufactured housing.
2. Current law governing title to vehicles specifies that a certificate of title or salvage is not required for manufactured housing that is permanently affixed to real property within 30 days of the date of sale. This bill specifies that a certificate is not required if the real property is owned by the owner of the manufactured housing.
3. Current law governing the perfection of security interests in vehicles specifies that it does not apply to manufactured housing that is permanently affixed to real property. This bill specifies that the real property must be owned by the owner of the manufactured housing.

**Enacted Law Summary**

Public Law 2013, chapter 125 amends the laws governing manufactured housing.

1. It adds language to the declaration of purpose in the manufactured housing law to state that manufactured housing for which no certificate of title has been issued is considered real property when it has been permanently affixed to real property that is owned by the owner of the manufactured housing.
2. Current law governing title to vehicles specifies that a certificate of title or salvage is not required for manufactured housing that is permanently affixed to real property within 30 days of the date of sale; Chapter 125 specifies that a certificate is not required if the real property is owned by the owner of the manufactured housing.
3. Current law governing the perfection of security interests in vehicles specifies that it does not apply to manufactured housing that is permanently affixed to real property; Chapter 125 specifies that the real property must be owned by the owner of the manufactured housing.

**LD 861      Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules  
Concerning the Processing of Applications and Other Administrative  
Matters, a Major Substantive Rule of the Department of Environmental  
Protection**

**RESOLVE 65  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP  
OTP-AM

This resolve provides for legislative review of portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule of the Department of Environmental

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Protection.

**Committee Amendment "A" (H-277)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It provides that final adoption of portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule provisionally adopted by the Department of Environmental Protection is authorized only if the rule consists solely of a provision that the board interprets and applies the term "aggrieved person" in a manner consistent with Maine court decisions that address judicial standing requirements for appeals of final agency action. It also removes the emergency preamble and emergency clause from the resolve.

This amendment was not adopted.

**Enacted Law Summary**

Resolve 2013, chapter 65 authorizes the final adoption of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule of the Department of Environmental Protection.

Resolve 2013, chapter 65 was finally passed as an emergency measure effective June 22, 2013.

**LD 864 An Act Regarding Service of Small Claims Notices**

**CARRIED OVER**

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

This bill permits service of a statement of claim in a small claims court proceeding by alternate means as permitted for service of a summons and complaint under the Maine Rules of Civil Procedure, Rule 4(g).

**Committee Amendment "A" (S-178)**

This amendment adds a repeal date of February 15, 2016 to the requirement in the bill that rules adopted by the Supreme Judicial Court must permit service of a statement of claim in a small claims court proceeding by alternate means. The amendment adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 869 An Act To Relax Divorce Requirements for Victims of Domestic Violence**

**ONTP**

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

This bill allows a person to file for divorce without meeting the six-month residency requirement if the person resides in the State and produces a valid and currently-effective protection from abuse order or its equivalent from another jurisdiction and the person's spouse is the defendant subject to the order.

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**LD 871 An Act To Protect Victims of Domestic Violence by Waiving Their Filing Fees in Divorce Actions**

ONTP

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

This bill waives the filing fee in a divorce action for a person who has a protection from abuse order in effect against the defendant when the complaint is filed.

**LD 872 An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine**

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE VILLA	OTP-AM	S-297 S-343 HILL

This bill is a concept draft pursuant to Joint Rule 208. This bill restructures the current guardian ad litem program in Maine for the greater benefit of children and their kinship supports involved in the crises of divorce and child protection complaints. It is based on the findings and recommendations of the 2006 report, "Performance Audit of Guardians ad litem for Children in Child Protection Cases" submitted to the Government Oversight Committee by the Office of Program Evaluation and Government Accountability. It proposes a comprehensive program governing guardians ad litem appointed under the Maine Revised Statutes, Titles 18-A, 19-A and 22.

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

This amendment replaces the bill. It enacts a new chapter on children's guardians ad litem. The chapter uses current requirements for guardians ad litem as a base, and includes some of the recommendations of the reports to the Supreme Judicial Court, "Recommendations for an Improved Process for Complaints Regarding Guardians Ad Litem," dated September 21, 2012, and "Recommendations for Amending the Maine Rules for Guardians Ad Litem," dated January 14, 2013, by the Guardian Ad Litem Stakeholders Group. Under the new chapter, guardians ad litem appointed under the Maine Revised Statutes, Title 18-A are subject to the general provisions and rules adopted by the Supreme Judicial Court, including the complaint process. Guardians ad litem appointed under Title 19-A and Title 22 are subject to the general provisions and the rules, as well as specific provisions for the different types of cases.

The amendment directs the family division within the judicial branch to assist the Chief Judge of the District Court to roster guardians ad litem and in the administration of guardians ad litem appointed under Title 19-A and Title 22. The amendment requires the family division to collect, maintain and report data about the appointment of guardians ad litem, reports, caseloads and other information.

The amendment clarifies the process of rostering guardians ad litem, although the details will be established by rules adopted by the Supreme Judicial Court. The rules must include criminal background checks.

The amendment establishes in statute the role of a guardian ad litem and requires compliance with standards of conduct, which will be adopted by rule by the Supreme Judicial Court.

The order of appointment must specify the duties of the guardian ad litem. A guardian ad litem has no authority to perform and will not be expected to perform any duties beyond those specified in the order, unless subsequently ordered to do so by the court.

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The order appointing a guardian ad litem in a case under Title 18-A and Title 19-A must also specify the hourly rate or flat fee for the guardian ad litem, the timing of the payments to be made and by whom and the maximum amount of fees that may be charged for the case without further order of the court.

The amendment requires the Supreme Judicial Court to provide by rule for a complaint process concerning guardians ad litem. The complaint process is in addition to the right of a party to file a motion to remove the guardian ad litem while the case is pending.

The entire chapter is repealed October 1, 2017.

The judicial branch is directed to include guardian ad litem elements in its request for proposals for the new case management system for the courts.

The Chief Judge of the District Court is directed to report to the Joint Standing Committee on Judiciary by February 15, 2014 on the adoption of rules to implement the new chapter, establishment of a complaint process, recommendations concerning evaluations by parties and the adoption of standards of conduct for guardians ad litem.

The amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-343)**

This amendment removes guardians ad litem appointed under the Maine Revised Statutes, Title 22 from the provisions covering data reporting, standardized billing and other administrative requirements. It establishes January 1, 2015 as the effective date for the provisions of the bill that address the administration of guardians ad litem, the post-judgment evaluation policy and the reporting requirement. It also replaces the appropriations and allocations section to provide funding for one full-time position and one part-time position for the Judicial Department.

### **Enacted Law Summary**

Public Law 2013, chapter 406 enacts a new chapter on children's guardians ad litem. The chapter uses current requirements for guardians ad litem as a base, and includes some of the recommendations of the reports to the Supreme Judicial Court, "Recommendations for an Improved Process for Complaints Regarding Guardians Ad Litem," dated September 21, 2012, and "Recommendations for Amending the Maine Rules for Guardians Ad Litem," dated January 14, 2013, by the Guardian Ad Litem Stakeholders Group. Under the new chapter, guardians ad litem appointed under the Maine Revised Statutes, Title 18-A are subject to the general provisions and rules adopted by the Supreme Judicial Court, including the complaint process. Guardians ad litem appointed under Title 19-A and Title 22 are subject to the general provisions and the rules, as well as specific provisions for the different types of cases, although the provisions concerning the administration of guardians ad litem apply to only those appointed under Title 19-A.

The family division within the judicial branch will assist the Chief Judge of the District Court to roster guardians ad litem and in the administration of guardians ad litem appointed under Title 19-A. The family division will collect, maintain and report data about the appointment of guardians ad litem, reports, caseloads and other information, beginning January 1, 2015.

Public Law 2013, chapter 406 provides basic requirements for the rostering of guardians ad litem, although the details will be established by rules adopted by the Supreme Judicial Court. The rules must include criminal background checks.

Public Law 2013, chapter 406 establishes in statute the role of a guardian ad litem and requires compliance with standards of conduct, which will be adopted by rule by the Supreme Judicial Court.

The order of appointment must specify the duties of the guardian ad litem. A guardian ad litem has no authority to

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perform and will not be expected to perform any duties beyond those specified in the order, unless subsequently ordered to do so by the court.

The order appointing a guardian ad litem in a case under Title 18-A and Title 19-A must also specify the hourly rate or flat fee for the guardian ad litem, the timing of the payments to be made and by whom and the maximum amount of fees that may be charged for the case without further order of the court.

The Supreme Judicial Court shall provide by rule for a complaint process concerning guardians ad litem. The complaint process is in addition to the right of a party to file a motion to remove the guardian ad litem while the case is pending.

The entire chapter on children's guardians ad litem is repealed October 1, 2017.

The judicial branch is directed to include guardian ad litem elements in its request for proposals for the new case management system for the courts.

The Chief Judge of the District Court is directed to report to the Joint Standing Committee on Judiciary by February 15, 2017 on the adoption of rules to implement the new chapter, establishment of a complaint process, recommendations concerning evaluations by parties and the adoption of standards of conduct for guardians ad litem. Funding is provided for one full-time position and one part-time position for the Judicial Department beginning January 1, 2015.

**LD 884 An Act To Improve Death Investigations**

**PUBLIC 113**

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

This bill allows the Chief Medical Examiner to appoint qualifying persons who are not physicians as medicolegal death investigators with the authority to go to death scenes and conduct investigations and inquiries into the cause, manner and circumstances of death in medical examiner cases. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis as determined by the Chief Medical Examiner.

**Enacted Law Summary**

Public Law 2013, chapter 113 allows the Chief Medical Examiner to appoint qualifying persons who are not physicians as medicolegal death investigators with the authority to go to death scenes and conduct investigations and inquiries into the cause, manner and circumstances of death in medical examiner cases. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis as determined by the Chief Medical Examiner.

**LD 900 An Act Regarding the Disclosure of Certain Records in Criminal Matters**

**PUBLIC 201**

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

This bill allows state, county and municipal government employers to disclose otherwise confidential personnel records to prosecutors when it is necessary for the determination of whether or not a defendant has a constitutional

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right to any of the information in the records, in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). The bill also permits state, county and municipal employees to disclose personnel records at the request of prosecutors in support of the prosecutors' efforts to comply with their constitutional duties.

**Enacted Law Summary**

Public Law 2013, chapter 201 allows state, county and municipal government employers to disclose otherwise confidential personnel records to prosecutors when it is necessary for the determination of whether or not a defendant has a constitutional right to any of the information in the records, in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). Chapter 201 also permits state, county and municipal employees to disclose personnel records at the request of prosecutors in support of the prosecutors' efforts to comply with their constitutional duties.

**LD 912      An Act To Provide Another Alternative to the Civil Order of Arrest      PUBLIC 150**  
**Process**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON KATZ	OTP-AM	H-175

This bill allows a judgment creditor to request a court to issue an order for appearance as an alternative means of enforcing a debtor's failure to appear in court after having been served with a disclosure subpoena. It also authorizes a court to order the Department of Labor to provide recent employment information to a judgment creditor upon a judgment debtor's failure to appear in court in response to a disclosure subpoena or contempt subpoena.

**Committee Amendment "A" (H-175)**

This amendment adds a repeal date of February 15, 2016 to the changes made in the bill. It also provides for the provisions of the current law to be effective again beginning February 15, 2016.

**Enacted Law Summary**

Public Law 2013, chapter 150 allows a judgment creditor to request a court to issue an order for appearance as an alternative means of enforcing a debtor's failure to appear in court after having been served with a disclosure subpoena. It also authorizes a court to order the Department of Labor to provide recent employment information to a judgment creditor upon a judgment debtor's failure to appear in court in response to a disclosure subpoena or contempt subpoena. The changes made to the law in chapter 150 are repealed February 15, 2016.

**LD 913      An Act To Promote Excursion Passes by Amending the Law Governing      ONTP**  
**Expiration Dates on Gift Obligations and Stored-value Cards**  
**Redeemable with Multiple Sellers**

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

This bill amends the Uniform Unclaimed Property Act to exempt gift obligations and stored-value cards that are redeemable with multiple unaffiliated sellers from the provision in the Act that prohibits expiration dates for gift obligations and stored-value cards.

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**LD 972      An Act To Educate Women on the Medical Risks Associated with  
Abortion**

**LEAVE TO  
WITHDRAW**

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

This bill requires that in order to ensure that informed consent is obtained from a woman seeking an abortion, specific information, including the results of an ultrasound or sonogram of the fetus, must be provided both orally and in writing to a woman seeking an abortion at least 24 hours before the abortion is performed. The Department of Health and Human Services shall develop a brochure that contains required information and provide copies to physicians and make the brochure available online.

**LD 973      An Act To Make Veterans' Property Tax Exemption Applications  
Confidential**

**PUBLIC 222  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS TUTTLE	OTP-AM	H-231 H-260 BRIGGS

This bill exempts from the freedom of access laws applications and supporting documentation filed by a person seeking an exemption from property tax provided to a veteran or the family of a deceased veteran.

**Committee Amendment "A" (H-231)**

This amendment adds a mandate preamble.

**House Amendment "A" (H-260)**

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

**Enacted Law Summary**

Public Law 2013, chapter 222 exempts from the freedom of access laws applications and supporting documentation filed by a person seeking an exemption from property tax provided to a veteran or the family of a deceased veteran. Chapter 222 was enacted with a mandate preamble.

Public Law 2013, chapter 222 was enacted as an emergency measure effective June 10, 2013.

**LD 974      An Act To Prevent Fraudulent Trademark Registration**

**ONTP**

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

This bill prohibits the filing of a trademark if the trademark is in use in the State by another and directs the Secretary of State to conduct a brief search on the Internet to determine if the information provided on a trademark application is correct.

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This bill also requires a person making a fraudulent registration of a trademark to pay all damages to a person injured by the registration, including court costs and attorney's fees, and directs the Attorney General to prosecute the crime as an unsworn falsification and seek all legal remedies, including equitable relief, from the court.

**LD 975 An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill ensures that guardians ad litem and parenting coordinators are accountable. This bill:

1. Requires the court to impose limits on the extent of investigations to be undertaken by a guardian ad litem to prevent escalation of conflict and antagonistic conduct of the parents and to protect children from long-term exposure to traumatic processes;
2. Requires all guardians ad litem and parenting coordinators to have sufficient education and training in social work;
3. Requires the court to set expenditure limits on guardian ad litem and parenting coordinator fees and any other costs incurred in investigations or the completion of the duties of the appointment;
4. Removes the quasi-judicial immunity provided to guardians ad litem and parenting coordinators by statute; and
5. Allows a cause of action and the award of punitive damages against guardians ad litem and parenting coordinators who falsely accuse parties of abuse or neglect or who intentionally exclude from reports to the parties or the court relevant information.

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

This amendment is the minority report of the Joint Standing Committee on Judiciary. The bill removes quasi-judicial immunity established under the current law for guardians ad litem appointed under the Maine Revised Statutes, Title 18-A, Title 19-A and Title 22, and for parenting coordinators appointed under Title 19-A. This amendment provides that there is no civil liability for a guardian ad litem or parenting coordinator for good faith acts or omissions that are within the scope of the duties of the guardian ad litem or parenting coordinator, as long as there is no gross negligence. The cause of action against the guardian ad litem or parenting coordinator as proposed in the bill is retained.

This amendment was not adopted.

See LD 872, An Act to Improve the Quality of Guardian as litem service for the Children and Families of Maine.

**LD 982 An Act To Create a Gambling Offset To Enhance the Collection of Child Support**

**PUBLIC 255**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN VALENTINO	OTP-AM	H-449

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This bill requires that licensees that operate slot machines and table games intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

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

This amendment requires licensees that conduct pari-mutuel wagering on horse racing in this State, in addition to the licensees that operate slot machines and table games as included in the bill, to intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

This amendment clarifies that, if the licensee is unable to obtain the child support obligor information from the registry owner on a real-time basis after attempting in good faith to do so, the licensee may make payment to the individual.

The bill requires the licensee to transmit the amount withheld to the Department of Health and Human Services within 24 hours. This amendment extends the time to transmit the withheld amount to within seven days.

This amendment clarifies that the information obtained by the department or the registry operator from a licensee and the information obtained by the licensee from the department or the registry operator are confidential. It provides that knowing or intentional disclosure of the information is a civil violation for which a fine not to exceed \$1,000 may be adjudged.

This amendment provides that a licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien is liable to the department for the greater of \$500 and the amount the licensee is required to withhold and transmit to the department, together with costs, interest and reasonable attorney's fees.

The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2013, chapter 255 requires that licensees that conduct pari-mutual wagering on horse racing in this State and licensees that operate slot machines and table games intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

**LD 1000    An Act To Protect Maine Consumers**

**ONTP**

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

This bill provides that it is an unfair trade practice for a contract for goods or services provided primarily to a resident individual or business to require disputes regarding the contract to be governed by the law of a jurisdiction other than this State or to require a resident individual or business to submit to the jurisdiction of another location for the resolution of disputes regarding the contract.

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**LD 1024 An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect**

**PUBLIC 293**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN FREDETTE	OTP-AM	S-177

This bill requires the Department of Health and Human Services to make a report, which may include confidential child protection information, to the licensing board of a professional who appears to have violated the mandatory reporting law. The licensing board and licensee are required to keep the information confidential, and its use in a disciplinary proceeding would be governed by the existing procedures in the Maine Revised Statutes, Title 5, section 9057, subsection 6.

**Committee Amendment "A" (S-177)**

This amendment clarifies that the Department of Health and Human Services is required to share confidential records about a child protection case with the appropriate licensing board when it appears from the record or relevant circumstances that a mandated reporter failed to make a required report concerning child abuse or neglect.

**Enacted Law Summary**

Public Law 2013, chapter 293 requires the Department of Health and Human Services to make a report, which may include confidential child protection information, to the licensing board of a professional who appears from the record or relevant circumstances to have failed to make a mandated report concerning child abuse or neglect. The licensing board and licensee are required to keep the information confidential, and its use in a disciplinary proceeding are governed by the existing procedures in the Maine Revised Statutes, Title 5, section 9057, subsection 6.

**LD 1025 An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO PRIEST	OTP-AM ONTP	S-90

This bill eliminates the requirement that salaries set by the Attorney General for the assistant attorneys general, staff attorneys and secretary to the Attorney General be approved by the Governor and that the aggregate amount of such compensation not exceed the amount appropriated or result in an increased request to future Legislatures.

**Committee Amendment "A" (S-90)**

This amendment, which is the majority report of the committee, retains the provision in current law that the aggregate amount of compensation of certain staff in the Office of the Attorney General may not exceed the amount appropriated or result in an increased request to future Legislatures.

**LD 1034 An Act To Increase Child Support Collections by Requiring the Interception of Certain Gambling Winnings**

**ONTP**

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

**Joint Standing Committee on Judiciary**

This bill requires that licensees that conduct pari-mutuel wagering on horse racing in this State and licensees that operate slot machines and table games intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

See LD 982.

**LD 1038 An Act To Make the State's Uniform Commercial Code Compatible with the Federal Electronic Fund Transfer Act**

**PUBLIC 151  
EMERGENCY**

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

In anticipation of the effective date of the amendments to federal law governing electronic fund transfers, this bill replaces the existing exemption in the State's Uniform Commercial Code governing fund transfers by making the Uniform Commercial Code applicable to the remittance transfers that are not electronic funds transfers under the federal Electronic Fund Transfer Act. The bill also specifically acknowledges that the federal statute will control in the case of any conflict between the Uniform Commercial Code and the federal Electronic Fund Transfer Act.

**Enacted Law Summary**

Public Law 2013, chapter 151 replaces the existing exemption in the State's Uniform Commercial Code governing fund transfers by making the Uniform Commercial Code applicable to the remittance transfers that are not electronic funds transfers under the federal Electronic Fund Transfer Act. The federal statute will control in the case of any conflict between the Uniform Commercial Code and the federal Electronic Fund Transfer Act.

Public Law 2013, chapter 151 was enacted as an emergency measure effective May 24, 2013.

**LD 1039 An Act To Promote Regulatory Fairness**

**ONTP**

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

This bill establishes standards for relief when state regulation takes value from an individual property owner, as well as efficient mechanisms for pursuit of such relief. To eliminate any fiscal impact from the establishment of these new standards and mechanisms, they will apply only to burdens from regulations enacted in the future.

The bill provides mechanisms designed to achieve fair results and to resolve disputes efficiently, including the ability to grant variances, which is an option consistent with general land use principles.

**LD 1040 An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner**

**PUBLIC 382**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS WILLETTE	OTP-AM OTP-AM	S-261

## *Joint Standing Committee on Judiciary*

This bill prohibits a person from placing a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner. A person who violates this provision commits a civil violation for which a fine of \$100 for every day that a camera or electronic surveillance equipment is in place may be adjudged.

### **Committee Amendment "B" (S-261)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment provides that a camera or electronic surveillance equipment may be placed pursuant to a warrant. The amendment requires a person who places a camera or electronic surveillance equipment on the private property of another with either the landowner's permission or pursuant to a warrant to label the camera with the person's name and contact information. It allows a landowner to remove or disable a camera or electronic surveillance equipment placed without written consent or pursuant to a warrant or that is not labeled.

This amendment creates exceptions for the use of cameras to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked and for electronic devices that are implanted or attached to animals to identify, monitor and track them.

The bill makes a violation of the prohibition a civil violation for which a fine of \$100 for each day of the violation may be adjudged. This amendment limits the fine to \$500 for a violation.

### **Committee Amendment "A" (S-260)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It allows the placement of a camera or electronic surveillance equipment on the private property of another person only if the landowner has given written consent, the placement is pursuant to a warrant or, while operating under the open fields doctrine as developed through Fourth Amendment case law, a law enforcement officer has a reasonable and articulable suspicion that a crime or a civil violation related to littering has occurred, is occurring or is about to occur. When a camera or electronic surveillance equipment is placed based on a reasonable and articulable suspicion, the law enforcement officer must document the facts giving rise to the reasonable and articulable suspicion as well as the time, date and location of the placement of the camera or electronic surveillance equipment. It requires that a person who places a camera or electronic surveillance equipment must label the camera or electronic surveillance equipment with the person's name and contact information.

The landowner may remove or disable a camera or electronic surveillance equipment that was placed without written consent, without a warrant or without a documented reasonable and articulable suspicion or that is not labeled.

This amendment creates exceptions for the use of cameras to deter theft or vandalism of motor vehicles when the motor vehicles are temporarily parked and electronic devices that are implanted or attached to animals to identify, monitor and track them.

The bill establishes a civil violation for which a fine of \$100 a day for each day of the violation may be adjudged. This amendment keeps the civil violation, but limits the total fine to not more than \$500 for a violation.

This amendment was not adopted.

### **Enacted Law Summary**

Public Law 2013, chapter 382 prohibits a person from placing a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner or without a warrant. A person who places a camera or electronic surveillance equipment on the private property of another with either the landowner's permission or pursuant to a warrant must label the camera with the person's name and contact information. A landowner may remove or disable a camera or electronic surveillance equipment placed without written consent or not pursuant to a warrant or that is not labeled. Cameras

**Joint Standing Committee on Judiciary**

to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked and for electronic devices that are implanted or attached to animals to identify, monitor and track them are excepted from the prohibition. Violation of the prohibition is a civil violation for which a fine of \$500 may be adjudged.

**LD 1046      An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORNEY	OTP-AM ONTP	H-436 S-266 VALENTINO

This bill provides immunity for health care professionals and other persons who assist a person who is experiencing or likely to experience an opiate-related drug overdose with intranasal naloxone.

**Committee Amendment "A" (H-436)**

This amendment is the majority report of the committee and replaces the bill. The amendment authorizes a health care professional to prescribe and dispense naloxone to a person at risk of experiencing an opioid-related overdose and a person who may be in a position to assist an individual during an opioid-related overdose. The amendment also authorizes a person who has received opioid overdose information to receive a prescription for and possess noloxane and administer naloxone to an individual who the person believes in good faith is experiencing an opioid-related overdose.

**Senate Amendment "A" To Committee Amendment "A" (S-266)**

This amendment removes the requirement that a health care professional who prescribes naloxone to a person provide that person opioid overdose information.

**LD 1068      An Act To Prevent the Reduction in Adoption Subsidy after an Agreement Has Been Signed by the Prospective Adoptive Parents and the Department of Health and Human Services      PUBLIC 411 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS GRATWICK	OTP-AM ONTP	H-276

This bill prohibits the Department of Health and Human Services from reducing its adoption assistance payments to adoptive parents once an adoption assistance payment is agreed upon.

**Committee Amendment "A" (H-276)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 411 prohibits the Department of Health and Human Services from reducing its adoption assistance payments to adoptive parents once an adoption assistance payment is agreed upon.

Public Law 2013, chapter 411 was enacted as an emergency measure effective July 10, 2013.

*Joint Standing Committee on Judiciary*

**LD 1081      An Act To Establish Legislative Standing in Judicial Proceedings      ONTP**

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

This bill provides that a group of 25 or more Legislators acting in good faith have standing to intervene in any court proceeding to defend a law enacted by the Legislature if the constitutionality, legality or application of the law is at issue. The group of Legislators may request that the Attorney General represent them in the proceeding or may employ private counsel, but state funds may not be used to cover the cost of private representation.

**LD 1091      An Act To Require Nonprofit Corporations To Disclose the Salaries of Their Employees      ONTP**

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

The purpose of this bill is to make publicly available the salaries of employees of nonprofit corporations.

This bill provides that this salary information must be provided on a nonprofit corporation's publicly accessible website, or through other comparable means, and must be provided to any member of the public upon request.

This salary information must also be provided in the nonprofit corporation's annual report to the Secretary of State. Churches are not subject to the requirements of this bill.

**LD 1107      An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case      PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY	OTP-AM	H-318

This bill amends the child protection law to make clear that the court has authority to completely dispose of a child protective case by entering an order awarding parental rights and responsibilities under Title 19-A, section 1653.

**Committee Amendment "A" (H-318)**

The bill requires notice to the parties that a family matters case will be opened to dispose of the child protective case through the use of an order awarding parental rights and responsibilities.

This amendment clarifies that the court must ensure that proper notice is given, but, unlike the bill, does not apply Rule 4 of the Maine Rules of Civil Procedure.

This amendment requires that the court direct the clerk to open a family matters case on behalf of the parties.

This amendment provides that the court, upon entering an order awarding parental rights and responsibilities, may dismiss the child protection action or, if the order is a provisional order awarding parental rights and responsibilities, direct that the child protection action must be dismissed upon the expiration of a period not to

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exceed six months, at which point the provisional order becomes permanent. This delay in dismissing the child protection action gives the court time to assess whether the provisional order awarding parental rights and responsibilities will meet the best interests of the child. The case will be dismissed unless good cause is shown in writing to continue the case. If the order is provisional, the court has discretion as to whether appointment of the guardian ad litem and any attorneys should be terminated before the dismissal of the child protection action.

The bill provides that when a child protection action is dismissed, the court shall terminate the appointments of the guardian ad litem and the attorneys.

**Enacted Law Summary**

Public Law 2013, chapter 294 amends the child protection law to make clear that the court has authority to completely dispose of a child protective case by entering an order awarding parental rights and responsibilities under Title 19-A, section 1653. The court, upon entering an order awarding parental rights and responsibilities, may dismiss the child protection action or, if the order is a provisional order awarding parental rights and responsibilities, direct that the child protection action must be dismissed upon the expiration of a period not to exceed 6 months, at which point the provisional order becomes permanent. This delay in dismissing the child protection action gives the court time to assess whether the provisional order awarding parental rights and responsibilities will meet the best interests of the child. The case will be dismissed unless good cause is shown in writing to continue the case. If the order is provisional, the court has discretion as to whether appointment of the guardian ad litem and any attorneys should be terminated before the dismissal of the child protection action.

**LD 1114 An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases**

**PUBLIC 343**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-409

This bill provides that criminal abandonment of a child does not include voluntary placement of a child with a person, agency or medical facility resulting from a coordinated effort with the Department of Health and Human Services and health care professionals to secure a placement that is in the best interests of the child.

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

This amendment replaces the bill but carries out the original intent. This amendment provides that it is an affirmative defense to a prosecution for abandonment of a child that the parent, guardian or other person legally charged with the long-term care and custody of a child under 14 years of age voluntarily placed the child with a person, agency or medical facility after communicating with the Department of Health and Human Services and health care professionals with the purpose of securing a placement that is in the best interests of the child.

**Enacted Law Summary**

Public Law 2013, chapter 343 provides that it is an affirmative defense to a prosecution for abandonment of a child that the parent, guardian or other person legally charged with the long-term care and custody of a child under 14 years of age voluntarily placed the child with a person, agency or medical facility after communicating with the Department of Health and Human Services and health care professionals with the purpose of securing a placement that is in the best interests of the child.

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**LD 1116 An Act To Amend the Attorney's Fees Provision in Foreclosure Actions**

**ONTP**

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

This bill provides that if the mortgagee does not prevail in a foreclosure action or if the court finds the action was not brought in good faith, then the court must order the mortgagee to pay reasonable attorney's fees and court costs to the mortgagor, unless the court determines that making such an order would be unjust. If the court determines that the order would be unjust, the court must provide an explanation of that determination.

Foreclosure issues have been consolidated for consideration under LD 1389, which is carried over.

**LD 1118 An Act To Amend Public Access Laws To Improve Accountability for Public Funds by Making Public the Board Meetings of Hospitals Receiving Significant State Funding**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires that meetings of a general hospital's board of directors be public if that hospital receives more than 50% of its gross operating revenues in the form of payments and reimbursements from the State Government and Federal Government in its prior fiscal year.

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

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill. This amendment requires a hospital to provide public notice and host a public meeting prior to closing its 24-hour emergency room. The notice must be published in the newspaper with the greatest daily circulation in the municipality in which the hospital is located no less than 6 months prior to the date 24-hour emergency room service will end. The hospital must notify in writing the municipal officers of the municipality in which the hospital is located no less than 6 months prior to the date 24-hour emergency room service will end. The governing body of the hospital is required to conduct a meeting in the municipality in which the hospital is located to which the public is invited to attend and speak. A majority of the governing body of the hospital must attend. The meeting must be scheduled no earlier than 30 days after the notice is provided and no later than 30 days before the 24-hour emergency room service will end.

This amendment was not adopted.

**LD 1119 An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken**

**DIED BETWEEN  
HOUSES**

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

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This bill amends the laws governing appeals of agency decisions. Currently, appeals of decisions of the Workers' Compensation Board and the Public Utilities Commission and appeals of final action by the Board of Environmental Protection or the Commissioner of Environmental Protection on applications for expedited wind energy development, general permits for tidal energy demonstration projects and general permits for offshore wind energy demonstration projects are heard by the Law Court. Under this bill, those decisions are instead subject to appeal to the Superior Court.

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

This amendment replaces the bill. It removes the exclusive jurisdiction of the Law Court over an appeal by a person aggrieved by an order or decision of the Board of Environmental Protection or Commissioner of Environmental Protection on an application for an expedited wind energy development, allowing an appeal to be made to the Superior Court. The amendment is the majority report of the committee.

This amendment was not adopted.

<b>LD 1136</b>	<b>An Act To Provide State Recognition for the Kineo Band of Maliseet Indians</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	ONTP	

This bill provides for state recognition of the Kineo Band of Maliseet Indians as a Native American tribe. Recognition does not create, extend or form the basis of any right or claim to land or real estate in the State or any right to conduct gambling activities prohibited by law. The Kineo Band of Maliseet Indians and the individual members of the band remain subject to all the laws of the State.

<b>LD 1193</b>	<b>An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child</b>	<b>ACCEPTED MAJORITY (ONTP) REPORT</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK TUTTLE	ONTP OTP-AM	

This bill provides for a cause of action for the wrongful death of an unborn viable fetus. The bill specifies that such an action must be brought in Probate Court. An unborn viable fetus is a fetus that has reached the 12th week of gestation or beyond.

The bill specifies that a cause of action for the wrongful death of an unborn viable fetus does not exist:

1. Against the mother;
2. Against a health care practitioner or health care provider performing an abortion permitted by law and for which required consent was given; or
3. Against a health care practitioner or health care provider if the health care practitioner or health care provider did not know of the pregnancy and, under the applicable standard of care, had no medical reason to know of the pregnancy.

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

The bill provides for a cause of action for the wrongful death of an unborn viable fetus. It provides that, for the purposes of such an action, an unborn viable fetus is a fetus that has reached at least the 12th week of gestation. This amendment changes that threshold to at least the 24th week of gestation.

This amendment was not adopted.

**LD 1194 An Act To Protect Social Media Privacy in School and the Workplace**

**CARRIED OVER**

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

This bill prohibits an employer or educational institution, whether public or private, from requiring or requesting an employee or a student, or a prospective employee or student, to disclose the username or account password for a personal social media account or e-mail account or to otherwise provide the employer or institution with access to those accounts.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1200 An Act To Impose a Duty To Warn and Protect on Mental Health Professionals**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill imposes on certain mental health professionals a duty to warn and protect if a patient or client is likely to engage in physical violence that poses a serious risk of harm to self or others or that constitutes a serious threat of substantial damage to real property. The duty to warn and protect applies to physicians, psychologists, alcohol and drug counselors, social workers and counseling professionals.

**Committee Amendment "A" (H-207)**

This amendment is the minority report of the committee and adds to the bill by imposing on osteopathic physicians a duty to warn and protect if a patient is likely to engage in physical violence that poses a serious risk of harm to self or others or that constitutes a serious threat of substantial damage to real property.

This amendment was not adopted.

**LD 1204 An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal**

**PUBLIC 144**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	H-173

## Joint Standing Committee on Judiciary

This bill seeks to address the decision in *Eliot Shores, LLC v. Town of Eliot*, 2010 ME 129, 9 A.3d 806, by allowing the board of appeals for a municipality to review a decision of a code enforcement officer for that municipality and allowing review of a board of appeal's decision by the Superior Court unless the charter or an ordinance of the municipality expressly provides that the decision of the code enforcement officer or board of appeals is only advisory.

### Committee Amendment "A" (H-173)

The bill strikes a provision in current law that a board of appeals may not assert jurisdiction over a matter unless the municipal charter or ordinance specifies the precise subject matter that may be appealed; the amendment retains that provision.

The bill allows a board of appeals to review a decision of a code enforcement officer unless the charter or an ordinance expressly provides that the decision is only advisory; the amendment provides that the charter or an ordinance may expressly provide that the decision may not be appealed.

The bill and amendment seek to address the decisions in *Eliot Shores, LLC v. Town of Eliot*, 2010 ME 129, 9 A.3d 806 and *Farrell v. City of Auburn*, 2010 ME 88, 3 A.3d 385.

### Enacted Law Summary

Public Law 2013, chapter 144 provides that absent an express provision otherwise in a charter or ordinance, a decision of a code enforcement officer under a land use ordinance is reviewable on appeal by the board of appeals and in turn by the Superior Court. Chapter 144 seeks to address the decisions in *Eliot Shores, LLC v. Town of Eliot*, 2010 ME 129, 9 A.3d 806 and *Farrell v. City of Auburn*, 2010 ME 88, 3 A.3d 385.

## LD 1216 An Act To Amend the Freedom of Access Act

PUBLIC 350

### Sponsor(s)

CAREY  
THOMAS

### Committee Report

OTP-AM

### Amendments Adopted

H-389

This bill amends the Freedom of Access Act to require agencies and officials to respond within five calendar days to any communication about public records. The response must include a good faith, nonbinding estimate of the cost to provide the records. When estimating the cost, the agency or official must provide details of the costs, including the statutes governing the confidentiality of any information redacted from requested records.

This bill provides that failure to provide a written denial or refusal is considered a failure to allow inspection or copying and is subject to an appeal to Superior Court.

This bill gives the court discretion to award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff without making a finding of bad faith.

### Committee Amendment "A" (H-389)

This amendment requires an agency or official to acknowledge a request to inspect or copy public records within 5 working days of receiving the request. Within a reasonable time of receiving the request, the agency or official must give a good faith, nonbinding estimate of the time to comply with the request and must also provide the cost estimate as required in current law.

This amendment deletes the proposed requirement that the agency or official responding to a request explain costs and the statutes requiring redaction. It also deletes the changes to attorney's fees.

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**Enacted Law Summary**

Public Law 2013, chapter 350 requires an agency or official to acknowledge a request to inspect or copy public records within five working days of receiving the request. Within a reasonable time of receiving the request, the agency or official must give a good faith, nonbinding estimate of the time to comply with the request and must also provide the cost estimate as required in current law.

Public Law 2013, chapter 350 provides that failure to provide a written denial or refusal is considered a failure to allow inspection or copying and is subject to an appeal to Superior Court.

**LD 1249      An Act To Make Statutory Changes To Address Certain Conflicting Requirements of the Maine Rules of Professional Conduct and the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 Regarding Maine's Protection and Advocacy Agency      PUBLIC 310**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST VALENTINO	OTP-AM	H-332

In the 125th Legislature, the Maine Revised Statutes, Title 34-B was amended by Public Law 2011, chapter 657, Part EE to require that the Department of Health and Human Services contract with Maine's protection and advocacy agency to provide legal advocacy for all individuals with intellectual disabilities or autism receiving services from the department.

This bill conforms the laws concerning persons with intellectual disabilities or autism with the Maine Rules of Professional Conduct and the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402 by requiring that the agency maintain the confidentiality of client records and changing the role of the agency in investigating rights violations and in behavior modification and management review committees.

**Committee Amendment "A" (H-332)**

This amendment requires Maine's protection and advocacy agency, the Disability Rights Center, to conduct its duties on a statewide basis. It clarifies that the services must be provided in geographically dispersed locations, rather than regions. It requires reporting to the Department of Health and Human Services and deletes from the complaint process complaints about practices, procedures and policies of the department and department personnel.

**Enacted Law Summary**

Public Law 2013, chapter 310 conforms the laws concerning persons with intellectual disabilities or autism with the Maine Rules of Professional Conduct and the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402 by requiring that the Maine's protection and advocacy agency that provides legal advocacy for all individuals with intellectual disabilities or autism receiving services from the department maintain the confidentiality of client records and by changing the role of the agency in investigating rights violations and in behavior modification and management review committees. Maine's protection and advocacy agency, the Disability Rights Center, must conduct its duties on a statewide basis by providing services in geographically dispersed locations. Public Law 2013, chapter 310 requires reporting to the Department of Health and Human Services and deletes from the complaint process complaints about practices, procedures and policies of the department and department personnel.

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**LD 1253 An Act To Allow Tribal Members a Choice of Venue**

**ONTP**

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

This bill provides that the jurisdiction over certain tribal members in civil and criminal actions is shared concurrently by the state courts and the tribal courts of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians. An eligible defendant may move the action from the state court to the tribal court or from the tribal court to the state court at the beginning of the action. Both parties in a civil action must agree to transfer the action from the state court to the tribal court.

This bill also provides for consistent jurisdiction in the Penobscot Tribal Court over certain actions involving members of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Penobscot Nation.

This legislation takes effect only if the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians certify their approval.

**LD 1331 An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Implantable Medical Devices and Pharmaceuticals**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM ONTP	S-163

This bill requires a user or consumer who has been injured by defective, unreasonably dangerous goods or products to bring a civil action within six years after the date that both that injury and its cause are known or should have been known by the exercise of reasonable diligence.

**Committee Amendment "A" (S-163)**

The bill requires a user or consumer who has been injured by defective, unreasonably dangerous goods or products to bring a civil action within six years after the date that both that injury and its cause are known or should have been known by the exercise of reasonable diligence. This amendment, which is the majority report of the committee, limits the type of civil actions subject to the six year limitation to actions against sellers of pharmaceuticals or implantable medical devices and provides definitions of those terms.

**LD 1339 An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill repeals the current law concerning consent for a minor's abortion.

This bill requires the written consent of a parent or legal guardian before an abortion may be performed on a minor

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or an incapacitated person. Consent may be given in certain circumstances by a brother or sister who is at least 21 years of age or by a stepparent or a grandparent. Consent is not required in a medical emergency. The Probate Court or District Court may issue an order for the purpose of consenting to the abortion in two circumstances.

First, the court may waive the need for third-party consent if it finds by clear and convincing evidence that the petitioner is both sufficiently mature and well-informed to decide whether to have an abortion.

Second, the court may waive the need for third-party consent if the court finds by clear and convincing evidence that there is a pattern of physical or sexual abuse or neglect of the petitioner by one or both of her parents or her guardian or that notification of a parent or guardian is not in the best interests of the petitioner.

### **Committee Amendment "A" (H-448)**

This amendment, which is the minority report of the Joint Standing Committee on Judiciary, incorporates a fiscal note.

This amendment was not adopted.

### **LD 1377     An Act To Protect Cellular Telephone Privacy**

**PUBLIC 402**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-278
CAREY	OTP-AM	S-322    KATZ

This bill enacts provisions governing the disclosure of information regarding the content of communications conveyed using portable electronic devices such as cellular telephones. This bill prohibits a government entity from obtaining information concerning the identities of parties to a communication, the date and time of the communication or the existence, substance, purport or meaning of the communication conveyed using a cellular telephone or other electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the electronic device. It also authorizes the Attorney General to designate a law enforcement officer to obtain such content information without a warrant in cases in which there is an imminent threat of death or serious physical injury or a threat to national security.

This bill requires a government entity to inform the owner or user of a portable electronic device that content information was obtained from that person's device within 3 days of obtaining the information, unless the court determines there is good cause to delay this notification.

This bill also requires judges involved with granting warrants to obtain content information to report their activities regarding the warrants to the Administrative Office of the Courts annually. It directs the Administrative Office of the Courts to provide a summary of those reports to the Legislature.

This bill provides that a person damaged as a result of a violation of these provisions has a cause of action in Superior Court against the provider of electronic communication service that disclosed portable electronic device content information in violation of these provisions, and, in addition to actual damages, costs and attorney's fees, the court may award statutory damages in an amount not to exceed \$5,000. The bill also provides that a person damaged as a result of a violation of these provisions has a cause of action in court against a government entity that fails to comply with these provisions, and the court may award injunctive relief. Finally, the bill authorizes the Attorney General to enforce these provisions.

### **Committee Amendment "A" (S-278)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It replaces the bill.

## *Joint Standing Committee on Judiciary*

This amendment enacts provisions governing the disclosure of information regarding the content of communications conveyed using portable electronic devices such as cellular telephones. This amendment prohibits a government entity from obtaining content information concerning the substance, purport or meaning of the communication conveyed using a cellular telephone or other portable electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the portable electronic device or in an emergency.

This amendment requires a government entity to inform the owner or user of a portable electronic device that content information was obtained from that person's device within 3 days of obtaining the information, unless the court determines there is good cause to waive the notification requirement.

This amendment provides that a person damaged as a result of a violation of these provisions has a cause of action in court against a government entity that fails to comply with these provisions, and the court may award injunctive relief.

### **Committee Amendment "B" (S-279)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill.

This amendment enacts provisions governing the disclosure of information regarding the content of communications conveyed using portable electronic devices such as cellular telephones. This amendment prohibits a government entity from obtaining content information concerning the substance, purport or meaning of the communication conveyed using a cellular telephone or other portable electronic device without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the portable electronic device or in an emergency.

This amendment requires a government entity to inform the owner or user of a portable electronic device that content information was obtained from that person's device within 10 days of obtaining the information, unless the court determines there is good cause to delay this notification. The delay may be for a period of up to 90 days. The government entity may request subsequent delays for up to one additional year. The government entity may also request that the court order the provider of an electronic communication service that is subject to the warrant not to notify any person about the existence of the warrant for the same time periods.

This amendment provides that, except as proof of a violation of the new provisions, evidence obtained in violation of the provisions is not admissible in a criminal, civil, administrative or other proceeding. Content information may be received in evidence or otherwise disclosed in a proceeding only if each party has been furnished with a copy of the warrant and accompanying application under which the content information was obtained at least 10 days before the proceeding, unless the 10-day requirement is waived by the court.

This amendment provides that a person damaged as a result of a violation of these provisions has a cause of action in Superior Court against the provider of an electronic communication service that disclosed portable electronic device content information in violation of these provisions, and, in addition to actual damages, costs and attorney's fees, the court may award statutory damages in an amount not to exceed \$5,000. There is no liability if the action taken was in response to a warrant or with the affirmative consent of the apparent owner or user of the portable electronic device. The amendment also provides that a person damaged as a result of a violation of these provisions has a cause of action in court against a government entity that fails to comply with these provisions, and the court may award injunctive relief. Finally, the bill authorizes the Attorney General to enforce these provisions.

The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-322)**

## Joint Standing Committee on Judiciary

This amendment clarifies the language concerning access to portable electronic communication device content. The amendment provides that a warrant is required when a government entity seeks portable electronic device content information directly from the provider of the portable electronic communication service.

This amendment also provides that the consent of the owner or user is not required if the content information is disclosed in a publicly accessible domain.

### Enacted Law Summary

Public Law 2013, chapter 402 prohibits a government entity from obtaining content information concerning the substance, purport or meaning of the communication conveyed using a cellular telephone or other portable electronic device directly from the provider of the portable electronic communication service without a valid warrant, except that a government entity may obtain such information with the consent of the owner or user of the portable electronic device or in an emergency. Consent of the owner or user is not required if the content information is disclosed in a publicly accessible domain.

A government entity must inform the owner or user of a portable electronic device that content information was obtained from that person's device within three days of obtaining the information, unless the court determines there is good cause to waive the notification requirement.

A person damaged as a result of a violation of these provisions has a cause of action in court against a government entity that fails to comply with these provisions, and the court may award injunctive relief.

**LD 1384 An Act To Amend Article 9-A of the Uniform Commercial Code**

**PUBLIC 317  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY	OTP-AM	H-333

This bill enacts the 2010 amendments to the Uniform Commercial Code, Article 9-A, which were adopted by the National Conference of Commissioners on Uniform State Laws. The changes take effect July 1, 2013.

This bill includes in the Maine Revised Statutes, Title 11, section 9-1503 Alternative B, as proposed by the National Conference of Commissioners on Uniform State Laws, concerning acceptable names of individual debtors as part of financing statements. Maine issues driver's licenses and non-driver identification cards, and those are specifically referenced as acceptable sources of a debtor's name to be included in a financing statement.

The bill modifies the National Conference of Commissioners on Uniform State Laws proposal with regard to written financing statements and amendments by providing that a filing office may not reject filings that are made on forms approved by the International Association of Commercial Administrators or a successor organization or approved by the Secretary of State by rule.

### Committee Amendment "A" (H-333)

This amendment changes the standard for filing the debtor name in a secured transaction when the debtor is an individual. The National Conference of Commissioners on Uniform State Laws provided two alternatives from which state legislatures were to choose when adopting the 2010 Amendments to Revised Article 9 of the Uniform Commercial Code. The bill was printed with Alternative B. This amendment instead adopts Alternative A, which provides that if the debtor is an individual to whom this State has issued a driver's license or a non-driver identification card and it has not expired, then the correct debtor name for the financing statement is the name on the driver's license or nondriver identification card. This change is made in the Maine Revised Statutes, Title 11, section 9-1503. A corresponding change is added in Title 11, section 9-1502.

**Joint Standing Committee on Judiciary**

This amendment corrects a reference to a personal representative.

This amendment corrects a clerical error in describing the Secretary of State's responsibility as the filing office to accept a written amendment or information statement in the form or format approved by the International Association of Commercial Administrators or adopted by rule by the Secretary of State.

**Enacted Law Summary**

Public Law 2013, chapter 317 enacts the 2010 amendments to the Uniform Commercial Code, Article 9-A, which were adopted by the National Conference of Commissioners on Uniform State Laws. The changes take effect July 1, 2013.

The changes include Alternative A, as proposed by the National Conference of Commissioners on Uniform State Laws, which provides that if the debtor is an individual to whom this State has issued a driver's license or a non-driver identification card and it has not expired, then the correct debtor name for the financing statement is the name on the driver's license or nondriver identification card.

Public Law 2013, chapter 317 modifies the National Conference of Commissioners on Uniform State Laws proposal with regard to written financing statements and amendments by providing that a filing office may not reject filings that are made on forms approved by the International Association of Commercial Administrators or a successor organization or approved by the Secretary of State by rule.

Public Law 2013, chapter 317 was adopted as an emergency measure effective July 1, 2013.

**LD 1389 An Act To Expedite the Foreclosure Process**

**CARRIED OVER**

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

This bill:

1. Allows an employee of a financial institution or credit union who is not an attorney to appear for that institution in connection with a foreclosure action; and
2. Clarifies the standards for foreclosure mediation and allows for an expedited foreclosure of abandoned property.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1400 Resolve, Directing the Attorney General To Report on the Status of Discussions on Domestic Violence on Tribal Lands**

**RESOLVE 51  
EMERGENCY**

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

This resolve directs the Attorney General to consult with federally recognized tribes in the State that have tribal domestic violence programs to establish procedures and coordinate with the State concerning the newly enacted

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tribal provisions of the federal Violence Against Women Act of 1994 and to provide services to victims of domestic violence. The Attorney General is required to report to the Joint Standing Committee on Judiciary by January 1, 2014.

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

This amendment replaces the resolve and directs the Attorney General to report on discussions among representatives of the governments of the four federally recognized tribes in the State, domestic violence advocates and the State concerning the social, economic and legal issues involved in domestic violence on tribal lands and coordination of tribal and state efforts to address domestic violence.

### Enacted Law Summary

Resolve 2013, chapter 51 directs the Attorney General to report on discussions among representatives of the governments of the four federally recognized tribes in the State, domestic violence advocates and the State concerning the social, economic and legal issues involved in domestic violence on tribal lands and coordination of tribal and state efforts to address domestic violence.

Resolve 2013, chapter 51 was finally passed as an emergency measure effective June 11, 2013.

### LD 1401      **An Act To Amend the Laws Governing the Issuance of and Access to Birth Certificates and Certain Medical Information**      **ONTP**

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

This bill:

1. Eliminates the current restriction that an adoptee be at least 18 years of age for the court to release medical or genetic information contained in court records relating to the adoption; and
2. Repeals the provisions of law that require that an original birth record of an adoptee be sealed and that a new certificate of birth be created.

### LD 1424      **An Act To Increase Mileage Reimbursement and Compensation for Jurors**      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS ALFOND	OTP-AM	

This bill changes the mileage rate paid to jurors and witnesses from 15¢ per mile and 22¢ per mile, respectively, to the rate paid by the State for travel by employees of the State for the business of the State, which is currently 44¢ per mile. This bill also increases the daily rate paid to jurors and witnesses from \$10 to \$20.

### Committee Amendment "A" (H-232)

This amendment strikes out the provisions of the bill that increase the compensation and mileage rates for court witnesses. The amendment also adds an appropriations and allocations section to the bill.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and

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H-C (H-582).

**LD 1428 An Act To Protect Religious Freedom**

**CARRIED OVER**

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

This bill creates the Preservation of Religious Freedom Act, which allows a person whose right to exercise the person's religion is burdened by a government law or exercise of authority to bring an action in court seeking equitable or monetary damages unless the government remedies the burden or shows that the law or exercise of authority is the least restrictive means of furthering a compelling governmental interest.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1445 An Act To Facilitate Children's Testimony**

**CARRIED OVER**

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

This bill allows a court, by motion from the State, to allow the testimony of a child who is 10 years of age or younger and the alleged victim of a sexual assault or sexual exploitation outside of the presence of the defendant if the court finds by clear and convincing evidence that the protection of the judicial process or the well-being of the child outweighs the constitutional rights of the defendant to confront the defendant's accuser. This bill requires that testimony by a child victim outside the presence of the defendant must be televised by live, two-way closed-circuit television with adequate provisions including that the court, jury and defendant can hear and observe the child. This bill does not allow testimony of a child outside of the presence of the defendant if the defendant is an attorney pro se or if a positive identification of the defendant by the child is required.

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

This amendment is the majority report of the Joint Standing Committee on Judiciary. It removes from the bill the provision providing that the court, before allowing special procedures for a child's testimony, must find that the constitutional rights of the defendant are outweighed. The amendment also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1450 An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

## *Joint Standing Committee on Judiciary*

This bill establishes standards for relief when state regulation imposes an inordinate burden on an individual property owner, as well as efficient mechanisms for pursuit of such relief.

The bill provides that, if a property owner's right to use, divide, sell, occupy or possess real property is reduced by the enactment or application of a government regulation, the property owner may seek and obtain relief.

Under the provisions of the bill, prior to filing an action, the property owner must pursue relief under a land use mediation program.

### **Committee Amendment "A" (S-280)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It deletes from the bill the chapter on regulatory fairness review and removes provisions related to that chapter.

This amendment was not adopted.

### **LD 1469    An Act To Ensure Ethical Standards for Court Reporters**

**PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL BERRY	OTP-AM	S-176

This bill establishes ethical standards and requirements for the provision of court reporting services, including prohibitions against providers of court reporting services:

1. Providing services if the court reporter is a party to or has a financial interest in the proceeding;
2. Entering into contracts for more than one case, action or legal proceeding with an attorney, party to an action, insurance company, third-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding; and
3. Providing additional advocacy or litigation support services, including, but not limited to, trial preparation assistance, deposition summaries and nonpublished transcript databases.

### **Committee Amendment "A" (S-176)**

This amendment:

1. Clarifies that the legislation does not apply to the Judicial Branch;
2. Allows contracts for more than one case;
3. Deletes restrictions on preferred provider lists;
4. Provides that only a party may file a motion in a pending action;
5. Clarifies that this legislation does not limit authority of courts;
6. Eliminates the requirement of periodic reports; and
7. Eliminates the private cause of action.

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**Enacted Law Summary**

Public Law 2013, chapter 298 establishes ethical standards and requirements for the provision of court reporting services, including prohibitions against providers of court reporting services for specific activities including: providing services if the court reporter is a party to or has a financial interest in the proceeding; entering into contracts with an attorney, party to an action, insurance company, third-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding other than a contract to provide court reporting, litigation and trial support services; and entering into contracts that allow an attorney, party to an action, insurance company, third-party administrator or any other person or entity to interfere with a court reporter's right to deal directly with all parties. Only a party may file a motion alleging a violation of the restrictions in a pending action.

**LD 1475 An Act To Improve Citizen Access to Legal Representation**

**ONTP**

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

This bill allows an attorney who practices law in a jurisdiction other than this State to be admitted to the general practice of law in this State without complying with the qualifications for admission to practice law specified in the Maine Revised Statutes, Title 4, section 805-A.

This bill provides that an attorney from another jurisdiction admitted to the general practice of law in this State who has not met the qualifications for admission to practice law specified in Title 4, section 805-A must disclose in writing to a client in this State represented by that attorney that the attorney has not met these qualifications for admission and must obtain from that client written consent to the representation.

**LD 1511 An Act Regarding Coordinated Access to Public Records of State Agencies**

**PUBLIC 229**

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

This bill directs the Public Access Ombudsman within the Department of the Attorney General to coordinate state agency compliance with the Freedom of Access Act. It directs the Department of the Attorney General to review the feasibility of developing a centralized system that includes a single website address and a single e-mail address for the public to use to make requests for public records of all state agencies. The report must be submitted to the Joint Standing Committee on Judiciary by January 5, 2014 and the committee is authorized to report out a bill relating to the subject matter of the report.

**Enacted Law Summary**

Public Law 2013, chapter 229 directs the Public Access Ombudsman within the Department of the Attorney General to coordinate state agency compliance with the Freedom of Access Act. It directs the Department of the Attorney General to review the feasibility of developing a centralized system that includes a single website address and a single e-mail address for the public to use to make requests for public records of all state agencies. The report must be submitted to the Joint Standing Committee on Judiciary by January 5, 2014 and the committee is authorized to report out a bill relating to the subject matter of the report.

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**LD 1523    An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect**

**PUBLIC 268**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY	OTP-AM	H-388

This bill adds specific categories of injury for which mandatory reporting of child abuse or neglect is required for children who are under six months of age or otherwise nonambulatory. The bill makes any failure to report by a mandated reporter a Class E crime. The bill requires a person in the professional categories required to report suspected child abuse or neglect to have completed mandated reporter training within the previous five years before a professional license or certification may be issued or renewed. The bill also permits the Commissioner of Health and Human Services to revoke the license of a youth camp if an officer or agent of the camp fails to make a required report.

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

This amendment removes from the bill the training requirement for mandated reporters. It removes "failure to thrive" from the list of required reportable circumstances. It removes the provision that makes failure to report a Class E crime and the provision that permits the Commissioner of Health and Human Services to revoke a youth camp license for failure to report suspected child abuse or neglect.

**Enacted Law Summary**

Public Law 2013, chapter 268 adds specific categories of injury for which mandatory reporting of child abuse or neglect is required for children who are under six months of age or otherwise non-ambulatory.

**LD 1536    An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 424  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-566 H-576 PRIEST H-569 PRIEST H-570 PRIEST H-571 PRIEST H-572 PRIEST H-573 PRIEST H-574 PRIEST H-577 PRIEST H-578 PRIEST S-369 VALENTINO

PART A corrects technical errors and omissions throughout the laws of Maine.

Part B, Part C and Part D correct conflicts, cross-references and other technical errors related to the reorganization of the Departments of Agriculture and Conservation.

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

This amendment strikes out 15 sections from Part A of the bill. This amendment strikes Parts B, C and D from the bill because the corrections are correctly addressed in Legislative Document 837, "An Act To Clarify the Laws

## *Joint Standing Committee on Judiciary*

Establishing the Department of Agriculture, Conservation and Forestry," of this Legislature. This amendment adds new Parts B and C as follows.

Part B of the amendment does the following.

Section 1 removes a comma to reflect the intent of the provision of law concerning cost-of-living adjustments to retirement benefits.

Section 2 repeals a provision of law that states that consumer cooperative associations are subject to Title 32, chapter 13, which was repealed in 1985. Title 32, chapter 135, the successor to chapter 13, exempts securities issued by associations such as consumer cooperatives.

Section 3 amends Title 15, section 103, 2nd paragraph to provide consistency with changes made in Public Law 2011, chapter 542, which implemented the recommendations of the Department of Health and Human Services and the Maine Developmental Disabilities Council regarding respectful language developed pursuant to Public Law 2011, chapter 186, Part B.

Section 4 amends the Maine Juvenile Code to correct a cross-reference concerning the decision whether to release or further detain a juvenile arrested for a crime under Title 12 or Title 29-A.

Section 5 corrects a conflict created by Initiated Bill 2011, chapter 1, section 3 and Public Law 2011, chapter 511, section 1, which affected the same provision of law, by incorporating the changes made by both laws concerning applications for recording notice of intention of marriage.

Sections 6 and 7 correct cross-references to the Uniform Child Custody Jurisdiction and Enforcement Act. Public Law 1999, chapter 486 repealed the Uniform Child Custody Jurisdiction Act and replaced it with the Uniform Child Custody Jurisdiction and Enforcement Act.

Section 8 amends the protection from abuse statutes concerning batterers' intervention programs. Resolve 2013, chapter 3 provides for immediate changes to the rules governing batterers' intervention programs in response to a court decision that identified an unconstitutional regulatory scheme. The rules are designated as major substantive rules in Title 19-A, section 4014, subsection 1. Resolve 2013, chapter 3 provided that, notwithstanding Title 19-A, section 4014, subsection 1, all rules or amendments to rules on the subject of the certification of batterers' intervention programs are considered routine technical rules. Section 8 amends Title 19-A, section 4014, subsection 1 to be consistent with Resolve 2013, chapter 3.

Section 9 replaces Part A, section 15 of the bill. It clarifies that elements of the record of the certificate of need application process include the actuarial analysis undertaken by the Superintendent of Insurance when the analysis is required by the Commissioner of Health and Human Services.

Section 10 corrects a conflict created by Public Law 2011, chapters 542 and 655, which affected the same provision of law, by incorporating the changes made by both laws concerning growth management programs and capital investments.

Section 11 corrects a clerical error in Title 32, section 4693, subsection 2, which provides 2 options for the notice that must be included in the disclosure statement that is required to be made to a consumer purchasing a business opportunity in this State. The first option applies when the seller has secured a surety bond from a surety company, and the 2nd option applies when the seller has established an escrow account at a licensed bank or savings institute. The current law regarding the 2nd option erroneously contains a reference to a surety company. This section corrects that reference so that it refers to a licensed bank or savings institute.

Section 12 corrects a statutory reference to the definition of "public member" in the law governing the State Board

## *Joint Standing Committee on Judiciary*

of Social Worker Licensure.

Section 13 corrects a conflict created by Public Law 2011, chapters 515 and 662, which amended Title 34-A, section 1216, subsection 1 in 2 different ways by incorporating the changes made by both public laws concerning limited disclosure of records of persons receiving services from the Department of Corrections.

Section 14 corrects a conflict created by Public Law 2011, chapters 637 and 655, which affected the same provision of law, by incorporating the changes made by both laws concerning the membership of the Efficiency Maine Trust Board.

Part C of the amendment does the following.

Section 1 amends Resolve 2013, chapter 22 to delete the required membership of a specific private corporation in a working group on applied learning opportunities in elementary schools and middle schools.

Section 2 provides authority for the Secretary of State to accept a filing to change the assumed name of a limited liability company without fee if the limited liability company had filed a statement between July 1, 2011 and May 3, 2013 for use of an assumed name containing certain required terms or abbreviations. A fee will not be charged if the new assumed name is the same as filed but without the required term or abbreviation. The new filing for change of name must be made on or before October 1, 2013 to avoid the fee.

### **House Amendment "G" To Committee Amendment "A" (H-576)**

This amendment corrects a reference in the list of divisions and programs within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning to the Land for Maine's Future Program.

### **House Amendment "A" To Committee Amendment "A" (H-569)**

This amendment corrects a numbering problem created by Public Law 2013, chapters 246 and 311, which enacted 2 substantially different sections of law using the same section number. Section 1 repeals the version of Title 10, section 8010 enacted by chapter 311 and section 2 enacts the language as Title 10, section 8011, but without a sentence that was inadvertently not deleted from Legislative Document 1137, "An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training," by the committee amendment to that legislative document.

### **House Amendment "B" To Committee Amendment "A" (H-570)**

This amendment amends changes made by Public Law 2013, chapter 256 concerning appointments to the Maine Land Use Planning Commission.

Section 1 clarifies the law to reflect the Joint Standing Committee on Agriculture, Conservation and Forestry's intent that the terms of the members of the commission appointed and confirmed under the existing appointment process would not be affected by the provisions of the new law that prohibit a county commissioner from serving simultaneously as a member of the commission.

Public Law 2013, chapter 256, section 17 establishes a system of staggered terms for commission members. Appointments have been made under the current law, which provides for 4-year terms, setting up an inconsistency with the proposed staggered terms. Section 2 repeals Public Law 2013, chapter 256, section 17, eliminating the inconsistency between the staggered terms language in that section and the length of terms that are currently in place for appointees to the commission who have been or are likely to be confirmed for appointment to the board this calendar year.

### **House Amendment "C" To Committee Amendment "A" (H-571)**

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This amendment deletes a provision of Committee Amendment "A" striking a section of the bill correcting a conflict. The committee amendment struck the section because the conflict was being corrected by another bill; however, the other bill was vetoed and the veto was sustained.

### **House Amendment "D" To Committee Amendment "A" (H-572)**

This amendment adds a section that changes a reference to a chapter to a reference to a subchapter to correct an apparent clerical error concerning membership camping.

### **House Amendment "E" To Committee Amendment "A" (H-573)**

This amendment repeals a word in the law on medical use of marijuana that was erroneously included in the enacted law. The amendment deletes the word "medical" from the phrase "emergency medical services personnel" to achieve the intended result of access to legitimate marijuana cultivation sites for all emergency services personnel.

### **House Amendment "F" To Committee Amendment "A" (H-574)**

This amendment establishes an effective date of July 1, 2013 for Public Law 2013, chapter 368, Pt. EE, which increases assessments for the Victims' Compensation Fund.

### **House Amendment "H" To Committee Amendment "A" (H-577)**

This amendment corrects a reporting date for the Education Coordinating Committee in Public Law 2013, chapter 368. The amendment requires the Education Coordinating Committee to report to the Joint Select Committee on Maine's Workforce and Economic Future the findings and recommendations of its study of adult remedial education by December 16, 2013.

### **House Amendment "I" To Committee Amendment "A" (H-578)**

This amendment corrects a conflict created when Public Law 2013, chapters 337 and 356 amended the law concerning the review of requests for students to transfer from one school administrative district to another.

The amendment repeals and replaces the Maine Revised Statutes, Title 20-A, section 5205, subsection 6, paragraph B with the version included in Public Law 2013, chapter 337. The change made in chapter 356 was a grammatical correction that is no longer needed.

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

This amendment clarifies that the Act takes effect when approved, except as otherwise indicated.

### **Enacted Law Summary**

Public Law 2013, chapter 424, Part A corrects technical errors and inconsistencies throughout the Laws of Maine.

Part B and Part C, added by Committee Amendment "A," correct additional errors and inconsistencies, some of which are substantive.

Part D, added by House Amendment "A" to Committee Amendment "A," corrects a numbering problem created by Public Law 2013, chapters 246 and 311, which enacted 2 substantially different sections of law using the same section number. Section D-1 repeals the version of Title 10, section 8010 enacted by chapter 311 and section D-2 enacts the language as Title 10, section 8011, but without a sentence that was inadvertently not deleted from Legislative Document 1137, "An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training," by the committee amendment to that legislative document.

Part E, added by House Amendment "B" to Committee Amendment "A," amends changes made by Public Law 2013, chapter 256 concerning appointments to the Maine Land Use Planning Commission.

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Part F, added by House Amendment "D" to Committee Amendment "A," adds a section that changes a reference to a chapter to a reference to a subchapter to correct an apparent clerical error concerning membership camping.

Part G, added by House Amendment "E" to Committee Amendment "A," repeals a word in the law on medical use of marijuana that was erroneously included in the enacted law. Section G-1 deletes the word "medical" from the phrase "emergency medical services personnel" to achieve the intended result of access to legitimate marijuana cultivation sites for all emergency services personnel.

Part H, added by House Amendment "F" to Committee Amendment "A," establishes an effective date of July 1, 2013 for Public Law 2013, chapter 368, Pt. EE, which increases assessments for the Victims' Compensation Fund.

Part I, added by House Amendment "H" to Committee Amendment "A," corrects a reporting date for the Education Coordinating Committee in Public Law 2013, chapter 368.

Part J, added by House Amendment "I" to Committee Amendment "A," corrects a conflict created when Public Law 2013, chapters 337 and 356 amended the law concerning the review of requests for students to transfer from one school administrative district to another.

Part K, added by House Amendment "G" to Committee Amendment "A," corrects a reference in the list of divisions and programs within the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning to the Land for Maine's Future Program.

Public Law 2013, chapter 424, was enacted as an emergency measure effective July 16, 2013.

**LD 1564      Resolve, Approving the 2013 Draft and Arrangement of the  
Constitution of Maine Made by the Chief Justice of the Supreme  
Judicial Court and Providing for Its Publication and Distribution**

**RESOLVE 75  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

This resolve was acted upon without reference to committee.

Passage of this resolve by the Legislature constitutes approval of the Constitution of Maine as arranged by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6. The text of the Constitution of Maine as recodified by the Chief Justice is appended to the resolve as Appendix "A."

### Enacted Law Summary

Resolve 2013, chapter 75 provides the Legislature's approval of the 2013 draft and arrangement of the Constitution of Maine by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6.

Resolve 2013, chapter 75 was finally passed as an emergency measure effective June 18, 2013 and deposited in the Office of the Secretary of State pursuant to the Constitution of Maine, Article X, Section 6. (Governor's signature not required.)

*Joint Standing Committee on Judiciary*

**SUBJECT INDEX**

**Abortion Issues**

**Not Enacted**

LD 463	An Act To Prohibit the Sale and Purchase of Human Fetal Tissue	LEAVE TO WITHDRAW
LD 760	An Act Regarding Informed Consent to an Abortion	MAJORITY (ONTP) REPORT
LD 972	An Act To Educate Women on the Medical Risks Associated with Abortion	LEAVE TO WITHDRAW
LD 1193	An Act To Allow a Wrongful Death Cause of Action for the Death of an Unborn Child	MAJORITY (ONTP) REPORT
LD 1339	An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons	MAJORITY (ONTP) REPORT

**Adoption**

**Enacted**

LD 147	An Act Regarding Adoption	PUBLIC 137
LD 1068	An Act To Prevent the Reduction in Adoption Subsidy after an Agreement Has Been Signed by the Prospective Adoptive Parents and the Department of Health and Human Services	PUBLIC 411 EMERGENCY

**Not Enacted**

LD 376	An Act To Amend the Laws Concerning the Adoption of Siblings	ONTP
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**Attorney General**

**Enacted**

LD 884	An Act To Improve Death Investigations	PUBLIC 113
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**Not Enacted**

LD 1025	An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General	VETO SUSTAINED
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**Business & Nonprofit Organizations**

**Enacted**

LD 46	An Act To Protect Maine Business Names	PUBLIC 99
LD 208	An Act To Amend the Charter of St. Mark's Home for Women in Augusta	P & S 6
LD 503	An Act To Amend the Limited Liability Company Laws	PUBLIC 58 EMERGENCY

## *Business & Nonprofit Organizations*

### Enacted

LD 849 An Act To Validate Certain Real Estate Transactions Entered into by a Corporation while Its Charter Was Suspended P & S 7

### Not Enacted

LD 974 An Act To Prevent Fraudulent Trademark Registration ONTP

## *Child Protection*

### Enacted

LD 1024 An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect PUBLIC 293

LD 1107 An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case PUBLIC 294

LD 1114 An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases PUBLIC 343

LD 1523 An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect PUBLIC 268

## *Commercial Code*

### Enacted

LD 1038 An Act To Make the State's Uniform Commercial Code Compatible with the Federal Electronic Fund Transfer Act PUBLIC 151  
EMERGENCY

LD 1384 An Act To Amend Article 9-A of the Uniform Commercial Code PUBLIC 317  
EMERGENCY

## *Constitutional Issues*

### Enacted

LD 415 An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device PUBLIC 409

LD 1040 An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner PUBLIC 382

LD 1377 An Act To Protect Cellular Telephone Privacy PUBLIC 402

### Not Enacted

LD 236 An Act To Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Use VETO  
SUSTAINED

LD 680 An Act To Nullify the Federal Patient Protection and Affordable Care Act of 2010 MAJORITY  
(ONTP) REPORT

## *Courts and Court Procedure*

### Enacted

LD 206 An Act To Protect Title to Real and Personal Property of Public Employees and Public Officials PUBLIC 160  
EMERGENCY

LD 581 An Act To Amend the Laws Governing Service of Process in Eviction Actions PUBLIC 135

LD 912 An Act To Provide Another Alternative to the Civil Order of Arrest Process PUBLIC 150

LD 1204 An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal PUBLIC 144

### Not Enacted

### *Courts and Court Procedure*

#### Not Enacted

LD 352	An Act To Prohibit Prisoners from Filing Protection from Harassment Complaints against Corrections Personnel	ONTP
LD 458	An Act Regarding Comparative Negligence	MAJORITY (ONTP) REPORT
LD 512	An Act To Allow Licensed Foresters To Use Mechanics Liens	MAJORITY (ONTP) REPORT
LD 864	An Act Regarding Service of Small Claims Notices	CARRIED OVER
LD 1081	An Act To Establish Legislative Standing in Judicial Proceedings	ONTP
LD 1119	An Act To Establish Superior Court as the Forum in Which Appeals of Agency Decisions Must Be Taken	DIED BETWEEN HOUSES
LD 1445	An Act To Facilitate Children's Testimony	CARRIED OVER

### *Courts, Jury Duty*

#### Enacted

LD 310	An Act To Exempt Persons 80 Years of Age and Older from Jury Duty at Their Discretion	PUBLIC 74
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#### Not Enacted

LD 1424	An Act To Increase Mileage Reimbursement and Compensation for Jurors	CARRIED OVER
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### *Courts, Justices and Judges*

#### Enacted

LD 852	An Act To Amend Certain Provisions of Law Affecting the Judicial Branch	PUBLIC 159
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#### Not Enacted

LD 550	An Act To Require Probate Judges, Registers of Probate and Registers of Deeds To Be Appointed	ONTP
LD 552	An Act To Expedite Court Proceedings by Providing Funds for Additional District Court Personnel	MAJORITY (ONTP) REPORT
LD 725	An Act To Implement the Recommendations of the Judicial Compensation Commission	CARRIED OVER

### *Criminal Law and Procedure*

#### Enacted

LD 900	An Act Regarding the Disclosure of Certain Records in Criminal Matters	PUBLIC 201
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#### Not Enacted

LD 549	An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age	CARRIED OVER
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### *Domestic Violence/Protection from Abuse*

#### Enacted

LD 687	An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets	PUBLIC 109
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*Domestic Violence/Protection from Abuse*

Not Enacted

LD 869 An Act To Relax Divorce Requirements for Victims of Domestic Violence ONTP

*Family Law, General*

Enacted

LD 419 Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals RESOLVE 12

LD 548 An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions PUBLIC 327

Not Enacted

LD 47 An Act To Retain the Position of Parent Coordinator in the Judicial Branch MAJORITY (ONTP) REPORT

LD 207 An Act Regarding the Factors Considered in Determining the Best Interest of a Child in a Court Award of Parental Rights and Responsibilities ONTP

LD 209 An Act To Strengthen the Rights of Grandparents under the Grandparents Visitation Act MAJORITY (ONTP) REPORT

LD 375 Resolve, To Establish the Study Committee on Alternative Methods of Enforcement of Spousal Support INDEF PP

LD 425 An Act To Change the Membership of the Family Law Advisory Commission ONTP

LD 726 An Act To Adopt the Uniform Parentage Act ONTP

LD 871 An Act To Protect Victims of Domestic Violence by Waiving Their Filing Fees in Divorce Actions ONTP

*Family Law, Child Support*

Enacted

LD 982 An Act To Create a Gambling Offset To Enhance the Collection of Child Support PUBLIC 255

Not Enacted

LD 733 An Act To Improve the Child Support Collection Process ONTP

LD 1034 An Act To Increase Child Support Collections by Requiring the Interception of Certain Gambling Winnings ONTP

*Family Law, Guardians ad litem*

Enacted

LD 872 An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine PUBLIC 406

Not Enacted

LD 522 An Act To Amend the Guardian Ad Litem Laws ONTP

LD 551 An Act To Establish Certification Standards for Guardians Ad Litem ONTP

LD 975 An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators MAJORITY (ONTP) REPORT

*Foreclosure*

**Foreclosure**

**Not Enacted**

LD 125	An Act To Preserve Lender Equity in the Foreclosure Process	ONTP
LD 392	An Act To Protect Homeowners and Reduce Foreclosure Fraud	ONTP
LD 450	An Act To Permit Real Estate Agents To Assist Property Owners in Obtaining Relief in the Mortgage Foreclosure Process	LEAVE TO WITHDRAW
LD 612	An Act To Protect Owners of Property in Foreclosure from Accumulation of Debts When Mortgagees Refuse To Complete the Foreclosure Process	ONTP
LD 784	An Act To Impose Penalties for Residential Mortgage Loan Fraud and False Representation Concerning Title	ONTP
LD 807	An Act To Provide Protection to a Condominium Association When a Condominium Is Foreclosed On	ONTP
LD 851	An Act To Allow the Return of Excess Funds by a Municipality That Forecloses on Real Estate	VETO SUSTAINED
LD 1116	An Act To Amend the Attorney's Fees Provision in Foreclosure Actions	ONTP
LD 1389	An Act To Expedite the Foreclosure Process	CARRIED OVER

**Freedom of Access/Confidentiality/Privacy**

**Enacted**

LD 104	An Act To Amend the Laws Governing Public Records	PUBLIC 339
LD 345	An Act To Ensure the Confidentiality of Concealed Handgun Permit Holder Personal Information	PUBLIC 54 EMERGENCY
LD 619	An Act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State	PUBLIC 283
LD 973	An Act To Make Veterans' Property Tax Exemption Applications Confidential	PUBLIC 222 EMERGENCY
LD 1216	An Act To Amend the Freedom of Access Act	PUBLIC 350
LD 1511	An Act Regarding Coordinated Access to Public Records of State Agencies	PUBLIC 229

**Not Enacted**

LD 19	An Act To Facilitate Access to Information by Legislators	ONTP
LD 135	An Act To Require All Government Documents To Be Posted on the Internet	ONTP
LD 217	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Access to Records Relating to Public-private Partnerships	ONTP
LD 258	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Meetings of Public Bodies	ONTP
LD 309	Resolve, Directing the Attorney General To Implement a Child Identity Protection Program To Safeguard the Personal Information of Minors and Prevent Identity Theft	ONTP
LD 313	An Act To Create the Maine Online Privacy Protection Act	MAJORITY (ONTP) REPORT

*Freedom of Access/Confidentiality/Privacy*

Not Enacted

LD 420	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions	ONTP
LD 495	An Act Regarding the Law Pertaining to the Confidentiality of Enhanced 9-1-1 System Information and Records	MAJORITY (ONTP) REPORT
LD 684	An Act To Make Bylaws and Minutes of Board Meetings of Publicly Funded Hospitals Subject to the Freedom of Access Act	ONTP
LD 1091	An Act To Require Nonprofit Corporations To Disclose the Salaries of Their Employees	ONTP
LD 1118	An Act To Amend Public Access Laws To Improve Accountability for Public Funds by Making Public the Board Meetings of Hospitals Receiving Significant State Funding	MAJORITY (ONTP) REPORT
LD 1194	An Act To Protect Social Media Privacy in School and the Workplace	CARRIED OVER
LD 1401	An Act To Amend the Laws Governing the Issuance of and Access to Birth Certificates and Certain Medical Information	ONTP

*Human Rights and Medical Rights*

Not Enacted

LD 777	An Act To Protect Working Mothers Who Breast-feed	VETO SUSTAINED
LD 830	An Act To Further Protect Pregnant Women under the Maine Human Rights Act	MAJORITY (ONTP) REPORT
LD 1428	An Act To Protect Religious Freedom	CARRIED OVER

*Legal Services*

Enacted

LD 640	An Act Regarding Legal Representation in Certain Eviction Actions	PUBLIC 134
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Not Enacted

LD 396	An Act To Appropriate Sufficient Funds for Indigent Legal Services	CARRIED OVER
LD 1475	An Act To Improve Citizen Access to Legal Representation	ONTP

*Miscellaneous*

Enacted

LD 37	Resolve, Regarding Legislative Review of Portions of Chapter 4: Rules of Practice, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry	RESOLVE 33 EMERGENCY
LD 861	Resolve, Regarding Legislative Review of Portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 65 EMERGENCY
LD 1249	An Act To Make Statutory Changes To Address Certain Conflicting Requirements of the Maine Rules of Professional Conduct and the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 Regarding Maine's Protection and Advocacy Agency	PUBLIC 310

*Miscellaneous*

Enacted

LD 1469     An Act To Ensure Ethical Standards for Court Reporters     PUBLIC 298

Not Enacted

LD 224     An Act To Streamline the Change of Name Process for Persons Getting Married     ONTP

LD 913     An Act To Promote Excursion Passes by Amending the Law Governing Expiration Dates on Gift Obligations and Stored-value Cards Redeemable with Multiple Sellers     ONTP

LD 1000     An Act To Protect Maine Consumers     ONTP

*Probate Code and Trust Code*

Enacted

LD 321     Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code     RESOLVE 5

LD 850     Resolve, To Study the Issue of Inheritance of Digital Assets     RESOLVE 27

*Real Property, Property Rights and Eminent Domain*

Enacted

LD 424     An Act To Amend the Short Form Deeds Act     PUBLIC 90

LD 854     An Act To Clarify When a Manufactured Home Becomes Residential Real Property     PUBLIC 125

Not Enacted

LD 58     RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Use of Eminent Domain     MAJORITY (ONTP) REPORT

LD 165     An Act To Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships     MAJORITY (ONTP) REPORT

LD 220     An Act To Ban the United Nations Agenda 21 in Maine     MAJORITY (ONTP) REPORT

LD 311     An Act To Protect Landowners from the Exercise of Eminent Domain in Energy Infrastructure Corridors     ONTP

LD 688     An Act Concerning Adverse Possession     ONTP

LD 1039     An Act To Promote Regulatory Fairness     ONTP

LD 1450     An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens     MAJORITY (ONTP) REPORT

*Statutes and the Constitution*

Enacted

LD 785     An Act To Ensure the Periodic Review and Revision of Statutory Provisions     PUBLIC 110

LD 1536     An Act To Correct Errors and Inconsistencies in the Laws of Maine     PUBLIC 424 EMERGENCY

**Statutes and the Constitution**

**Enacted**

LD 1564	Resolve, Approving the 2013 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution	RESOLVE 75 EMERGENCY
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**Torts and Immunity, General**

**Enacted**

LD 154	Resolve, Directing the Department of Transportation To Convene a Task Force To Study Issues Concerning Private Railroad Crossings	RESOLVE 59
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**Not Enacted**

LD 395	An Act To Allow a Pet Owner To Collect Noneconomic Damages for the Death of a Pet	ONTP
LD 759	An Act To Hold Harmless a Municipality For Volunteer or Unpaid Labor	MAJORITY (ONTP) REPORT
LD 1046	An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits	VETO SUSTAINED
LD 1200	An Act To Impose a Duty To Warn and Protect on Mental Health Professionals	MAJORITY (ONTP) REPORT

**Torts and Immunity, Statutes of Limitation**

**Enacted**

LD 744	An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits	PUBLIC 329
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**Not Enacted**

LD 1331	An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Implantable Medical Devices and Pharmaceuticals	VETO SUSTAINED
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**Tribal-State Relations**

**Enacted**

LD 64	An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe	PUBLIC 91
LD 394	An Act To Add Members of the Aroostook Band of Micmacs to the Maine Indian Tribal-State Commission and Add Corresponding Members for the State	PUBLIC 81
LD 1400	Resolve, Directing the Attorney General To Report on the Status of Discussions on Domestic Violence on Tribal Lands	RESOLVE 51 EMERGENCY
<b><u>Not Enacted</u></b>		
LD 45	An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives	DIED BETWEEN HOUSES
LD 308	An Act To Require the Attorney General To Consult with Federally Recognized Indian Tribes before Issuing an Opinion on Federal Legislation Affecting the Maine Indian Claims Settlement Act of 1980	ONTP
LD 686	Resolve, To Increase Funding for Indigent Legal Aid Provided to Wabanaki Tribal Members	ONTP
LD 1136	An Act To Provide State Recognition for the Kineo Band of Maliseet Indians	ONTP
LD 1253	An Act To Allow Tribal Members a Choice of Venue	ONTP



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



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

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,  
RESEARCH AND ECONOMIC DEVELOPMENT**

July 2013

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

LD 1      **An Act To Amend the Maine Workers' Compensation Act of 1992**

**PUBLIC 63**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-31

This bill:

1. Clarifies that the Workers' Compensation Board will no longer publish average weekly wage tables after December 1, 2011. Publication of the tables is no longer necessary because, pursuant to Public Law 2011, chapter 647, compensation for employees injured on and after January 1, 2013 is based on 2/3 of gross average weekly wage as opposed to 80% of after-tax average weekly wage;
2. Makes the presumption of dependency consistent for spouses;
3. Extends the time within which the board must take action on a predetermination request from 14 to 30 days;
4. Establishes that review of a predetermination request is final within the board;
5. Establishes that a request for evaluation of the need for employment rehabilitation is not subject to review outside of the agency;
6. Extends to 2 years the period within which an employee can petition for reinstatement to an employer with 200 or fewer employees;
7. Establishes that an employer is required to reimburse its insurer if the employer is responsible for the late filing of a first report of injury;
8. Clarifies procedures relating to the Appellate Division within the Workers' Compensation Board by:
  - A. Providing that clerical mistakes in decrees may be corrected when a matter is pending before the Appellate Division;
  - B. Specifying that an appellant must file a copy of the hearing officer's decision and not an order or agreement; and
  - C. Specifying that the Appellate Division may affirm, vacate or remand a decree of a hearing officer;
9. Clarifies procedures relating to the review of a decision by the board pursuant to the Maine Revised Statutes, Title 39-A, section 320 by:
  - A. Stipulating that appeals of decisions issued by the board pursuant to section 320 must be filed with the Law Court, not the Appellate Division;
  - B. Providing that a hearing officer decree can be appealed to the Appellate Division if the board declines review; and
  - C. Permitting the board to remand a hearing officer decree; and

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10. Clarifies that benefits must be paid while an appeal is pending before the Appellate Division and that benefits paid while a case is pending before the Appellate Division are subject to repayment in the same manner as when the Law Court decides an employee is not entitled to compensation.

**Committee Amendment "A" (S-31)**

This amendment clarifies that a spouse who is dependent in any way on the injured employee at the time of injury is included in the definition of "dependent" under the workers' compensation law. This maintains the same standard that is currently in statute. This amendment also makes clear that the Workers' Compensation Board's ruling in a predetermination hearing is not subject to review by the Superior Court. Additionally, this amendment expands the certification requirements for independent medical examiners to include the certifications relevant to chiropractors, podiatrists and psychologists.

**Enacted Law Summary**

Public Law 2013, chapter 63 does the following.

1. It clarifies that the Workers' Compensation Board will no longer publish average weekly wage tables after December 1, 2011. Publication of the tables is no longer necessary because, pursuant to Public Law 2011, chapter 647, compensation for employees injured on and after January 1, 2013 is based on 2/3 of gross average weekly wage as opposed to 80% of after-tax average weekly wage.
2. It makes the presumption of dependency consistent for spouses.
3. It extends the time within which the board must take action on a predetermination request from 14 to 30 days.
4. It establishes that review of a predetermination request is final within the board.
5. It establishes that a request for evaluation of the need for employment rehabilitation is not subject to review outside of the agency.
6. It extends to 2 years the period within which an employee can petition for reinstatement to an employer with 200 or fewer employees.
7. It establishes that an employer is required to reimburse its insurer if the employer is responsible for the late filing of a first report of injury.
8. It clarifies procedures relating to the Appellate Division within the Workers' Compensation Board by:
  - A. Providing that clerical mistakes in decrees may be corrected when a matter is pending before the Appellate Division;
  - B. Specifying that an appellant must file a copy of the hearing officer's decision and not an order or agreement; and
  - C. Specifying that the Appellate Division may affirm, vacate or remand a decree of a hearing officer.
9. It clarifies procedures relating to the review of a decision by the board pursuant to the Maine Revised Statutes, Title 39-A, section 320 by:
  - A. Stipulating that appeals of decisions issued by the board pursuant to section 320 must be filed with the Law Court, not the Appellate Division;
  - B. Providing that a hearing officer decree can be appealed to the Appellate Division if the board declines

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review; and

C. Permitting the board to remand a hearing officer decree.

10. It clarifies that benefits must be paid while an appeal is pending before the Appellate Division and that benefits paid while a case is pending before the Appellate Division are subject to repayment in the same manner as when the Law Court decides an employee is not entitled to compensation.

11. It clarifies that the Workers' Compensation Board's ruling in a predetermination hearing is not subject to review by the Superior Court.

12. It expands the certification requirements for independent medical examiners to include the certifications relevant to chiropractors, podiatrists and psychologists.

**LD 32      An Act To Expand the Types of Vaccines That May Be Administered by Pharmacists      PUBLIC 6**

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

Current law allows a pharmacist to administer a vaccine licensed by the United States Food and Drug Administration to a person 18 years of age or older with a valid prescription as long as the vaccine is recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices and the person has a primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner.

This bill allows a pharmacist also to administer a vaccine licensed by the United States Food and Drug Administration to a person 18 years of age or older who has a primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner if the vaccine is outside the guidelines recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices if the prescription specifically states that the vaccine is medically necessary.

**Enacted Law Summary**

Public Law 2013, chapter 6 allows a pharmacist to administer a vaccine licensed by the United States Food and Drug Administration to a person 18 years of age or older who has a primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner if the vaccine is outside the guidelines recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices if the prescription specifically states that the vaccine is medically necessary.

**LD 35      An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council      PUBLIC 102**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-72

Under current law, 4 members of the Legislature are appointed to the Maine Economic Growth Council. This bill requires that 2 of the 4 legislative members must be Senators and 2 must be members of the House of Representatives. This bill also requires that, of the 2 members from each body, one must belong to the political party holding the largest number of seats in that body and one must belong to the political party holding the 2nd

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

largest number of seats in that body.

**Committee Amendment "A" (H-72)**

This amendment changes the terms of legislative appointments to the Maine Economic Growth Council. It provides that, beginning in 2015, legislative members must be appointed to the council by March 15th of the first year of the legislative term. The term of legislative members begins on March 15th of the first year of the legislative term and ends March 15th of the calendar year following the end of that member's legislative term. It also provides that nonlegislative members serve until a successor is appointed.

**Enacted Law Summary**

Public Law 2013, chapter 102 changes the legislative membership on the Maine Economic Growth Council by requiring that 2 of the 4 legislative members must be Senators and 2 must be members of the House of Representatives. It also requires that, of the 2 members from each body, one must belong to the political party holding the largest number of seats in that body and one must belong to the political party holding the 2nd largest number of seats in that body. The law also changes the terms of legislative appointments to the Maine Economic Growth Council by requiring that, beginning in 2015, legislative members must be appointed to the council by March 15th of the first year of the legislative term. The term of legislative members begins on March 15th of the first year of the legislative term and ends March 15th of the calendar year following the end of that member's legislative term. It also provides that nonlegislative members serve until a successor is appointed.

**LD 36      An Act To Amend the Laws Governing Record Keeping for Pawn Transactions      ONTP**

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

This bill requires that pawnbrokers maintain in their records digital photographs of property pawned and digital photographs of the consumers who pawn the property.

**LD 71      An Act To Regulate Dealers in Secondhand Precious Metals      PUBLIC 398**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE	OTP-AM	H-392 H-551 FOWLE

This bill:

1. Requires that pawnbrokers maintain in their records digital photographs of property pawned or purchased;
2. Requires that pawnbrokers file with the law enforcement agency of jurisdiction digital photographs of the properties pawned or purchased during the preceding calendar month;
3. Requires that, if the redemption or repurchase period is less than 30 days and the pawned property is not redeemed or repurchased by the consumer, a pawnbroker may not sell or alter the property until the property has remained in the pawnbroker's possession for 30 days after the expiration of the time for which it was pawned; and
4. Requires that if a pawnbroker purchases tangible personal property without any condition of repurchase by the seller for a fixed price within a fixed period of time, the pawnbroker must retain the property and may not sell or alter the property for a period of not less than 60 days after the purchase.

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

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

This amendment changes the title and replaces the bill. It requires a dealer in secondhand precious metals to maintain records of each transaction involving precious metals conducted by the dealer and prohibits a dealer from selling or altering any precious metals until the precious metals have remained in the dealer's possession for 15 days after the date of the transaction, except that a dealer who determines that the precious metals are not included in an electronic database designed to catalog stolen property may sell or alter the precious metals 10 days after the date of purchase or acquisition through exchange. It also prohibits a dealer from engaging in the purchase and sale of secondhand precious metals without a municipal permit. It also provides that a court may award restitution to any victim suffering economic loss from a violation of these provisions, including a dealer in secondhand precious metals, pursuant to the criteria currently provided for in law for restitution. It establishes that a violation of the inspection and holding period requirements is a Class E crime.

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

This amendment makes the following changes to Committee Amendment "A."

1. It removes the requirement that records kept by dealers in secondhand precious metals be contained either in a bound volume or ledger or in a binder in which pages can be affixed.
2. It reduces from 10 days to 5 business days the period of time a dealer in secondhand precious metals must wait before selling or altering precious metals that are not listed in an electronic database designed to catalog stolen property.
3. It exempts auctioneers from the provisions governing dealers in secondhand precious metals.

**Enacted Law Summary**

Public Law 2013, chapter 398 requires a dealer in secondhand precious metals to maintain records of each transaction involving precious metals conducted by the dealer and prohibits a dealer from selling or altering any precious metals until the precious metals have remained in the dealer's possession for 15 days after the date of the transaction, except that a dealer who determines that the precious metals are not included in an electronic database designed to catalog stolen property may sell or alter the precious metals 5 days after the date of purchase or acquisition through exchange. It also prohibits a dealer from engaging in the purchase and sale of secondhand precious metals without a municipal permit. It also provides that a court may award restitution to any victim suffering economic loss from a violation of these provisions, including a dealer in secondhand precious metals, pursuant to the criteria currently provided for in law for restitution. It establishes that a violation of the inspection and holding period requirements is a Class E crime. It exempts auctioneers from the provisions governing dealers in secondhand precious metals.

**LD 103 An Act To Correct an Inconsistency in Maine's Apprenticeship Laws**

**PUBLIC 5**

Sponsor(s)

GILBERT  
PATRICK

Committee Report

OTP

Amendments Adopted

This bill repeals a provision of law that is in conflict with changes enacted in Public Law 2011, chapter 491 establishing minimum wages under the Maine Apprenticeship Program.

**Enacted Law Summary**

Public Law 2013, chapter 5 repeals a provision of law that is in conflict with changes enacted in Public Law 2011, chapter 491 establishing minimum wages under the Maine Apprenticeship Program.

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**LD 116      An Act To Amend the Laws Governing Pine Tree Development Zones      ONTP**  
**To Require Payment of a Livable Wage**

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

This bill requires that a qualified employee under the Pine Tree Development Zone program be paid at least a livable wage for the county in which the employee is employed. Current law requires that such an employee be paid an amount greater than the annual per capita personal income for the county in which the employee is employed. This bill also requires the Department of Labor to calculate the livable wage biennially by county and statewide. Current law requires the department to calculate the statewide livable wage only if funding has been appropriated for that purpose.

**LD 117      An Act To Change the Composition of the Board of Dental Examiners      ONTP**

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

This bill changes the composition of the Board of Dental Examiners, which in current law consists of 5 members of the dental profession, 2 dental hygienists, one denturist and one representative of the public. This bill changes the membership to 2 members of the dental profession, 2 dental hygienists, 2 denturists and 3 representatives of the public.

**LD 118      An Act To Ensure the Authenticity of Items Reported To Have Been      PUBLIC 302**  
**Crafted by Native Americans**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH BURNS	OTP-AM	H-255

This bill is based on federal law pertaining to certification of products made by Indians. The bill requires any person that sells authentic Indian arts and crafts to display the name, trademark, if any, and tribe of the person who made the product. An inauthentic product must be clearly labeled as inauthentic Indian arts and crafts. A violation of the requirements is a civil violation for which a fine of not more than \$5,000 for each violation may be adjudged.

**Committee Amendment "A" (H-255)**

This amendment replaces the bill and establishes that a violation of the federal law pertaining to misrepresentation of Indian products is also a violation of the Maine Unfair Trade Practices Act, which is enforceable by the Office of the Attorney General. It also establishes that an action brought by the Office of the Attorney General to enforce these provisions does not prevent a person from bringing a civil action to obtain injunctive or equitable relief or damages under the Federal Indian Arts and Crafts Act of 1990.

**Enacted Law Summary**

Public Law 2013, chapter 302 is based on federal law pertaining to certification of products made by Indians. It establishes that a violation of the federal law pertaining to misrepresentation of Indian products is also a violation of the Maine Unfair Trade Practices Act, which is enforceable by the Office of the Attorney General. It also

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establishes that an action brought by the Office of the Attorney General to enforce these provisions does not prevent a person from bringing a civil action to obtain injunctive or equitable relief or damages under the Federal Indian Arts and Crafts Act of 1990.

**LD 148 An Act To Amend the Laws Governing Pharmacy Interns**

**PUBLIC 98**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING CUSHING	OTP-AM	H-83

This bill allows a pharmacist to administer certain vaccines to a person 9 years of age or older according to a valid prescription. Current law allows a pharmacist to administer these vaccines to a person 18 years of age or older. This bill also allows a pharmacy intern to administer drugs and vaccines under the direct supervision of a licensed pharmacist who is certified for the administration of drugs and vaccines.

**Committee Amendment "A" (H-83)**

This amendment removes the provision that allows a pharmacist to administer certain vaccines to a person 9 years of age or older. It allows a pharmacy intern to administer drugs and vaccines to a person 18 years of age or older under a pharmacist's direct supervision, as long as the pharmacy intern has obtained drug administration training.

**Enacted Law Summary**

Public Law 2013, chapter 98 allows a pharmacy intern to administer drugs and vaccines to a person 18 years of age or older under a pharmacist's direct supervision, as long as the pharmacy intern has obtained drug administration training.

**LD 149 An Act To Make Gold and Silver Coins and Bars Legal Tender**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill makes gold and silver in coin or bar form legal tender for all transactions as long as the buyer and seller agree as to the fair market value of the gold or silver. This bill also allows the possession of any amount of gold or silver in coin or bar form and exempts from the sales tax the sale of gold or silver in coin or bar form for use as legal tender.

**LD 159 An Act Regarding the Laws Governing Unemployment Compensation Benefits for Employees of Temporary Staffing Agencies**

**ONTP**

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

This bill specifies that, for purposes of unemployment compensation benefit eligibility, the failure of a temporary employee to contact the temporary staffing agency upon completion of a work assignment to seek additional work is considered a voluntary job separation, as long as the temporary staffing agency gives prior written notice of this

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requirement to the individual.

**LD 171      An Act To Facilitate the Personal Importation of Prescription Drugs  
from International Mail Order Prescription Pharmacies**

**PUBLIC 373**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T TREAT	OTP-AM OTP-AM	S-241

The purpose of this bill is to facilitate the licensing of international mail order prescription pharmacies by the Maine Board of Pharmacy. This bill:

1. Specifies that, for the purposes of the Maine Pharmacy Act, "mail order prescription pharmacy" includes an entity located outside the United States that dispenses prescription medications by mail or carrier from a facility not located in this State to a pharmacy or to a patient who resides in this State; and
2. Authorizes the Maine Board of Pharmacy to enter into reciprocal inspection agreements with any country in which a mail order prescription facility that sells drugs to Maine citizens is located.

**Committee Amendment "A" (S-241)**

This amendment replaces the bill and is the majority report of the committee. It amends the Maine Pharmacy Act to exempt from the licensure requirements of the Act licensed retail pharmacies that are located in Canada, the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia or New Zealand that meet the respective foreign country's statutory and regulatory requirements, as well as entities that contract to provide or facilitate the exportation of prescription drugs from these licensed retail pharmacies, and authorizes these retail pharmacies and entities to provide prescription drugs by mail or carrier to a resident of this State for that resident's personal use. It also amends the Maine Pharmacy Act to provide that nothing in the Act may be construed to prohibit individuals from ordering or receiving prescription drugs for their personal use from licensed retail pharmacies in the above-mentioned countries or contracting entities or to prohibit such a licensed retail pharmacy or contracting entity from dispensing, providing or facilitating the provision of prescription drugs from outside the United States.

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

This amendment is the minority report of the committee. It amends the bill to provide that, if the United States Secretary of Health and Human Services certifies to Congress that the importation of prescription drugs poses no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer pursuant to 21 United States Code, Section 384 (2013), the Department of Professional and Financial Regulation, Maine Board of Pharmacy is required to establish standards allowing for the personal importation of prescription drugs from Canada by residents of the State. The board is required to establish the standards for reciprocal inspection agreements between the board and licensed retail pharmacies in Canada, subject to the following restrictions:

1. An entity that dispenses prescription drugs for personal use pursuant to these provisions is prohibited from requiring that the consumer or beneficiary waive the right to bring any cause of action against the entity that is available under state or federal law; and
2. An entity that dispenses prescription drugs for personal use pursuant to these provisions is prohibited from requiring that a cause of action by a resident of this State be brought in a jurisdiction other than this State or the United States District Court for the District of Maine. The board is required to assume any liability for prescription drugs dispensed to a resident of this State by a pharmacy authorized to mail prescription drugs into this State as a result of a reciprocal inspection agreement.

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It also provides that, until such certification is granted by the United States Secretary of Health and Human Services, the board is required to direct residents of the State that request additional information on the safe importation of prescription drugs through Internet pharmacies to organizations that provide consumers with information from a nationwide partnership for prescription assistance and partnership for safe medicines on how to reduce costs associated with prescription drugs and how to ensure the safety of prescription drugs.

It also adds a contingent effective date to the sections of the bill that amend the definition of "mail order prescription pharmacy" and amend provisions regarding reciprocal inspections so that these changes do not take effect unless the United States Secretary of Health and Human Services certifies to Congress that the importation of prescription drugs poses no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer.

**Enacted Law Summary**

Public Law 2013, chapter 373 amends the Maine Pharmacy Act to exempt from the licensure requirements of the Act licensed retail pharmacies that are located in Canada, the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia or New Zealand that meet the respective foreign country's statutory and regulatory requirements, as well as entities that contract to provide or facilitate the exportation of prescription drugs from these licensed retail pharmacies, and authorizes these retail pharmacies and entities to provide prescription drugs by mail or carrier to a resident of this State for that resident's personal use. In addition, it amends the Maine Pharmacy Act to provide that nothing in the Act may be construed to prohibit individuals from ordering or receiving prescription drugs for their personal use from licensed retail pharmacies in the above-mentioned countries or contracting entities or to prohibit such a licensed retail pharmacy or contracting entity from dispensing, providing or facilitating the provision of prescription drugs from outside the United States.

**LD 235      An Act To Improve Insurance Coverage for Volunteer First Responders**

**DIED IN  
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C LONG	OTP-AM OTP-AM ONTP	S-76 S-333 HILL

This bill clarifies that an injury suffered by a volunteer firefighter or volunteer emergency medical services person that occurs at any time after the firefighter or emergency medical services person receives notice of a fire or emergency and is in the process of responding is compensable under the Maine Workers' Compensation Act of 1992.

**Committee Amendment "A" (S-76)**

This amendment, which is the majority report of the committee, creates a rebuttable presumption, in place of the absolute right created by the bill regarding personal injuries that are compensable under the Maine Workers' Compensation Act of 1992, and applies the rebuttable presumption to paid firefighters and emergency medical services persons as well as volunteers. The amendment also applies to both paid and volunteer firefighters and emergency medical services persons the bill's prohibition on an employer's or insurer's seeking to limit workers' compensation benefits to only those injuries that occur after the firefighter or emergency medical services person begins traveling on a public way.

**Committee Amendment "B" (S-77)**

This amendment, which is the minority report of the committee, creates a rebuttable presumption, in place of the absolute right created by the bill regarding personal injuries that are compensable under the Maine Workers'

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Compensation Act of 1992, and applies the rebuttable presumption to paid firefighters and emergency medical services persons as well as volunteers, but limits the application of the rebuttable presumption to an injury that occurs after the firefighter or emergency medical services person is on a public way responding to a call. The amendment also eliminates the provision in the bill prohibiting an employer or insurer from seeking to limit workers' compensation benefits to only those injuries that occur after the firefighter or emergency medical services person begins traveling on a public way.

**Senate Amendment "A" To Committee Amendment "A" (S-333)**

This amendment adds a mandate preamble.

**LD 237 An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards**

**PUBLIC 246**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING CAMPBELL J	OTP-AM	S-219

This bill establishes a uniform quorum requirement for the 31 licensing boards within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation. The quorum is a majority of the members serving on the board. The bill also repeals provisions in the individual board laws that require a board to meet at least once a year and that authorize the board chair or a majority of the members to convene a meeting of the board. The authority to elect a chair is moved from the individual board laws to the Maine Revised Statutes, Title 10, section 8010.

**Committee Amendment "A" (S-219)**

The bill repeals provisions concerning meetings, election of board chairs and quorum requirements for 31 licensing boards under the auspices of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation. The amendment instead removes only the language from the statutes that deals with the quorum requirements, since the bill establishes uniform quorum requirements for the boards.

**Enacted Law Summary**

Public Law 2013, chapter 246 establishes uniform quorum requirements for 31 licensing boards under the auspices of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation.

**LD 246 An Act To Provide for the 2013 and 2014 Allocations of the State Ceiling on Private Activity Bonds**

**P & S 2**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM	S-9

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2013 and 2014. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

**Committee Amendment "A" (S-9)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2013, chapter 2 establishes the allocations of the state ceiling on issuance of tax-exempt

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private activity bonds for calendar years 2013 and 2014. The law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

**LD 249      Resolve, Directing the Board of Dental Examiners To Amend Its Rules      RESOLVE 36**  
**To Improve Access to Oral Health Care in Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	S-65

This resolve requires the Board of Dental Examiners to amend its rules to permit a dental student to perform limited dental service in certain settings, commensurate with the student's level of training, under the supervision and control of a licensed dentist or a teaching school.

**Committee Amendment "A" (S-65)**

This amendment strikes the provision in the bill that proposed to allow dental students of a bona fide dental school or university to perform dental hygiene treatment in institutional and public health service programs and in private dental offices under the control of a licensed dentist. It adds a requirement for the Board of Dental Examiners to submit a report by January 15, 2014 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on how the dental services performed by dental students under the provisions of the resolve will increase access to dental care in the underserved areas of the State, the number of private dental offices that will be participating and how the patients will be screened for treatment by dental students in the private dental offices. It authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to submit a bill related to this report to the Second Regular Session of the 126th Legislature.

**Enacted Law Summary**

Resolve 2013, chapter 36 requires the Board of Dental Examiners to amend its rules to permit a dental student to perform limited dental service in certain settings, commensurate with the student's level of training, under the supervision and control of a licensed dentist or a teaching school. It adds a requirement for the Board of Dental Examiners to submit a report by January 15, 2014 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on how the dental services performed by dental students under the provisions of the resolve will increase access to dental care in the underserved areas of the State, the number of private dental offices that will be participating and how the patients will be screened for treatment by dental students in the private dental offices. This resolve authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to submit a bill related to this report to the Second Regular Session of the 126th Legislature.

**LD 260      An Act To Extend Funding for the Loring Job Increment Financing      PUBLIC 413**  
**Fund**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T AYOTTE	OTP-AM	S-7

This bill extends the funding for the Loring Job Increment Financing Fund from 2016 to 2026.

**Committee Amendment "A" (S-7)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 413 extends the funding for the Loring Job Increment Financing Fund from 2016 to 2026.

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**LD 263      An Act To Require Dealers of Secondhand Precious Metals To Keep      ONTP**  
**Records To Aid Law Enforcement**

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

This bill requires every dealer engaged in the purchase of secondhand precious metals to record specific information on each bill of sale before completing the purchase of any secondhand precious metals. The bill requires dealers engaged in the purchase of secondhand precious metals to maintain these records for one year and to make the records available to law enforcement or a prosecuting attorney.

**LD 293      An Act To Ensure Parity in the Collective Bargaining Process among      ONTP**  
**State Institutions of Higher Education**

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

This bill removes the requirement that cost items in any collective bargaining agreement of community college employees be submitted for inclusion in the Governor's next operating budget and be subject to review by the Legislature.

**LD 314      An Act To Create the Office of Marketing      CARRIED OVER**

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

This bill provides for the creation of a centralized Office of Marketing within the Department of Economic and Community Development, responsible for the coordination of all marketing efforts throughout State Government. The office will coordinate requests for proposals, contracts and participation in conferences and exhibits to create a centralized state marketing effort. This office is responsible for the coordination, development, approval and implementation of the state marketing strategy.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 348      An Act Concerning the Scope of Practice of Cardiovascular      ONTP**  
**Technologists**

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

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This bill exempts an individual holding a degree in cardiovascular technology from an accredited institution approved by the Department of Professional and Financial Regulation, Radiologic Technology Board of Examiners who is working under the supervision of a licensed physician as a cardiovascular technologist from the licensing requirements for radiographers, nuclear medicine technologists and radiation therapists.

**LD 364 An Act To Amend the Laws Regulating Suppliers of Agricultural, Construction, Industrial and Forestry Equipment**

**PUBLIC 41**

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

Current law prohibits a supplier of farm, forestry, construction, utility or industrial equipment from coercing a dealer to order or accept deliveries of equipment or repair parts or from interfering in a dealer's business. This bill provides that, when a supplier reimburses a dealer for equipment, repair parts or labor because of the prohibition on coercion and interference, the supplier is prohibited from recovering the supplier's costs of that reimbursement.

**Enacted Law Summary**

Public Law 2013, chapter 41 amends the laws regulating suppliers of farm, forestry, construction, utility or industrial equipment to provide that, when a supplier reimburses a dealer for equipment, repair parts or labor, the supplier is subsequently prohibited from recovering the supplier's costs of that reimbursement.

**LD 411 An Act To Amend the Health Care Practitioner Licensing, Disciplinary and Reporting Laws Regarding Alcohol and Drug Abuse**

**PUBLIC 105**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRINGLE GRATWICK	OTP-AM	H-84

This bill amends provisions of the Maine Health Security Act regarding the reporting of physicians with possible drug or alcohol problems to licensing authorities and provisions of the health care practitioner licensing laws dealing with grounds for discipline. Currently, substance use by a practitioner that is foreseeably likely to result in endangering patients is grounds for discipline; this bill instead provides that substance use that may result in endangering patients is grounds for discipline. This bill also updates terminology used to reference drug or alcohol problems.

**Committee Amendment "A" (H-84)**

This amendment replaces references in the bill to a licensee's "substance use disorder" with "misuse of alcohol, drugs or other substances" that may result in endangering patients as grounds for discipline within the Maine Health Security Act and within the provisions of the health care practitioner licensing laws dealing with grounds for discipline.

**Enacted Law Summary**

Public Law 2013, chapter 105 amends provisions of the Maine Health Security Act regarding the reporting of physicians with possible drug or alcohol problems to licensing authorities and provisions of the health care practitioner licensing laws dealing with grounds for discipline. It provides that substance use by a practitioner that may result in endangering patients is grounds for discipline and updates terminology used to reference drug or alcohol problems within the Maine Health Security Act and within the provisions of the health care practitioner licensing laws dealing with grounds for discipline.

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**LD 414 An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways**

**PUBLIC 70**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK PATRICK	OTP-AM	H-55

This bill repeals the current board structure in the laws governing boiler and pressure vessel safety and elevator and tramway safety and places the duties and responsibility for administering and overseeing the licensing and inspection of boilers, pressure vessels, elevators and tramways under the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation. The bill retains the current enforcement authority of the chief boiler and elevator inspector to oversee the public safety inspection programs.

**Committee Amendment "A" (H-55)**

This amendment adds provisions describing the requirements for appointment to the position of Chief Inspector of Boilers and Pressure Vessels to the bill. It also removes the section of the bill that repeals the statutory language concerning assumption of the risk for injury when hang gliding. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2013, chapter 70 repeals the current board structure in the laws governing boiler and pressure vessel safety and elevator and tramway safety and places the duties and responsibility for administering and overseeing the licensing and inspection of boilers, pressure vessels, elevators and tramways under the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation. The law retains the current enforcement authority of the chief boiler and elevator inspector to oversee the public safety inspection programs and adds requirements for appointment to the position of Chief Inspector of Boilers and Pressure Vessels to the bill.

**LD 416 An Act To Allow Complainants in Disciplinary Actions To Attend Informal Conferences Held by the State Board of Nursing in Executive Session**

**PUBLIC 23**

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

This bill confirms that the complainant may be present and speak during an informal conference conducted by the Department of Professional and Financial Regulation, State Board of Nursing regarding a disciplinary action against a licensee. The bill also gives the State Board of Nursing the authority to report to the appropriate licensing board of the state to which a licensee has moved that a complaint has been filed against the licensee. The board may also take into account the professional records from another state where an individual was a licensee when determining whether to issue a license to that individual. The bill also requires the State Board of Nursing to amend its rules to implement the changes made by this bill.

**Enacted Law Summary**

Public Law 2013, chapter 23 confirms that the complainant may be present and speak during an informal conference conducted by the Department of Professional and Financial Regulation, State Board of Nursing regarding a disciplinary action against a licensee. The law also gives the State Board of Nursing the authority to report to the

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appropriate licensing board of the state to which a licensee has moved that a complaint has been filed against the licensee. The board may also take into account the professional records from another state where an individual was a licensee when determining whether to issue a license to that individual. The law also requires the State Board of Nursing to amend its rules to implement these changes.

**LD 418      An Act To Enforce Wage Laws by Preventing Misclassification of Employees      ONTP**

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

This bill defines "employee," "employer" and "independent contractor" for the purposes of the wages and medium of payment provisions of the labor laws in order to prevent misclassification of employees and their exclusion from wage law protection. It strengthens notification and reporting requirements. The bill includes shareholders' liability to protect employees who are hired by corporations that use bankruptcy law to evade payment. It makes each violation of the wage and medium of payment provisions that occurs during a separate week, including discriminatory or retaliatory practices, a separate violation. The bill also prohibits employer retaliation against employees or others who bring complaints under the law.

**LD 426      An Act To Provide for the Continuity of a Veterinary Practice Subsequent to the Death or Incapacitation of the Owner      PUBLIC 46**

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

Under current law, a veterinarian may practice only under the veterinarian's own name or in association with one or more other veterinarians. This bill permits the legal guardian or personal representative of a deceased or incapacitated veterinarian to contract with another veterinarian to continue the practice for a period of up to 24 months after the death or incapacitation of the veterinarian or until the practice is sold, whichever occurs first.

**Enacted Law Summary**

Public Law 2013, chapter 46 permits the legal guardian or personal representative of a deceased or incapacitated veterinarian to contract with another veterinarian to continue the practice for a period of up to 24 months after the death or incapacitation of the veterinarian or until the practice is sold, whichever occurs first.

**LD 431      An Act To Amend the Laws Governing the Work Permit Process for Minors and To Conform the Laws Governing Allowable Places of Work for Minors to Federal Law      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill allows a minor under 16 years of age to obtain a work permit directly from the Department of Labor, Bureau of Labor Standards when school is not in session during summer break. Current law requires the minor to obtain the permit through a school superintendent regardless of whether school is in session. The bill also allows a minor under 16 years of age to work in a bowling alley or theater, which conforms with federal law. Finally, the bill repeals an obsolete section of law that deals with triplicate permits and a master permit system.

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

This amendment, which is the minority report of the committee, allows a minor under 16 years of age to obtain a work permit from either the school superintendent or directly from the Department of Labor, Bureau of Labor Standards when school is not in session during summer break. Current law requires the minor to obtain the permit through a school superintendent regardless of whether school is in session. The amendment also restores a provision of law that was removed by the bill that specifies that a superintendent may sign a permit for a student who is attending summer school only if the student is enrolled in school, not truant, not under suspension and passing a majority of courses during the current grading period. The amendment retains one sentence of the language regarding triplicate permits and the master permit system, which was repealed by the bill, and amends it to allow the Department of Labor to direct the superintendent to cancel a permit when there is reason to believe the permit should be surrendered. This amendment was not adopted.

**LD 443 An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM ONTP	S-250 S-265 PATRICK

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

This bill proposes to enact measures designed to provide benefits under the Maine Workers' Compensation Act of 1992 to seriously injured workers.

**Committee Amendment "A" (S-250)**

This amendment is the majority report of the committee. Current eligibility requirements under the Maine Workers' Compensation Act of 1992 for long-term partial incapacity benefits require at least an 18% whole person permanent impairment due to the injury, a weekly wage of 65% or less of the preinjury weekly wage and that the employee have earnings for at least 12 of the prior 24 months. This amendment replaces those eligibility requirements with requirements that the employee have a demonstrated earning capacity of 70% or less than the employee's earnings at the time of injury and the employee is working within the employee's documented capacity. The amendment adds that compensation is to be made at a fixed rate and reviewable no more frequently than every 2 years. Additionally, the amendment creates a rebuttable presumption that an injured worker with partial incapacity is eligible for benefits in the weekly amount permitted for total incapacity benefits as long as that injured worker has performed a work search sufficient to qualify for unemployment benefits through the Maine Department of Labor. The amendment also provides that rehabilitation plans voluntarily offered by the injured worker's employer qualify the injured worker for the same presumption that work is unavailable that is currently afforded to participants in Workers' Compensation Board rehabilitation plans.

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

This amendment changes the committee amendment regarding partial incapacity benefits for a person who is not working from an amount equal to the amount permitted for total incapacity under section 212 to the amount of "100% partial incapacity benefits under section 213."

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**LD 444      Resolve, Directing the Workers' Compensation Board To Study  
Improving Protections for Injured Workers Whose Employers Have  
Wrongfully Not Secured Workers' Compensation Payments**

**RESOLVE 40**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-75

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designated to improve workers' compensation coverage for all injured workers.

**Committee Amendment "A" (S-75)**

This amendment replaces the bill with a resolve that directs the Workers' Compensation Board to study the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments and to report to the committee with recommendations and draft implementing legislation to address this problem by January 30, 2014. The committee has authority to report out a bill related to the report to the Second Regular Session of the 126th Legislature.

**Enacted Law Summary**

Resolve 2013, chapter 40 directs the Workers' Compensation Board to study the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments and to report to the committee with recommendations and draft implementing legislation to address this problem by January 30, 2014. The committee has authority to report out a bill related to the report to the Second Regular Session of the 126th Legislature.

**LD 445      An Act To Improve Efficiencies in Dental Offices**

**ONTP**

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

This bill allows expanded function dental assistants to perform supra gingival scaling under the direct supervision of a dentist.

**LD 449      An Act To Ensure Consumer Choice in the Purchase of Prescription  
Drugs**

**CARRIED OVER**

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

This bill clarifies and affirms the ability of Maine consumers to purchase mail order prescription drugs from licensed pharmacies that are located in certain nations specified under federal law.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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**LD 461      An Act To Allow Businesses with More than 5,000 Square Feet of Interior Customer Selling Space To Open on Easter Day, Thanksgiving Day and Christmas Day      ONTP**

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

This bill allows a business with more than 5,000 square feet of interior customer selling space to open on Easter Day, Thanksgiving Day and Christmas Day.

**LD 491      An Act Regarding Timber Harvesting on Land Managed by the Division of Parks and Public Lands      VETO SUSTAINED**

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

This bill prohibits the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands from contracting for timber harvesting on land under its management if the contractor uses persons employed under the federal labor certification process for employment of foreign workers in logging for that purpose.

**LD 509      An Act To Exempt Certain Supervised Medical Assistants from Licensing under the Medical Radiation Health and Safety Laws      ONTP**

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

This bill exempts from the licensing requirements of the medical radiation health and safety laws a medical assistant who has been properly instructed and trained in fluoroscopy C-arm or other imaging equipment positioning and who is assisting a physician who is operating the fluoroscopy C-arm or other imaging equipment and supervising the procedure.

**LD 553      An Act To Remove the Statement of Oral Condition as a Requirement for Denturists Making Partial Dentures      PUBLIC 83**

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

This bill removes the requirement that a denturist first receive a written statement of oral condition or oral health certificate prior to making partial dentures.

**Enacted Law Summary**

Public Law 2013, chapter 83 removes the requirement that a denturist first receive a written statement of oral condition or oral health certificate prior to making partial dentures.

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

**LD 554      Resolve, Requiring the Department of Economic and Community Development To Market the Positive Attributes of the State of Maine      ONTP**

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

This resolve requires that, when promoting the State on its publicly accessible website and in preparing marketing materials, the Department of Economic and Community Development include as prominent factors recent independent analyses identifying the State's positive attributes for business development and quality of life.

**LD 555      Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Consider Reforms of the Practices of the Nursing Home Administrators Licensing Board      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER	OTP-AM	H-241

This resolve directs the Department of Professional and Financial Regulation, Nursing Home Administrators Licensing Board to amend its rules regarding educational requirements for the licensing of administrators and continuing education requirements.

First, it permits a licensed registered nurse who has at least 5 years' experience as a director of nursing at a licensed nursing facility to be provisionally licensed as a nursing home administrator for up to 5 years, if that licensed registered nurse provides evidence satisfactory to the board that the licensed registered nurse is pursuing a course of action to fulfill the educational requirements in the board's rules and is reasonably likely to fulfill these requirements within this 5-year time frame.

Second, it removes the limit currently placed on the number of continuing education credits that a licensed nursing home administrator may earn at a conference or program as long as each credit separately qualifies under the board's standards for awarding credit. It provides for determinations regarding the approval and allowability of continuing education credits within 30 days of the filing of required information. The board may approve online seminars for continuing education credits. A licensed nursing home administrator who is denied approval of continuing education credits by board staff may seek review of such a denial by the board.

**Committee Amendment "A" (H-241)**

This amendment replaces the resolve. It requires the Commissioner of Professional and Financial Regulation to establish a working group to consider reforms of the Nursing Home Administrators Licensing Board's practices regarding the licensure of nursing home administrators and administration of continuing education requirements and report its findings to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It also enables the committee to introduce legislation in the Second Regular Session of the 126th Legislature to implement the findings and recommendations of the working group.

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

**LD 556      An Act To Modernize the Statutes Governing Physician Assistants**

**PUBLIC 101**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO GRATWICK	OTP-AM	H-85

This bill accomplishes the following.

1. It adds a physician assistant member to the Board of Licensure in Medicine and the Board of Osteopathic Licensure, which are the boards that issue licenses to physician assistants.
2. It permits physician assistants to delegate medical acts to medical assistants as long as that delegation is included in the plan of supervision established by the physician assistant and the supervising physician.
3. It repeals a provision in the laws governing licensing by the Board of Osteopathic Licensure that prohibits a physician assistant from employing a supervising physician.
4. In order to have one set of rules governing physician assistants and their supervising physicians, it requires the Board of Osteopathic Licensure and the Board of Licensure in Medicine to do joint rulemaking and requires that the rules provide for the issuance of a single license regardless of the number of practice sites or supervisory physicians.

**Committee Amendment "A" (H-85)**

This amendment adds an appropriations and allocations section to the bill.

**Enacted Law Summary**

Public Law 2013, chapter 101 accomplishes the following.

1. It adds a physician assistant member to the Board of Licensure in Medicine and the Board of Osteopathic Licensure, which are the boards that issue licenses to physician assistants.
2. It permits physician assistants to delegate medical acts to medical assistants as long as that delegation is included in the plan of supervision established by the physician assistant and the supervising physician.
3. It repeals a provision in the laws governing licensing by the Board of Osteopathic Licensure that prohibits a physician assistant from employing a supervising physician.
4. In order to have one set of rules governing physician assistants and their supervising physicians, it requires the Board of Osteopathic Licensure and the Board of Licensure in Medicine to do joint rulemaking and requires that the rules provide for the issuance of a single license regardless of the number of practice sites or supervisory physicians.

**LD 605      An Act To Allow a Minor in the Police Explorer Program To Assist with  
Traffic Control at Civic Events**

**PUBLIC 142**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS BOYLE	OTP-AM	H-130

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

This bill allows minors who are volunteer participants in a career-oriented law enforcement program to perform traffic control duties at civic events after receiving the required training to perform these duties by the Department of Transportation.

**Committee Amendment "A" (H-130)**

This amendment allows minors who are volunteer participants in a career-oriented law enforcement program to perform traffic control duties at civic events after receiving the required training to perform these duties, but only under direct supervision and only in accordance with a number of restrictions.

**Enacted Law Summary**

Public Law 2013, chapter 142 allows minors who are volunteer participants in a career-oriented law enforcement program to perform traffic control duties at civic events after receiving the required training to perform these duties, but only under direct supervision and only in accordance with a number of restrictions.

**LD 611 An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living Changes**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN PATRICK	OTP-AM ONTP	H-16

This bill raises the minimum wage to \$8.50 per hour beginning October 1, 2013, and it requires the minimum hourly wage to be adjusted for inflation on October 1st of each year, beginning October 1, 2014.

**Committee Amendment "A" (H-16)**

This amendment raises the minimum wage to \$8.00 per hour beginning July 1, 2014, \$8.50 per hour beginning July 1, 2015 and \$9.00 per hour beginning July 1, 2016. Beginning July 1, 2017, the minimum wage will be automatically adjusted for inflation on July 1st of each year.

**LD 656 Resolve, Requiring the Department of Economic and Community Development To Develop Incentives for Industries in the State To Increase Employment of Maine Residents**

**ONTP**

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

This bill requires the Department of Economic and Community Development to work with the Department of Labor, the Department of Administrative and Financial Services, Bureau of Revenue Services and regional planning commissions to develop incentives for manufacturing, agricultural and creative industries in the State to increase their employment of Maine residents. The Department of Economic and Community Development is directed to submit a report of its findings, including any necessary implementing legislation, to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 4, 2013.

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

**LD 689      Resolve, Directing the Maine Labor Relations Board To Convene a  
Task Force To Examine Compensation for the Panel of Mediators**

**RESOLVE 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON DUTREMBLE	OTP-AM	H-93

This bill entitles mediators in public employee collective bargaining negotiations who are required to drive in excess of 43 miles one way to provide mediation services to receive an amount equal to 1/2 of the mediator's hourly fee for services for the time that the mediator travels in excess of 43 miles one way.

**Committee Amendment "A" (H-93)**

This amendment replaces the bill with a resolve and directs the Maine Labor Relations Board to convene a task force to examine compensation for the Panel of Mediators and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2014 with recommendations and draft implementing legislation. The committee has authority to report out a bill related to these recommendations in the Second Regular Session of the 126th Legislature.

**Enacted Law Summary**

Resolve 2013, chapter 26 directs the Maine Labor Relations Board to convene a task force to examine compensation for the Panel of Mediators and to report to the committee by January 15, 2014 with recommendations and draft implementing legislation. The committee has authority to report out a bill related to these recommendations in the Second Regular Session of the 126th Legislature.

**LD 690      An Act To Ensure Efficiency in the Unemployment Insurance System**

**CARRIED OVER**

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

This bill requires that determinations on all nonmonetary issues related to a claim for unemployment compensation be made within specified time frames.

**Committee Amendment "A" (H-280)**

This amendment, which is the majority report of the committee, adds an appropriations and allocations section to the bill.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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**LD 691 An Act To Prohibit Enforcement of Federal Laws Regulating  
Commerce in Violation of the Constitution of the United States**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY A MASON G	ONTP OTP	

This bill enacts the Intrastate Commerce Act to express the findings of the Legislature that the Commerce Clause of the United States Constitution is valid for the regulation of interstate commerce but not intrastate commerce. The bill prohibits a federal or state official, agent or employee from enforcing a federal act, order, law, statute, rule or regulation that attempts to regulate goods grown, manufactured or made in this State or services performed in this State. Violation by a federal official is a Class C crime, punishable by up to 5 years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in prison and a fine of up to \$2,000.

**LD 696 An Act To Include Raising Equines in the Definition of Agriculture for  
the Purpose of the Maine Workers' Compensation Act of 1992**

**PUBLIC 111**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO HICKMAN	OTP-AM	S-42

This bill amends the definition of "agriculture" as used in the Maine Workers' Compensation Act of 1992 to include the raising of equines. Equines are similarly included in "products used in animal agriculture" for purposes of providing an exemption from the sales and use tax.

**Committee Amendment "A" (S-42)**

This amendment replaces the bill and expands the exemption under the workers' compensation laws for employers of agricultural laborers by adding "equine activity" to the definition of "agriculture". "Equine activity" means activities as defined in the Maine Revised Statutes, Title 7, section 4101, subsection 5, which includes boarding, keeping, trailering, showing and displaying an equine. Additionally, this amendment applies to cases currently pending before the Workers' Compensation Board on the effective date of the Legislation.

**Enacted Law Summary**

Public Law 2013, chapter 111 expands the exemption under the workers' compensation laws for employers of agricultural laborers by adding "equine activity" to the definition of "agriculture". "Equine activity" means activities as defined in the Maine Revised Statutes, Title 7, section 4101, subsection 5, which includes boarding, keeping, trailering, showing and displaying an equine. This law applies to cases currently pending before the Workers' Compensation Board on the effective date of the legislation.

**LD 700 An Act To Require Elevators To Be Accessible for Ambulance  
Stretchers**

**ONTP**

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

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

This bill requires that, beginning January 1, 2018, all existing multistory buildings that house private entities or nonprofit organizations that serve the public or are places of public accommodation, subject to specific exceptions, have at least one passenger elevator that is accessible from all levels within the building and that is of sufficient size to allow the transport of a person on an ambulance stretcher in the fully supine position, without having to raise, lower or bend the stretcher in any way. The bill also requires the Department of Professional and Financial Regulation, Board of Elevator and Tramway Safety to establish a plan for the inspection and certification of all passenger elevators in existing buildings required to meet the elevator size requirements and identify any legislative or regulatory changes that may be necessary and report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It also allows the Joint Standing Committee on Labor, Commerce, Research and Economic Development to submit a bill based on the report to the Second Regular Session of the 126th Legislature.

**LD 722      Resolve, To Establish a Task Force To Review Section 8 Housing Construction Standards      ONTP**

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

This resolve establishes that, beginning October 1, 2013, the director of the Maine State Housing Authority is required to convene and coordinate a task force to review the eligibility standards for Section 8 housing construction in order to identify recommendations for improving the process, including the use of point systems, and the quality of the construction. The resolve requires the Maine State Housing Authority to invite the participation in the task force of residents from communities of various population sizes. It requires the director of the Maine State Housing Authority to provide a written report of the findings of the review and any recommendations resulting from the review to the Joint Standing Committee on Health and Human Services. The resolve authorizes the joint standing committee to report out a bill implementing the recommendations of the review to the Second Regular Session of the 126th Legislature.

**LD 732      An Act To Impose a Holding Period during Which a Dealer in Secondhand Precious Metals Must Retain Property      ONTP**

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

This bill requires a dealer engaged in the purchase of secondhand precious metals, including pawnbrokers, to record specific information on each bill of sale before completing the purchase of any secondhand precious metals, to maintain these records for one year and to make the records available to law enforcement or a prosecuting attorney. The bill also prohibits a dealer who acquires secondhand precious metals from selling, disposing of or altering the property for a period of 10 days following the purchase.

**LD 739      Resolve, To Establish a Task Force To Study Economic Development in Rural Areas      ONTP**

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

This resolve is a concept draft pursuant to Joint Rule 208. The purpose of this resolve is to establish a task force to study measures designed to encourage economic development and opportunity in rural areas of the State.

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**LD 747      An Act To Protect Doctors Who Prescribe a Complementary Course of Treatment and To Provide Insurance Coverage for That Treatment      ONTP**

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

This bill provides that the Department of Professional and Financial Regulation, Board of Licensure in Medicine may not bring disciplinary action against a physician who prescribes or provides medicine or treatment that is authorized for a complementary health care provider. The bill also requires such treatment to be covered under health insurance plans.

**LD 761      An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws      PUBLIC 87**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAY SAVIELLO	OTP-AM	H-92

Currently, the laws governing workers' compensation exempt an employer of agricultural or aquacultural laborers from securing the payment of compensation with respect to its employees if the employer has 6 or fewer laborers or if the employer has more than 6 laborers but the total number of hours worked by those laborers in a week does not exceed 240. This bill instead specifies that an employer is exempt if the employer has 6 or fewer full-time agricultural or aquacultural laborers.

**Committee Amendment "A" (H-92)**

This amendment replaces the bill and instead reorganizes the text of the existing exemption in the workers' compensation laws for employers of agricultural or aquacultural laborers to provide more clarity in the law. This amendment also adds the spouses of parents, brothers, sisters and children under the definition of "immediate family members" not considered agricultural or aquacultural laborers.

**Enacted Law Summary**

Public Law 2013, chapter 87 reorganizes the text of the exemption in the workers' compensation laws for employers of agricultural or aquacultural laborers to provide more clarity in the law. This law adds the spouses of parents, brothers, sisters and children under the definition of "immediate family members" not considered agricultural or aquacultural laborers.

**LD 786      An Act To Ensure the Voluntary Membership of Public Employees in Unions      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill makes a number of changes to the State's labor laws to allow public sector unions to represent only those public employees who voluntarily are members of that union. This bill also requires a public employee union to annually determine or certify the bargaining agent for that union.

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

This amendment, which is the minority report of the committee, changes the bill title and replaces the bill. It repeals the provision currently in statute that allows public employers to deduct service fees owed by an employee to a collective bargaining agent pursuant to a lawful collective bargaining agreement, and to remit those fees to the bargaining agent, without signed authorization from the employee. This amendment was not adopted.

**LD 788      An Act To Provide Vehicle Owners and Repair Facilities Access to      CARRIED OVER**  
**Vehicle Diagnostic and Repair Information and Equipment**

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

This bill requires motor vehicle manufacturers to make available to owners of the manufacturer's motor vehicles and independent motor vehicle repair facilities diagnostic and repair information and equipment at no more than fair market value and in a way that does not unfairly favor the manufacturer's dealers and authorized repair facilities.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 808      An Act To Amend the Laws Concerning Scrap Metal Processors      PUBLIC 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF KATZ	OTP-AM	H-128

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to address methods of preventing and punishing thefts of copper, especially when the illegally obtained copper is being sold by one business to another.

**Committee Amendment "A" (H-128)**

This amendment replaces the bill, which was a concept draft. It broadens the form of payment allowed by scrap metal processors for the purchase of scrap metal to include payment by credit card or debit card, in addition to payment by check as currently required by law.

**Enacted Law Summary**

Public Law 2013, chapter 141 broadens the form of payment allowed by scrap metal processors for the purchase of scrap metal to include payment by credit card or debit card, in addition to payment by check.

**LD 809      Resolve, Directing the Secretary of State To Study the Need for a State      RESOLVE 37**  
**Regulatory Process for Scrap Metal Dealers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF MASON G	OTP-AM ONTP	H-147

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a licensing requirement for scrap metal processors similar to that for persons operating an automobile graveyard, automobile recycling business or

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junkyard.

**Committee Amendment "A" (H-147)**

This amendment is the majority report of the committee. It replaces the bill, which is a concept draft, with a resolve that directs the Secretary of State to study the need for state regulation of scrap metal dealers and review the advantages and disadvantages of pursuing a state license, permit or registration process for scrap metal dealers. It directs the Secretary of State to submit a report on the study and any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 30, 2014. It also authorizes the committee to submit a bill to the Second Regular Session of the 126th Legislature related to the subject matter of the report.

**Enacted Law Summary**

Resolve 2013, chapter 37 directs the Secretary of State to study the need for state regulation of scrap metal dealers and review the advantages and disadvantages of pursuing a state license, permit or registration process for scrap metal dealers. It directs the Secretary of State to submit a report on the study and any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 30, 2014. The resolve also authorizes the committee to submit a bill to the Second Regular Session of the 126th Legislature related to the subject matter of the report.

<b>LD 831</b>	<b>An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment</b>	<b>ACCEPTED MAJORITY (ONTP) REPORT</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN THOMAS	ONTP OTP-AM	

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.

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

This amendment, which is the minority report of the committee, excludes public employers from the definition of "employer" in the bill, thereby applying the provisions of the bill only to private sector employers. Additionally, this amendment changes the criminal penalty to a civil violation. This amendment was not adopted.

<b>LD 853</b>	<b>Resolve, Requiring the Department of Labor To Establish a Fund To Assist Unemployed Individuals Lacking Transportation to Job Interviews</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS PATRICK	ONTP	

This bill requires the Department of Labor to establish a fund to provide funding to the department's career centers to assist unemployed individuals with costs associated with transportation to job interviews, including automotive repair costs.

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**LD 865      An Act Regarding Contract Indemnification**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill prohibits certain indemnification agreements by which a contracting party indemnifies itself from its own negligence or willful misconduct.

**Committee Amendment "A" (S-125)**

This amendment is the minority report of the committee. It changes the provision in the bill prohibiting certain indemnification agreements by which a contracting party indemnifies itself from liability for damages for death or bodily injury or injury to property or losses arising from its own negligence or willful misconduct to remove a reference to a surety's insurer and also language that includes design defects in the prohibition. It also adds an application section.

**LD 867      An Act To Streamline, Amend and Clarify Certain Professional and Occupational Licensing Statutes**

**PUBLIC 217**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK MASON A	OTP-AM	S-115

This bill makes changes to the laws governing licensure of certain professions and occupations.

Part A provides that a letter of guidance issued by the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation or a licensing board or commission is appropriate only when a complaint is dismissed and the licensing entity feels that additional education or guidance is necessary. In addition, the proposal clarifies that a member of a professional or occupational licensing board serves until a successor is qualified.

Part B changes the membership of the Manufactured Housing Board by eliminating the board position reserved for the owner or operator of a mobile home park with 15 or fewer lots and adding a position designated for a manufactured housing dealer and deletes a requirement that a nonresident licensee designate the executive director of the board as an agent for service of process.

Part C clarifies that licenses for architects and landscape architects may be issued only to individuals, not to business entities. Part C also repeals the requirement that licensees must submit an impression of their seals to the licensing board.

Part D reduces the number of public members of the State Board of Funeral Service from 3 to 2.

Part E extends the exemption from licensure for graduate-level physical therapy applicants until 60 days after publication of required examination results. Part E also eliminates the requirement that applicants who fail the required examination obtain additional education and receive approval from the Board of Examiners in Physical Therapy to retake the exam after 3 failed attempts.

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Part F changes the membership of the Plumbers' Examining Board by eliminating one journeyman position and adding an additional master plumber position.

Part G requires that an applicant licensed in another state who applies for a substantially equivalent license in Maine from the Board of Counseling Professionals Licensure need not have actively practiced but need only have held a valid license in the original jurisdiction for 5 years before applying for licensure in Maine.

Part H removes references in the enabling statute of the Board of Real Estate Appraisers to the term "state of domicile" in sections setting forth pathways to licensure for licensees of other jurisdictions and replaces the term with "another jurisdiction" for greater accuracy.

Part I amends the definition of "solid fuel" to include pellets in the law concerning the Maine Fuel Board.

Part J repeals provisions requiring the submission of references regarding the reputation of an applicant for a license as an auctioneer; an occupational therapist; a social worker; a real estate broker, associate broker, sales agent or timeshare agent; a counseling professional; or a real estate appraiser.

Part K repeals provisions requiring the designation of the licensing official as an agent for service of process for a nonresident licensed as an auctioneer; an accountant; a real estate broker or brokerage, associate broker, sales agent or timeshare agent; a counseling professional; a real estate appraiser; or a transient seller.

### **Committee Amendment "A" (S-115)**

This amendment repeals a provision relating to service of process on nonresidents in the laws governing the Board of Counseling Professionals Licensure and repeals a cross-reference to informal conferences in the statutes of the Board of Licensure of Podiatric Medicine, in order to conform those statutes to the repeal in Public Law 2011, chapter 286 of all other references to informal conferences in the laws governing the Office of Professional and Occupational Regulation. The amendment adds an appropriations and allocations section to the bill.

### **Enacted Law Summary**

Public Law 2013, chapter 217 makes changes to the laws governing licensure of certain professions and occupations.

Part A provides that a letter of guidance issued by the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation or a licensing board or commission is appropriate only when a complaint is dismissed and the licensing entity feels that additional education or guidance is necessary. It also clarifies that a member of a professional or occupational licensing board serves until a successor is qualified.

Part B changes the membership of the Manufactured Housing Board by eliminating the board position reserved for the owner or operator of a mobile home park with 15 or fewer lots and adding a position designated for a manufactured housing dealer and deletes a requirement that a nonresident licensee designate the executive director of the board as an agent for service of process.

Part C clarifies that licenses for architects and landscape architects may be issued only to individuals, not to business entities. Part C also repeals the requirement that licensees must submit an impression of their seals to the licensing board.

Part D reduces the number of public members of the State Board of Funeral Service from 3 to 2.

Part E extends the exemption from licensure for graduate-level physical therapy applicants until 60 days after publication of required examination results. Part E also eliminates the requirement that applicants who fail the required examination obtain additional education and receive approval from the Board of Examiners in Physical Therapy to retake the exam after 3 failed attempts.

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Part F changes the membership of the Plumbers' Examining Board by eliminating one journeyman position and adding an additional master plumber position.

Part G requires that an applicant licensed in another state who applies for a substantially equivalent license in Maine from the Board of Counseling Professionals Licensure need not have actively practiced but need only have held a valid license in the original jurisdiction for 5 years before applying for licensure in Maine.

Part H removes references in the enabling statute of the Board of Real Estate Appraisers to the term "state of domicile" in sections setting forth pathways to licensure for licensees of other jurisdictions and replaces the term with "another jurisdiction" for greater accuracy.

Part I amends the definition of "solid fuel" to include pellets in the law concerning the Maine Fuel Board.

Part J repeals provisions requiring the submission of references regarding the reputation of an applicant for a license as an auctioneer; an occupational therapist; a social worker; a real estate broker, associate broker, sales agent or timeshare agent; a counseling professional; or a real estate appraiser.

Part K repeals provisions requiring the designation of the licensing official as an agent for service of process for a nonresident licensed as an auctioneer; an accountant; a real estate broker or brokerage, associate broker, sales agent or timeshare agent; a counseling professional; a real estate appraiser; or a transient seller.

**LD 890      An Act To Buy American-made Products**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GILBERT	OTP-AM OTP-AM	S-303 H-557    HERBIG S-344    HILL

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide a preference in state purchasing for American-made products.

**Committee Amendment "A" (S-303)**

This amendment, which is the majority report of the committee, establishes the Maine Buy America Act and requires that all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work made by a state agency, board, commission or institution contain a provision that the manufactured goods, including iron and steel, used or supplied in the performance of the contract or any subcontract under the contract must be manufactured in the United States. This requirement does not apply to municipalities or school administrative units. This amendment requires that, in the case of a manufactured good other than an iron or steel product, all of the manufacturing processes take place in the United States and the origin of the manufactured good's components or subcomponents meet a minimum level of domestic content as established by rule.

Under the amendment, a public agency may apply to the Governor or the Governor's designee for a waiver of the requirement if the executive head of the public agency finds that the application of the requirement would be inconsistent with the public interest, that the necessary manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in the United States will increase the cost of the overall project contract by an unreasonable amount. The Department of Administrative and Financial Services must develop rules regarding the Act, including rules to guide the waiver process and the process for public review and comment regarding requests for a waiver.

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The amendment requires that if the Department of Administrative and Financial Services has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a manufactured good or has intentionally violated any provision of the legislation, the department must, after a hearing, debar that person, business or other entity from contracts or subcontracts with the State for 2 years.

The amendment provides that the provisions of this legislation will be applied only if they are consistent with the State's obligations under any applicable international agreements pertaining to government procurement. The amendment also adds an appropriations and allocations section.

**Committee Amendment "B" (S-304)**

This amendment, which is the minority report of the committee, mirrors the majority report establishing the Maine Buy America Act except that it eliminates any requirements regarding the domestic content of a manufactured good's components or subcomponents. This amendment was not adopted.

**House Amendment "A" To Committee Amendment "A" (H-557)**

This amendment exempts counties from the definition of public agencies that are governed by the legislation.

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

This amendment changes the effective date from June 1, 2014 to September 1, 2014. It also replaces the appropriations and allocations section to provide funding for one part-time position within the Department of Administrative and Financial Services to comply with the Maine Buy America Act.

**LD 914      An Act To Certify Nuclear Medicine Technologists in Computed Tomography      ONTP**

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

This bill amends the laws governing nuclear medicine technologists to create a computed tomography certification for nuclear medicine technologists that:

1. Hold a current license to practice as a nuclear medicine technologist; and
2. Have successfully passed the certification examination in computed tomography from the American Registry of Radiologic Technologists, as determined by the Radiologic Technology Board of Examiners.

The bill authorizes a certified nuclear medicine technologist to perform specific duties related to computed tomography that are in accordance with national guidelines and rules approved by the board.

**LD 933      An Act To Establish a Separate Regulatory Board for Dental Hygienists      CARRIED OVER**

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

This bill establishes the State Board of Dental Hygienists.

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

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This amendment makes the following changes to the bill.

1. It changes the name of the State Board of Dental Hygienists to the State Board of Dental Hygiene.
2. It establishes the State Board of Dental Hygiene as an affiliated board with the Department of Professional and Financial Regulation that shares resources with the Board of Dental Examiners.
3. It adds provisions that explain that the administrative expenses for staff and infrastructure of the Board of Dental Examiners must be shared on a pro rata basis with the State Board of Dental Hygiene and provides that the State Board of Dental Hygiene is required to charge sufficient licensure fees to finance the pro rata sharing of costs.
4. It removes all references in the bill that add an executive and assistant executive director and a secretary to the board and removes other technical provisions relating to the board's powers and duties that are not necessary to the board's primary responsibilities.
5. It removes provisions in the bill that establish dental hygienist adjudicatory panels.
6. It amends provisions in the bill relating to appointments to the board of public health hygienists and independent practice dental hygienists to ensure the qualifications for appointment accurately reflect the current statutory licensure requirements. It also adds the requirement that one dental hygienist on the board be an active instructor in an approved educational program in dental hygiene.
7. It establishes that any fees set by the board may not exceed \$250.
8. It removes provisions that require an in-person interview for applicants who had completed the North East Regional Board of Dental Examiners, Inc. dental hygiene examination more than one year prior to application for licensure and for applicants seeking licensure by endorsement.
9. It adds 2 unallocated transition provisions to provide that the rules of the Board of Dental Examiners applicable to dental hygienists that are in effect on the effective date of this legislation remain in effect until amended or repealed by the State Board of Dental Hygiene and establishes staggered terms for initial appointments to that board.
10. It adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 934      An Act To Amend the Laws on Extended Warranties for Used Cars To      PUBLIC 292**  
**Make Terms of Coverage Transparent**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILSON	OTP-AM	H-320

This bill makes changes to the laws governing extended warranties for used cars to require that dealers disclose in the written statement the date on which the extended warranty begins and terminates, and that this information be either handwritten or printed on the statement by the dealer.

**Committee Amendment "A" (H-320)**

This amendment changes the provision in the bill that requires that a written statement on an additional warranty

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include the dates on which the warranty begins and terminates and the mileage at which the warranty will terminate to provide that the statement must include the date on which the warranty begins and the date on which or the number of days or mileage at which the warranty will terminate. It also adds an effective date of July 1, 2014.

**Enacted Law Summary**

Public Law 2013, chapter 292 changes the laws governing extended warranties for used cars to require that dealers disclose in the written statement to consumers the date on which the warranty begins and the date on which, or the number of days or mileage at which the warranty will terminate. The law has an effective date of July 1, 2014.

**LD 949      An Act To Ensure the Proportional Offset against Retirement Benefits of Workers' Compensation Awards      PUBLIC 152**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C GILBERT	OTP	S-46    PATRICK

Current law allows workers' compensation awards to be offset by the full after-tax amount of a pension or retirement benefit received by an injured employee, for those employees that did not contribute directly to the pension or retirement plan or program. For employees that did contribute to their pension or retirement plan or program, their workers' compensation awards are offset only by the proportional amount that the employer contributed to their plan.

This bill would allow for the same proportional offset of pension and retirement benefits, based on the employer's contributions to the pension or retirement program, to apply to workers' compensation awards regardless of whether or not the employee had contributed directly to the pension or retirement plan or program.

**Senate Amendment "A" (S-46)**

This amendment clarifies the offset of an employer's obligation to pay workers' compensation benefits.

**Enacted Law Summary**

Public Law 2013, chapter 152 allows for the offset of workers' compensation awards by the full after-tax amount of a pension or retirement benefit received by an injured employee to be based on the proportion of the employer's contributions to that employee's pension or retirement program, regardless of whether or not the employee had contributed directly to the pension or retirement plan or program.

**LD 952      An Act To Ensure Increased Wages for Wabanaki Tribal Members      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill raises the state minimum wage to \$10.00 per hour for members of the Houlton Band of Maliseet Indians, Passamaquoddy Tribe, Penobscot Nation and Aroostook Band of Micmacs.

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**LD 976      An Act To Reform Employer-provided Benefits**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill prohibits an employer from giving an employee remuneration in lieu of an offered benefit when by virtue of refusing that benefit the employee is eligible for and receives a publicly funded benefit, such as health insurance. The penalty for noncompliance is a civil violation for which a fine from \$500 to \$1,000 may be adjudged and appropriate equitable relief sought.

**Committee Amendment "A" (H-328)**

This amendment, which is the minority report of the committee, adds a requirement that the employer maintain a record of which insurance plan the employee joins in place of the employer's offered insurance plan. The amendment also clarifies that only an employer that knowingly violates the law is subject to a penalty. This amendment also adds an appropriations and allocations section to the bill. This amendment was not adopted.

**LD 977      An Act To Restore Uniformity to the Maine Uniform Building and Energy Code**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM JOHNSON C	OTP-AM OTP-AM ONTP	

Current law requires the Maine Uniform Building and Energy Code to be enforced in a municipality that has more than 4,000 residents; a municipality with 4,000 or fewer residents that has not adopted a building code is exempt. This bill requires the Maine Uniform Building and Energy Code to be enforced in all municipalities with more than 2,000 residents, beginning July 1, 2014. A municipality with 2,000 or fewer residents is exempt, but, if a building code is adopted in such a municipality, it must be the Maine Uniform Building and Energy Code.

**Committee Amendment "A" (H-555)**

This amendment is the majority report of the committee. This amendment provides that the Maine Uniform Building and Energy Code applies statewide and is the only building code that may be adopted or enforced in this State. As in the bill, a municipality of 2,000 or fewer residents is exempt from adopting or enforcing the Maine Uniform Building and Energy Code, but if such a municipality adopts a building code, it must be the Maine Uniform Building and Energy Code. This amendment repeals the current law that defines a separate uniform building code and uniform energy code and removes references to those separate codes.

**Committee Amendment "B" (H-556)**

This amendment is the minority report of the committee. This amendment provides that the Maine Uniform Building and Energy Code applies statewide and is the only building code that may be adopted or enforced in this State. As in the bill, a municipality of 2,000 or fewer residents is exempt from adopting or enforcing the Maine Uniform Building and Energy Code, but if such a municipality adopts a building code, it must be the Maine Uniform Building and Energy Code. This amendment allows a municipality to avoid enforcing the Maine Uniform Building and Energy Code if it doesn't employ a building official or if it votes to not enforce the code due to a lack

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of financial resources, unless the State provides sufficient funding to allow the municipality to provide for enforcement. This amendment repeals the current law that defines a separate uniform building code and uniform energy code and removes references to those separate codes.

**LD 992      An Act To Create a State-sponsored 401(k) Retirement Plan for      ONTP**  
**Participation by Private Employers**

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

This bill directs the Finance Authority of Maine to establish a qualified defined contribution retirement investment plan eligible for favorable tax treatment under Section 401(k) of the United States Internal Revenue Code to be made available to employers who wish to offer the plan as a retirement investment option to their employees.

**LD 993      Resolve, To Amend Maine Board of Pharmacy Rules Regarding      ONTP**  
**Automated Pharmacy Systems in Hospitals**

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

In 2012, the Department of Professional and Financial Regulation, Maine Board of Pharmacy adopted a new rule governing the use of automated pharmacy systems in both retail establishments and institutional pharmacies. This resolve removes hospital pharmacies from the purview of this rule.

**LD 1017      An Act Relating to Employee Leasing Company Registration      PUBLIC 257**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK	OTP-AM	H-382

This bill transfers registration of employee leasing companies from the Department of Professional and Financial Regulation, Bureau of Insurance to the Bureau of Consumer Credit Protection. Current rule-making authority regarding workers' compensation insurance issued to employee leasing companies is retained by the Superintendent of Insurance. The bill amends the law to direct complaints of client companies with respect to employee leasing companies to the Bureau of Consumer Credit Protection.

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

This amendment provides rule-making authority to the Superintendent of Consumer Credit Protection for the purpose of administration of the provisions of law regarding employee leasing companies and specifies that rules regarding the ability of the Bureau of Consumer Credit Protection to receive and respond to complaints may be adopted; these rules are designated as routine technical rules.

**Enacted Law Summary**

Public Law 2013, chapter 257 transfers registration of employee leasing companies from the Department of Professional and Financial Regulation, Bureau of Insurance to the Bureau of Consumer Credit Protection. It amends the law to direct complaints of client companies with respect to employee leasing companies to the Bureau of Consumer Credit Protection. It also provides rule-making authority to the Superintendent of Consumer Credit Protection for the purpose of administration of the provisions of law regarding employee leasing companies and

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specifies that rules regarding the ability of the Bureau of Consumer Credit Protection to receive and respond to complaints may be adopted; these rules are designated as routine technical rules. Current rule-making authority regarding workers' compensation insurance issued to employee leasing companies is retained by the Superintendent of Insurance.

**LD 1033 An Act To Help the Unemployed Find Work**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill creates a requirement that in order for an individual to maintain eligibility for unemployment benefits after receiving 13 times the individual's weekly benefit amount in a benefit year, the individual must register for temporary employment through a temporary employment agency. This bill also provides that a new claim for unemployment benefits for a claimant who has stopped filing for benefits and then begins again within the same benefit year is effective for both the week in which the claimant files and the prior week.

**LD 1035 An Act To Report Certain Information in Response to Growing Financial Inequality**

**ONTP**

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

This bill requires every employer who employs more than 25 employees to report to the Department of Labor the ratio of the financial compensation of the highest paid employee to the lowest paid employee employed by that employer.

**LD 1041 An Act To Modify the Mandatory Enforcement of the Maine Uniform Building and Energy Code for a Municipality without a Building Code**

**ONTP**

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

This bill allows a municipality of more than 4,000 residents that has not adopted a building code by August 1, 2008 and that, by a vote of the residents of that municipality, has expressly rejected the application or enforcement of the Maine Uniform Building and Energy Code to be exempt from the Maine Uniform Building and Energy Code. If that municipality does adopt a building code, however, it must be the Maine Uniform Building and Energy Code.

**LD 1069 An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT PATRICK	OTP-AM ONTP	H-131 H-252 DECHANT

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This bill allows flexibility in the minimum hourly wage and benefit rates for workers employed in the construction of public works by the State or persons contracting with the State by allowing any allocation between hourly wage and benefit rates, as long as the sum of the hourly wage and benefit rates equals the sum of the appropriate hourly wage and benefit rates determined by the Department of Labor, Bureau of Labor Standards.

**Committee Amendment "A" (H-131)**

This amendment, which is the majority report of the committee, adds an effective date to the bill of June 1, 2014.

**House Amendment "A" To Committee Amendment "A" (H-252)**

This amendment replaces the language in the bill. It allows flexibility in the minimum wage and benefit rates, but only if the fair minimum wage for a trade is at or above the mean value of all wages in the same wage and benefit determination, and only if a transfer from the fair minimum wage to the fair minimum benefit rate does not exceed 15% of the fair minimum wage amount for that trade in the minimum wage and benefit determination.

<b>LD 1070</b>	<b>Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades</b>	<b>ACCEPTED MAJORITY (ONTP) REPORT</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT PATRICK	ONTP OTP	

This resolve requires the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes of the proposal to license certain mechanical trades.

<b>LD 1071</b>	<b>An Act Regarding Qualifications for Real Estate Licensees</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK CUSHING	ONTP	

This bill changes the composition of the Maine Real Estate Commission by removing one public member and adding one member representing the real estate education field. The bill eliminates the real estate agent license and instead requires an applicant qualifying for a real estate broker license or an associate real estate broker license to successfully pass a written examination. The bill increases the number of years a real estate broker applicant must have been licensed as an associate broker affiliated with a real estate brokerage agency within the 5 years immediately preceding the date of application, from 2 years to 4 years. The bill also removes the authority of the Real Estate Commission to adopt rules determining whether educational programs meet license qualifications required by the real estate brokerage licensing laws.

<b>LD 1072</b>	<b>An Act To Provide Accountability in the Handling of Affordable Housing Tenants' Security Deposits</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN	ONTP	





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therapy management pursuant to a collaborative practice agreement with an authorized practitioner. It provides that the collaborative practice agreement must be with a practitioner who is treating the patient and that all actions must be reported to the practitioner in a timely manner according to rules jointly adopted by the Maine Board of Pharmacy and the Board of Licensure in Medicine. The law also requires a pharmacist to submit a copy of the collaborative practice agreement to the board and the board that licenses the practitioner. Further, it requires that a collaborative practice agreement must include a provision that states that activity in the initial 3 months is limited to monitoring drug therapy. After the initial 3 months, the practitioner and pharmacist are required to meet to review the agreement and determine its scope, which may after the initial 3-month period include a pharmacist's initiating, monitoring, modifying and discontinuing a patient's drug therapy and reporting to the practitioner in a timely manner as determined by rule. The law requires the Board of Pharmacy and the Board of Licensure in Medicine to jointly adopt rules to implement the subchapter on collaborative drug therapy management. Finally, the law includes a provision to clarify that the subchapter on collaborative drug therapy management does not limit the scope of practice of a pharmacist under the Maine Pharmacy Act or prohibit a pharmacist that is employed by a hospital from participating in a collaborative practice agreement with the hospital solely for treatment of inpatients.

**LD 1137    An Act To Facilitate Veterans' and Their Spouses' Access to  
Employment, Education and Training**

**PUBLIC 311**

Sponsor(s)

GRAHAM  
CAIN

Committee Report

OTP-AM

Amendments Adopted

H-321

This bill requires each board, commission and agency under the oversight of or affiliated with the Department of Professional and Financial Regulation to adopt a process to facilitate qualified returning military veterans and qualified spouses of returning military veterans or of active duty service members to qualify for professional licenses granted by those boards, commissions or agencies in an expeditious manner. The bill also provides that nonresident students receiving certain federal assistance with education costs for veterans must be considered eligible for in-state tuition for purposes of the state waiver.

**Committee Amendment "A" (H-321)**

This amendment removes the rule-making requirements in the bill for the Department of Professional and Financial Regulation and requires the Director of the Office of Professional and Occupational Regulation and each licensing board within or affiliated with the Department of Professional and Financial Regulation to, upon presentation of satisfactory evidence by an applicant for professional or occupational licensure, accept education, training or service completed by the applicant as a member of the Armed Forces of the United States or Reserves of the United States, the national guard of any state, the military reserves of any state or the naval militia of any state toward the qualifications to receive the license. It also amends the provisions in the bill governing acceptance of military credentials to permit a returning military veteran whose military training qualifies the veteran for a license in a profession or occupation that requires a license in this State to acquire a temporary license until a license is issued and permits the board, commission, office or agency to allow for a full or partial exemption from continuing education requirements for a returning military veteran or the spouse of a returning military veteran or of an active duty service member. It clarifies that a returning military veteran must have been honorably discharged from active duty. The amendment removes the 12-month time frame for a person who has been discharged from active duty to be considered a returning military veteran.

**Enacted Law Summary**

Public Law 2013, chapter 311 requires each board, commission and agency under the oversight of or affiliated with the Department of Professional and Financial Regulation to adopt a process to facilitate qualified returning military veterans and qualified spouses of returning military veterans or of active duty service members to qualify for professional licenses granted by those boards, commissions or agencies in an expeditious manner. The law requires the Director of the Office of Professional and Occupational Regulation and each licensing board within or affiliated

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with the Department of Professional and Financial Regulation to, upon presentation of satisfactory evidence by an applicant for professional or occupational licensure, accept education, training or service completed by the applicant as a member of the Armed Forces of the United States or Reserves of the United States, the national guard of any state, the military reserves of any state or the naval militia of any state toward the qualifications to receive the license. In addition, the law permits a returning military veteran whose military training qualifies the veteran for a license in a profession or occupation that requires a license in this State to acquire a temporary license until a license is issued and permits the board, commission, office or agency to allow for a full or partial exemption from continuing education requirements for a returning military veteran or the spouse of a returning military veteran or of an active duty service member. The law further provides that nonresident student veterans receiving certain federal assistance with education costs must be considered eligible for in-state tuition for purposes of the state waiver.

**LD 1149      An Act To Establish a Rebuttable Presumption Regarding a Corrections Employee That Contracts Hypertension or Cardiovascular Disease      ONTP**

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

This bill establishes a rebuttable presumption that if a corrections employee contracts hypertension or cardiovascular disease, the disease arises out of and in the course of employment for workers' compensation purposes.

The bill also establishes a similar rebuttable presumption for the purposes of determining eligibility for disability retirement benefits in the Maine Public Employees Retirement System.

**LD 1150      An Act To Continue Certain Position Distributions in the Department of Labor and to Amend the Competitive Skills Scholarship Program      PUBLIC 422 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT	OTP-AM ONTP	H-418 S-351 HILL

This bill amends the laws requiring the payment of prevailing wages in public works contracts to remove the exemption under those laws for contracts in amounts less than \$50,000.

**Committee Amendment "A" (H-418)**

This amendment, which is the majority report of the committee, extends the bill's requirement for the payment of the prevailing hourly rate of wages and benefits for all public works contracts to include public works funded by a municipality or school district when the State has transferred any amount of funding to the municipality or school district for those purposes. The amendment also changes the bill by retaining the exemption in current law for contracts under \$50,000. The amendment also adds an appropriations and allocations section to the bill.

**Senate Amendment "A" To Committee Amendment "A" (S-351)**

This amendment adds an emergency clause and replaces the title and all of the provisions of Committee Amendment "A," with provisions that amend the Competitive Skills Scholarship Program by:

1. Limiting the amount of revenue deposited in the Competitive Skills Scholarship Fund that may be used for administrative costs and career counseling; and
2. Requiring the Department of Labor to enroll participants in the so-called supplemental nutrition assistance program in the Competitive Skills Scholarship Program as long as those participants meet the eligibility

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requirements of the program and are referred to the program pursuant to a memorandum of agreement between the State and the Department of Health and Human Services. The Department of Labor is prohibited from using federal funds to supplant state funds to provide services under the program.

**Enacted Law Summary**

Public Law 2013, chapter 422 amends the Competitive Skills Scholarship Program by:

1. Limiting the amount of revenue deposited in the Competitive Skills Scholarship Fund that may be used for administrative costs and career counseling; and
2. Requiring the Department of Labor to enroll participants in the so-called supplemental nutrition assistance program in the Competitive Skills Scholarship Program as long as those participants meet the eligibility requirements of the program and are referred to the program pursuant to a memorandum of agreement between the State and the Department of Health and Human Services. The Department of Labor is prohibited from using federal funds to supplant state funds to provide services under the program.

Public Law 2013, chapter 422 was enacted as an emergency measure effective July 16, 2013.

**LD 1151 An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission**

**PUBLIC 427  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER SHERMAN	OTP-AM	H-105 H-110 HERBIG S-367 HILL

This bill modifies the law governing the Citizen Trade Policy Commission to provide that:

1. To the extent funding permits, the Legislature, through the commission, must contract for year-round staff support for the commission. To the extent the commission lacks adequate staff support, the commission may request staff support from the Legislative Council, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session; and
2. All funds appropriated, allocated or otherwise provided to the commission must be separately accounted for and used solely for the purposes of the commission and are nonlapsing. At the beginning of each fiscal year, and at any other time at the request of the cochairs of the commission, the Executive Director of the Legislative Council must provide to the commission an accounting of all funds available to the commission, including funds for staff support.

The bill is designated an emergency to ensure that the limited funding available to the commission does not lapse at the end of the current fiscal year.

**Committee Amendment "A" (H-105)**

This amendment adds an appropriations and allocations section and transfers funds into the newly created, separate Citizen Trade Policy Commission program.

**House Amendment "A" (H-110)**

This amendment requires any unexpended funds of the Citizen Trade Policy Commission remaining at the end of fiscal year 2012-13 to be transferred into the separate account created in the bill.

**Senate Amendment "A" To Committee Amendment "A" (S-367)**

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This amendment provides an additional \$1,500 annually in funding to the Citizen Trade Policy Commission.

**Enacted Law Summary**

Public Law 2013, chapter 427 modifies the law governing the Citizen Trade Policy Commission to provide that:

1. To the extent funding permits, the Legislature, through the commission, must contract for year-round staff support for the commission. To the extent the commission lacks adequate staff support, the commission may request staff support from the Legislative Council, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session;
2. All funds appropriated, allocated or otherwise provided to the commission must be separately accounted for and used solely for the purposes of the commission and are nonlapsing. At the beginning of each fiscal year, and at any other time at the request of the cochairs of the commission, the Executive Director of the Legislative Council must provide to the commission an accounting of all funds available to the commission, including funds for staff support;
3. Any unexpended funds of the Citizen Trade Policy Commission remaining at the end of fiscal year 2012-13 must be transferred into the separate account created in the bill; and
4. An additional \$1,500 in annual funding is provided to the Citizen Trade Policy Commission.

Public Law 2013, chapter 427 was enacted as an emergency measure effective July 7, 2013.

**LD 1154 An Act To Establish the Maine Length of Service Award Program**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER DUTREMBLE	OTP-AM	

This bill establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. "Qualified services" is defined under the United States Internal Revenue Code, Section 457(e)(11) to mean "fire fighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution deposited no later than the following July 1st for each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Length of Service Award Program Board of Trustees. Upon the attainment of 60 years of age or after having earned 20 years of service credit before 60 years of age, a volunteer who had attained a vested status in the program by having earned 5 years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those contributions. The vested portion of the program account award of a participating volunteer must be paid before 60 years of age after the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also payable before 60 years of age upon death or total and permanent disablement.

This bill authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor, and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well.

This bill raises the sales tax on consumer fireworks from 5% to 10% and dedicates the revenue from the increase to the program.

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Under this bill, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration and investment services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

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

This amendment eliminates the 10% sales tax on consumer fireworks proposed in the bill. Instead, the program established in the bill will receive dedicated funding from the State equivalent to 50% of the revenue received from the 5% general sales tax currently imposed on the sale of consumer fireworks, but the amendment limits this funding to 2 years.

This amendment also adds an appropriations and allocations section to the bill. This amendment was not adopted.

This bill was recommitted to the Labor, Commerce, Research and Economic Development Committee and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1156      An Act To Update a Reference Contained in the Maine Uniform Building and Energy Code      ONTP**

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

Current law requires the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board to adopt, maintain and amend the Maine Uniform Building and Energy Code, using building codes published by the International Code Council or Building Officials and Code Administrators International, Inc., or the Maine Model Building Code or the International Existing Building Code. This bill requires the board to use the most up-to-date version of the International Energy Conservation Code in adopting standards for residential basement wall insulation.

**LD 1157      An Act To Establish the Fair Chance for Employment Act      CARRIED OVER**

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

This bill establishes the Fair Chance for Employment Act and does the following.

1. It prohibits employers from refusing to consider for employment or offer employment to an individual based on the individual's status as employed or unemployed. Employers are also prohibited from advertising that current employment status is a qualification or requirement for a job or that the employer will not consider an applicant based on current employment status. Employers are prohibited from directing an employment agency to take current employment status into consideration when screening or referring applicants.
2. It prohibits employment agencies from failing to consider or refer applicants based on employment status,

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advertising that employment status is a qualification or requirement for a job or that an employer will not consider applicants based on current employment status or discriminating against individuals in any manner that may limit their access to information about jobs or limit the individuals' number of referrals for consideration of jobs because of their current employment status.

3. It prohibits online job websites from publishing any advertisement for a job vacancy that includes any provision requiring or indicating that current employment status is a qualification or requirement for a job or that an employer will not consider applicants for employment based on current employment status.

4. It prohibits an employer or employment agency from interfering with individuals exercising their rights under this Act or otherwise discriminating against individuals for opposing any practice made illegal by this Act. It also prohibits discriminating against any individual who has filed a complaint or caused to be instituted any proceeding under this Act or who otherwise gives or may give information or testimony in connection with any inquiry or proceeding under this Act.

5. It requires employers and employment agencies to keep records pertaining to compliance with this Act, and it gives the Director of the Bureau of Labor Standards within the Department of Labor the investigative authority to enter places of business and examine all records related to allegations of violations of this Act.

6. It creates a right for a person who has been affected by a violation under this Act to bring a civil action against the employer or employment agency responsible. A person may bring a civil action on behalf of another individual who has been affected by a violation of this Act or a group of individuals similarly situated.

7. It grants the Department of Labor the power to file a civil action on behalf of an individual or group of individuals against an employer or employment agency that violates the Act. Once the director begins such a lawsuit, there is no more private right to a civil action on behalf of the individual.

8. It creates a duty for the Director of the Bureau of Labor Standards to enforce all laws relating to consideration of employment status in hiring practices, as well as the specific duty to receive, investigate and attempt to resolve complaints of violations of this Act.

9. It gives the Department of Labor the authority to terminate state contracts and debar a contractor from participating in state contracts for a period of up to 3 years when a contractor has been found by a court to be in violation of this Act.

10. It would not prohibit employment decisions or advertisements when a requirement related to employment status is a bona fide occupational qualification reasonably necessary to successful performance in the job. It also would not preclude an employer from considering employment history or the reasons underlying an individual's employment status.

### **Committee Amendment "A" (H-402)**

This amendment, which is the majority report of the committee, changes the bill establishing the Fair Chance for Employment Act by striking most of the bill except for the prohibition on employers and employment agencies advertising in print, on the Internet or in any other medium that current employment status is a qualification or requirement for a job or that the employer will not consider an applicant based on current employment status. Similarly, no person may advertise on an online job posting that current employment status is a qualification or requirement for a job or that the employer will not consider an applicant based on current employment status.

The only penalty from the bill that the amendment retains is the fine of \$250 to \$1,000 for each violation. The amendment also retains the bill's exception for instances when current employment status is related to a bona fide occupational requirement and clarifies that an employer or employment agency retains the right to consider employment history or the reasons underlying an individual's employment status when making employment

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decisions about an individual.

This amendment also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1179 An Act To Create the Brunswick Landing Job Increment Financing Fund ONTP**

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

This bill establishes the Brunswick Landing Job Increment Financing Fund. The fund receives job tax increment payments after the calculation of payments to the Brunswick Naval Air Station Job Increment Financing Fund and other required funding attributable to new employees employed in the former Brunswick Naval Air Station base area after 2013. Transfers to the Brunswick Landing Tax Increment Financing Fund are paid to the Town of Brunswick.

**LD 1195 An Act To Protect the Privacy of Job Applicants ONTP**

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

This bill prohibits employers and agents of employers from obtaining consumer reports that contain information regarding creditworthiness, credit standing, credit capacity, debts, check-writing experience or insurability of an employee or prospective employee, and prohibits consumer reporting agencies from furnishing this information to anyone for employment purposes. This bill also creates a civil penalty of \$500 to \$1,000 applicable to employers or their agents for each violation of this law. Consumer reporting agencies may still furnish, and employers and their agents may still obtain, consumer reports on an employee or prospective employee that contain information regarding character, general reputation and personal characteristics.

**LD 1196 An Act To Amend the Postgraduate Education Requirements for Physicians Who Have Completed an Accredited Residency Program in Oral and Maxillofacial Surgery ONTP**

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

This bill amends the postgraduate training requirements in the laws governing medical licenses to allow certain oral surgeons to qualify for a medical license that is limited to the practice of oral and maxillofacial surgery, as defined by rule of the Board of Licensure in Medicine.

The bill provides that the license of a licensee who was issued an unrestricted license before January 1, 2010 may not be limited under the new provisions.

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**LD 1197    An Act To Allow Stores under 10,000 Square Feet To Be Open on Certain Holidays**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill allows stores having under 10,000 square feet of interior customer selling space to be open on Easter Day, Thanksgiving Day and Christmas Day. The current maximum is 5,000 square feet.

**LD 1198    An Act To Protect Earned Pay**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG PATRICK	OTP-AM ONTP	H-256

Under current law, a person who receives or is scheduled to receive remuneration in the form of vacation pay in excess of 4 weeks' wages is disqualified from receiving unemployment benefits for the week in which that remuneration is due. This bill removes that disqualification and additionally removes the requirement that holiday pay must offset unemployment benefits.

**Committee Amendment "A" (H-256)**

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

**LD 1199    An Act Regarding Mobile Home Ownership**

**ONTP**

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

This bill provides a mobile home owners' association with the right to make a competing offer to purchase a mobile home park upon notice from the owner of the mobile home park that the owner has received an offer to purchase the park and the owner intends to accept that offer. This bill also limits restrictions mobile home park rules may place on the activities of tenants and certain other people within the mobile home park and prohibits mobile home park rental agreements and rules from forbidding the formation of mobile home owners' associations or tenants joining those associations and from limiting certain activities of those associations.

**LD 1201    Resolve, Directing the Workers' Compensation Board To Study the Issue of Addressing Psychological and Physical Harm to Employees Due to Abusive Work Environments**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON JACKSON T	OTP-AM	H-129

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This bill provides legal relief for employees who have been harmed psychologically, physically or economically by exposure to abusive work environments. Employees and employers who subject an employee to an abusive work environment are liable, and employers are vicariously liable for the abusive workplace conduct of their employees, in a private civil action brought by the affected employee. The legal remedies made available by this bill do not limit any other legal rights of an individual, except that workers' compensation benefits received under the Maine Revised Statutes, Title 39-A for the same injury or illness must be reimbursed from compensation that is earned through the legal remedies made available by this bill.

**Committee Amendment "A" (H-129)**

This amendment replaces the bill with a resolve directing the Workers' Compensation Board to study the issue of addressing psychological and physical harm to employees due to abusive work environments and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with recommendations and suggested implementing legislation by January 30, 2014. The Joint Standing Committee on Labor, Commerce, Research and Economic Development is authorized to report out a bill related to these recommendations in the Second Regular Session of the 126th Legislature.

**LD 1202 An Act To Update the Maine Veterinary Practice Act**

**ONTP**

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

This bill makes the following changes to the Maine Veterinary Practice Act.

1. It amends the legislative findings section to update the language.
2. It changes the designation of "animal health assistant" to "veterinary assistant."
3. It defines "patient" as an animal or group of animals examined or treated by a veterinarian.
4. It amends the definition of "practice of veterinary medicine."
5. It establishes a definition of "practice of veterinary technology."
6. Currently, veterinary technicians are registered under state law; this bill requires that veterinary technicians be licensed.
7. Currently, owners or caretakers of animals who care for or treat their animals are exempted from the requirement that only a licensed veterinarian may provide certain aspects of veterinary care. This bill limits that exemption to owners or caretakers of livestock.
8. Under current law, a person may sell or apply pesticide or insecticide for the betterment and protection of an animal without licensure as a veterinarian; this bill eliminates this licensure exemption.
9. It eliminates the Maine State Board of Veterinary Medicine's authority to issue a temporary permit to a qualified applicant for a veterinary license pending examination, and authorizes a licensed veterinarian or a licensed veterinary technician to practice for no more than 30 days in the State upon the request of the state veterinarian.
10. It requires that, in order to take the licensing examination for veterinary technicians, the applicant must have completed the professional education requirements for licensure or be within the final 6 months of professional

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study in an approved program of education.

11. It removes the prohibition against association for the joint practice of veterinary medicine with any person, corporation or partnership not licensed to practice veterinary medicine.

12. It updates language outlining the duties of licensed veterinary technicians and veterinary assistants.

**LD 1203 An Act To Encourage Financing of Manufactured Housing for the Workforce**

**PUBLIC 295**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK KATZ	OTP-AM	H-298

This bill amends the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009 to specify that a person is not required to be licensed as a mortgage loan originator if that person does not engage in the business of a mortgage loan originator in a commercial context habitually or repeatedly or is a government employee acting in that employee's official capacity as a government employee.

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

This amendment provides that an individual must be licensed as a mortgage loan originator if that individual negotiates mortgage terms more than 3 times within a 12-month period or a fewer number of times if the Superintendent of Consumer Credit Protection finds intent to circumvent or evade licensing requirements.

**Enacted Law Summary**

Public Law 2013, chapter 295 amends the Maine Secure and Fair Enforcement for Mortgage Licensing Act of 2009 to specify that a person is not required to be licensed as a mortgage loan originator if that person does not engage in the business of a mortgage loan originator in a commercial context habitually or repeatedly or is a government employee acting in that employee's official capacity as a government employee. The law provides that an individual must be licensed as a mortgage loan originator if that individual negotiates mortgage terms more than 3 times within a 12-month period or a fewer number of times if the Superintendent of Consumer Credit Protection finds intent to circumvent or evade licensing requirements.

**LD 1217 An Act To Modify Franchise Territories for Personal Sports Mobile Dealerships**

**ONTP**

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

This bill exempts from the 30-mile radius requirement in current law that applies in most municipalities with respect to adding a new personal sports mobile dealership near an existing dealership the addition of a new personal sports mobile dealership or the relocation of an existing new personal sports mobile dealership when there are no existing dealerships selling all the same products within 15 miles around the new dealership to be added.



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This amendment is the minority report of the committee. It replaces the bill and broadens the scope of practice for dental hygienists with public health supervision status and independent practice dental hygienists who have successfully completed additional training established by the Department of Professional and Financial Regulation, Board of Dental Examiners to include the performance of atraumatic restorative technique. It defines "atraumatic restorative technique" to mean a procedure to identify and remove tooth decay using a simple hand tool alone and restore the cavity with an adhesive restorative material. It also changes the designation of expanded function dental assistants to "expanded function dental auxiliary" and broadens their scope of practice, which currently includes the performance of reversible intraoral procedures, to include the cementation of permanent crowns and onlays, the administering of final impressions and the performance of digital imaging under the direct supervision of a licensed dentist.

This bill was recommitted to the committee and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1238 An Act To Improve Professional Training for Licensed Mental Health Clinicians**

**PUBLIC 262**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN FREDETTE	OTP-AM	S-254

This bill makes changes to the laws governing the licensure requirements for psychologists, clinical professional counselors and clinical social workers. It requires that, beginning January 1, 2020, applicants for licensure demonstrate to the satisfaction of their respective licensing boards that they have successfully completed a minimum of 15 contact hours of course work in spousal or partner abuse screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. Applicants may fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work. The bill requires that the boards accept certification from the accredited educational institution from which the applicant is a graduate that verifies the applicant's satisfaction of this requirement within the applicant's completed course curriculum.

The bill also makes changes to the licensure renewal requirements for psychologists, clinical professional counselors and clinical social workers to require that, beginning January 1, 2020, applicants for licensure renewal in these categories demonstrate to the satisfaction of their respective licensing boards successful completion of a minimum of 15 contact hours of course work in spousal or partner abuse screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. The bill allows the boards to accept equivalent courses in spousal or partner abuse screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. The bill requires that continuing education courses taken for this purpose must be applied to the licensee's required hours of continuing education.

**Committee Amendment "A" (S-254)**

This amendment changes the description of the course work that must be completed by mental health clinicians from spousal or partner abuse screening and referral strategies to family or intimate partner violence screening and referral and intervention strategies and changes the licensure requirements and license renewal requirements for psychologists, clinical professional counselors and clinical social workers by reducing the number of contact hours of course work that must be completed in family or intimate partner violence that address screening, referral and intervention strategies. It also adds a provision to allow an applicant for initial licensure that is unable to demonstrate completion of the family or intimate partner violence course work at the time the initial application is submitted to demonstrate to the board that this requirement has been fulfilled upon the candidate's first application for license renewal. It also clarifies that the course work requirements that must be demonstrated at the time of license renewal are to be completed only once.

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**Enacted Law Summary**

Public Law 2013, chapter 262 makes changes to the laws governing the licensure requirements for psychologists, clinical professional counselors and clinical social workers. It requires that, beginning January 1, 2020, applicants for licensure demonstrate to the satisfaction of their respective licensing boards that they have successfully completed a minimum number of contact hours of course work in family or intimate partner violence screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. The law allows applicants to fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work. Further, the law includes a provision to allow an applicant for initial licensure that is unable to demonstrate completion of the requisite course work at the time the initial application is submitted to demonstrate to the board that this requirement has been fulfilled upon the candidate's first application for license renewal.

The law also makes changes to the licensure renewal requirements for psychologists, clinical professional counselors and clinical social workers to require that, beginning January 1, 2020, applicants for licensure renewal in these categories demonstrate to the satisfaction of their respective licensing boards a one-time successful completion of a minimum number of contact hours of course work in family or intimate partner violence screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. The law allows the boards to accept equivalent courses in spousal or partner abuse screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. Finally, the law allows continuing education courses taken for this purpose to be applied to the licensee's required hours of continuing education.

**LD 1250 An Act To Revise Maine's Unemployment Compensation Laws**

**PUBLIC 175**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU CUSHING	OTP-AM	H-160

This bill amends the definition of "employment" in the unemployment compensation laws to exclude the services provided by a temporary employee hired solely to fill in for a regular employee while the regular employee is on family medical leave. An employer of a temporary employee in this situation cannot be charged for unemployment benefits for that temporary employee.

**Committee Amendment "A" (H-160)**

This amendment fulfills the intent of the bill by expanding the current exceptions under which no unemployment benefit charges are made to an individual employer's experience rating record to include a situation in which the employer hired an individual to temporarily cover a position vacant due to a leave of absence for family medical leave provided under Maine or federal law and the claimant's employment was subsequently terminated when the permanent employee returned at the completion of the leave of absence. Any unemployment benefits paid out as a result of this type of job separation would be charged to the General Fund within the Unemployment Trust Fund.

**Enacted Law Summary**

Public Law 2013, chapter 175 expands the current exceptions under which no unemployment benefit charges are made to an individual employer's experience rating record to include a situation in which the employer hired an individual to temporarily cover a position vacant due to a leave of absence for family medical leave provided under Maine or federal law and the claimant's employment was subsequently terminated when the permanent employee returned at the completion of the leave of absence. Any unemployment benefits paid out as a result of this type of job separation would be charged to the General Fund within the Unemployment Trust Fund.

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**LD 1259    Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP	H-257 S-246 JACKSON T S-318 JACKSON T

This resolve provides for legislative review of portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers to Operate Logging Equipment, a major substantive rule of the Department of Labor.

**Committee Amendment "A" (H-257)**

This amendment, which is the majority report of the committee, makes the authorization of the proposed major substantive rule conditioned on changes made to the rule to clarify that a foreign laborer may use only one type of equipment for an employer, to provide that a foreign laborer may not own any equipment used in the course of the employment, directly or indirectly, except as to equipment for which there is a prevailing rate established by the United States Department of Labor, and to require that a penalty be assessed against the employer of that foreign laborer for a violation of this requirement, with a potential prohibition against the employer's employing foreign laborers for 2 years.

**Senate Amendment "A" (S-246)**

This amendment removes the emergency preamble and emergency clause.

**Senate Amendment "A" To Committee Amendment "A" (S-318)**

This amendment directs the Department of Labor to implement the rule using existing resources and strikes the appropriations and allocations section.

**LD 1267    An Act To Recodify the Land Surveyor Licensing Laws**

**PUBLIC 180**

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

This bill is a recodification of the existing licensing law for professional land surveyors. A recodification reorganizes existing provisions for purposes of clarity and efficiency. The only new provisions permit a land surveyor-in-training from another jurisdiction to qualify for a similar license in Maine and it replaces the current statutory requirement for continuing education with authority for the Board of Licensure for Professional Land Surveyors to adopt continuing education standards by rule.

**Enacted Law Summary**

Public Law 2013, chapter 180 is a recodification of the licensing laws governing professional land surveyors for purposes of clarity and efficiency. The only new provisions in the law include permitting a land surveyor-in-training from another jurisdiction to qualify for a similar license in Maine and replacing the statutory requirement for continuing education with authority for the Board of Licensure for Professional Land Surveyors to adopt continuing education standards by rule.

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**LD 1275 An Act To Implement the Recommendations of the Maine Economic Growth Council Regarding Prosperity**

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to implement the recommendations of the Maine Economic Growth Council, which was directed by the Legislature in Resolve 2011, chapter 148 to develop the Maine Prosperity Action Plan. The recommendations are to:

1. Invest in preventive care, wellness and improvements in the current health care system to improve health, increase productivity and control costs. This goal would be accomplished by:

A. Investing in wellness and prevention for state employees and state-funded programs by:

- (1) Continued use of the State's buying power to support best practices;
- (2) Using public schools to educate children and families about healthy lifestyles, preventive care, wellness, physical activity and proper nutrition and providing nutritious foods in schools; and
- (3) Promoting healthy nutrition through the statewide food supplement program under the Maine Revised Statutes, Title 22, section 3104;

B. Using market incentives to promote wellness and prevention by:

- (1) Providing tax incentives for employers that offer health and wellness programs; and
- (2) Providing tax incentives to health insurers for their providing discounts to employers providing health and wellness programs;

C. Investing in preventive care and education by promoting existing investments and systems to improve transparency in the health care system so all consumers can make informed decisions about health care options based on cost and quality data; and

D. Improving the current health care system to reduce costs by:

- (1) Limiting high emergency department use;
- (2) Continuing to expand telemedicine throughout the State;
- (3) Ensuring that MaineCare's reimbursement rate prevents cost-shifting to the private market;
- (4) Encouraging accountable care organizations that promote health, prevent illness and support quality;
- (5) Enabling the Joint Standing Committee on Health and Human Services to explore ways to encourage healthy behaviors for MaineCare clients consistent with federal law; and
- (6) Improving efficiency and value in MaineCare by rewarding prevention and discouraging excessive use.

In order to further the implementation of the health and wellness goal, this bill would immediately connect the

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Women, Infants and Children Special Supplemental Food Program and the Supplemental Nutrition Assistance Program with more farmers' markets; increase access to primary care and dental care to limit emergency department use; and make all state office buildings and grounds tobacco-free;

2. Reduce energy costs by improving efficiency and expanding the portfolio of available and economically viable alternatives for residential, industrial and commercial customers. This goal would be accomplished by:

A. Improving efficiency to lower energy costs in the near term by:

(1) Investing in efficiency for residential, industrial and commercial users, focusing on commercial and industrial users that yield the highest return on investment;

(2) Supporting the goals of the Efficiency Maine Trust by:

(a) Leveraging existing funds from utilities and fuel suppliers; and

(b) Using funds available from the Efficiency Maine Trust to make low-interest loans and grants available to manufacturing and natural resources businesses for infrastructure upgrades;

(3) Maintaining a statewide building code with efficiency standards; and

(4) Supporting time-of-day pricing options and smart meter technology; and

B. Developing new commercially viable energy sources to lower reliance on oil and protect against market volatility by:

(1) Investing in and expanding development of renewable energy that is economically viable as dictated by the market, such as biofuels, tidal power, onshore and offshore wind power, hydropower and solar power;

(2) Promoting development of energy production technology as an economic development opportunity; and

(3) Improving access for Maine businesses to a variety of energy sources.

In order to further the implementation of the energy goal, this bill would immediately develop a statewide natural gas distribution plan that includes service center communities;

3. Improve the efficiency and effectiveness of the legislative process and regulatory framework. This goal would be accomplished by reforming the Legislature by:

A. Reducing the size of the Legislature, which would need to be accomplished through an amendment to the Constitution of Maine, and identifying efficiencies in the law-making process;

B. Requiring legislative leadership and the Maine Economic Growth Council to find ways to incorporate measures of growth into the legislative process;

C. Changing accounting and legislative practices to reflect the full cost and effect of long-term obligations; and

D. Using dynamic fiscal notes to evaluate economic impact beyond direct revenue impact.

In order to further the implementation of the government reform goal, this bill would immediately institutionalize the legislative regulatory review process to occur on a regular basis and encourage the cost-effective and efficient regionalization of services by providing information on best practices, resources and opportunities;

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4. Reform Maine's tax system to promote economic growth and minimize volatility. This goal would be accomplished by:

A. Changing the structure of the income and sales taxes by:

- (1) Lowering the top marginal income tax rate, thus eliminating a disincentive to investment;
- (2) Lowering the top income tax brackets;
- (3) Indexing the income brackets to adjust with inflation;
- (4) Bringing the estate tax into conformance with federal estate tax;
- (5) Exploring ways to export tax burdens onto visitors; and
- (6) Reforming the sales tax by removing exemptions and lowering the overall rate; and

B. Limiting government spending and investing the savings in economic growth and tax reform by:

- (1) Continuing to monitor and limit state and local spending through the process limiting municipal property tax levies pursuant to the Maine Revised Statutes, Title 30-A, section 5721-A;
- (2) Promoting government efficiencies through consolidation, technology and cooperation;
- (3) Supporting inclusion of a long-range plan in the biennial budget;
- (4) Supporting and highlighting the success of a few major pilot projects in regionalized service delivery; and
- (5) Making financial incentives available for municipalities to implement regional services.

In order to further the implementation of the taxation reform goal, this bill would immediately eliminate all sales tax exemptions and lower the general sales and use tax rate to 4%;

5. Invest in and support a comprehensive educational system that meets the educational needs of each individual at all levels and prepares those individuals for citizenship, meets the workforce needs of Maine businesses and supports economic growth. This goal would be accomplished by:

A. A comprehensive approach of:

- (1) Creating an overarching vision and integrated state approach to help all Maine residents achieve their greatest potential;
- (2) Adopting a global budget for public funds across the birth-to-college spectrum;
- (3) Including explicit student-centered outcomes at all stages of investment and evaluation;
- (4) Ensuring successful, seamless transition across individual systems; and
- (5) Supporting adult students through programs such as the Maine Career Advantage program and the Governor's Jobs Initiative Program;

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### B. Improving early childhood education by:

- (1) Increasing General Fund investment to control kindergarten to grade 12 remediation and public assistance costs;
- (2) Developing strategies to share resources of the model used by Educare Central Maine in the City of Waterville with all Maine communities;
- (3) Establishing minimum quality standards for early childhood programs eligible for state funding;
- (4) Fully integrating early childhood development into Maine's educational system;
- (5) Improving the quality of the early childhood care workforce by:
  - (a) Investing fully in training and education of providers through scholarships, loan forgiveness and tax credits; and
  - (b) Expanding access to child-focused and family-focused systems that incorporate all components of the Early Head Start program and Head Start program;
- (6) Creating a means for private funds to support and enhance access to quality services by:
  - (a) Establishing private endowments with private, philanthropic and public funds; and
  - (b) Organizing a core group with the goal of adopting market-based approaches to sustain investment in the public sector; and
- (7) Supporting the Maine Children's Growth Council to engage private and philanthropic sectors;

### C. Improving kindergarten to grade 12 education by:

- (1) Bringing the student-to-teacher ratio and administrative costs closer to the national average;
- (2) Providing incentives and encouragement for district administrative consolidations with savings going to classrooms;
- (3) Rewarding high-performing teachers;
- (4) Continuing to explore all alternatives to improve the overall quality of Maine's educational system;
- (5) Making distance learning available to all students;
- (6) Creating a postsecondary options program to allow high school juniors and seniors to take postsecondary education courses, with public funding following the student; and
- (7) Developing a rational school capital plan for construction and renovation investments;

### D. Improving higher education by:

- (1) Making public higher education affordable for all Maine students;

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- (2) Increasing need-based scholarship aid through programs such as the Maine State Grant Program;
  - (3) Establishing a single comprehensive plan and financing for all public institution physical plants;
  - (4) Treating the University of Maine System as a true system with campuses specializing in areas rather than underfunding a full curriculum at each campus; and
  - (5) Utilizing more technology, distance and online learning to reduce costs;
- E. Ensuring that credits transfer within and across systems easily;
- F. Aligning curricula and courses to ensure graduates meet current and future skill and knowledge needs of Maine businesses, especially by supporting and expanding employer and institution partnerships;
- G. Directing the University of Maine System to provide technical support to Maine businesses, prioritize economic development and market community assets;
- H. Maintaining the University of Maine System and the Maine Community College System as separate systems coordinated by a single, integrated board of trustees; and
- I. Eliminating the existing University of Maine System funding formula and establishing in its place a system that rewards excellence and results and recognizes changing marketplace and student needs.

In order to further the implementation of the education improvement goal, this bill would immediately require prekindergarten screenings statewide; strengthen relationships and collaboration between employers and the kindergarten to grade 12 educational system to ensure that the system is providing students the foundation and skills they need to succeed in the workforce; and review the State's geographic higher education needs and explore all options to deliver high-quality public education opportunities to students throughout the State in a more cost-effective manner that fully employs online and distance learning;

6. Create balanced and affordable transportation and communications systems to connect businesses to customers and markets beyond the State's borders. This goal would be accomplished by:

- A. Developing a sustainable funding mechanism for road infrastructure based on users paying the costs;
- B. Supporting multimodal options, such as rail, marine, air, roadways and trails, by:
- (1) Finishing the Three-Port Strategy investment plan;
  - (2) Evaluating all options to make competitive freight and passenger rail service available; and
  - (3) Improving regional air connections; and
- C. Filling gaps in broadband coverage and availability to increase business activity statewide by:
- (1) Supporting the mission and objectives of the ConnectME Authority to expand access and subscription rates to broadband;
  - (2) Exploring opportunities to lower costs and increase subscription rates; and
  - (3) Supporting modernization of federal and state communications regulations.

In order to further the implementation of the connectivity goal, this bill would immediately appoint a blue

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ribbon commission to develop an appropriate sustainable mechanism for financing transportation infrastructure; and promote the benefits of Internet connectivity to businesses and individuals to increase the subscription rate and provide a level of certainty for private investment; and

7. Support the innovation of Maine's economy to capitalize on new markets and promote economic growth. This goal would be accomplished by:

A. Making changes to funding, including:

- (1) Supporting public investment in research and development that leverages private funds to bring total spending to 3% of Maine's gross domestic product;
- (2) Updating the existing seed capital regime to encourage more private investment; and
- (3) Supporting commercialization of innovations; and

B. Changing information technology capacity and education by:

- (1) Building information technology capacity through public-private-nonprofit partnerships;
- (2) Teaching innovation and entrepreneurship statewide by:
  - (a) Providing training to 10,000 small businesses over the next 8 years through existing organizations; and
  - (b) Including entrepreneurship in kindergarten to grade 12 curricula statewide;
- (3) Continuing support of the Maine Technology Institute's Cluster Initiative Program and the Maine Innovation Economy Advisory Board;
- (4) Increasing the University of Maine System's research and development in order to leverage funding and create marketable ideas, wealth and jobs;
- (5) Requiring the University of Maine System, the Maine Community College System and the Maine Maritime Academy to develop the entrepreneurial skills of students and faculty and support the transfer of knowledge and technology between the systems and the academy; and
- (6) Requiring the University of Maine System, the Maine Community College System and the Maine Maritime Academy to bring research and development knowledge directly to businesses through relationships and public-private partnerships.

In order to further the implementation of the innovation and entrepreneurship goal, this bill would immediately ensure that all programs supporting innovation are working together and that the most meaningful evaluation metrics are being utilized; and update existing seed capital legislation to enable crowd-funding of innovation.

**LD 1276 An Act Regarding Research and Development in Maine**

**PUBLIC 225**

Sponsor(s)  
CUSHING  
FREDETTE

Committee Report  
OTP-AM

Amendments Adopted  
S-157

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This bill is a concept draft pursuant to Joint Rule 208. It proposes to identify and establish a stable funding source to support and encourage research and development in the State.

**Committee Amendment "A" (S-157)**

This amendment replaces the bill, which was a concept draft. It increases the amount that the Maine Technology Institute may expend for management and related operating costs of the institute from 7% to 10% in order to allow for investments that increase the institute's effectiveness and the rate of commercialization of its portfolio companies. In addition, the amendment adds the Maine Maritime Academy to the list of campuses that may compete for research and development funding through the small campus initiative administered by the Board of Trustees of the University of Maine System.

**Enacted Law Summary**

Public Law 2013, chapter 225 increases the amount that the Maine Technology Institute may expend for management and related operating costs of the institute from 7% to 10% in order to allow for investments that increase the institute's effectiveness and the rate of commercialization of its portfolio companies. In addition, the law adds the Maine Maritime Academy to the list of campuses that may compete for research and development funding through the small campus initiative, which is administered by the Board of Trustees of the University of Maine System.

**LD 1281      Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Recreational Therapists      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LACHOWICZ CASSIDY	OTP-AM ONTP	S-117

This bill establishes a requirement for licensure of recreational therapists and a board to oversee the process of licensure and the conduct of licensees.

**Committee Amendment "A" (S-117)**

This amendment is the majority report of the committee. It replaces the bill with a resolve that directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license recreational therapists. It requires the commissioner to submit a report no later than February 28, 2014 with any necessary legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It authorizes the committee to submit a bill on the subject matter of the report to the Second Regular Session of the 126th Legislature.

**LD 1288      An Act Regarding Impairment of Health of a Correctional Employee Caused by Infectious Disease      ONTP**

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

This bill provides that, with respect to disability retirement benefits under the Maine Public Employees Retirement System, a condition of impairment of health caused by an infectious disease resulting in total or partial disability or death of an employee of a correctional facility must, if that employee successfully passed a physical examination on entry into employment with the correctional facility or subsequently successfully passed a physical examination that

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failed to reveal any evidence of the condition, be presumed to have been received in the line of duty, unless the contrary is shown by competent evidence.

**LD 1295    An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects**

**DIED BETWEEN HOUSES**

Sponsor(s)

DECHANT

Committee Report

OTP-AM  
ONTP

Amendments Adopted

This bill requires the use of preapproved subcontractors for certain components of work included in bids awarded to general contractors for public improvement construction projects subject to competitive bidding.

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

This amendment, which is the majority report of the committee, removes the list of components of capital improvement projects in the bill and instead makes reference to a list of components to be maintained by the Department of Administrative and Financial Services, Bureau of General Services. It also adds an appropriations and allocations section. This amendment was not adopted.

**LD 1310    An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health**

**CARRIED OVER**

Sponsor(s)

PATRICK

Committee Report

Amendments Adopted

This bill amends the laws governing the Board of Dental Examiners.

1. It renames the board the Maine Board of Oral Health, and it reassigns the membership of the board to give equitable representation to the regulated dental professions and adds additional public members. As changed, the board has 9 members: 2 dentists, 2 dental hygienists, 2 denturists and 3 public members.
2. It changes the duties, functions and responsibilities of the board. The board's major roles are to perform administrative duties as a coordinating body for the board's subcommittees and to advise the subcommittees and ratify and carry out the recommendations of the subcommittees including with respect to rules recommended by the subcommittees.
3. It amends the laws governing the board's subcommittees on denturists and dental hygienists and establishes a new subcommittee on dentists. It defines the membership for each subcommittee and its duties, functions and responsibilities.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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**LD 1311 An Act To Amend the Laws Governing Unemployment Compensation  
To Ensure Conformity with the Federal Trade Adjustment Assistance  
Extension Act of 2011**

**PUBLIC 314**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK VOLK	OTP-AM	S-183

This bill amends the laws governing unemployment compensation to ensure conformity with the federal Trade Adjustment Assistance Extension Act of 2011, Public Law 112-40, 125 Stat. 401. It provides that an amount equal to 15% of each overpayment on which a penalty was assessed due to unemployment misrepresentation or fraud must be placed directly into the Unemployment Compensation Fund. It also prohibits an employer from being relieved of benefit charges for a benefit overpayment that was due to the fault of the employer or agent of the employer if that employer or agent of the employer has established a pattern of failing to provide timely or adequately requested information pertaining to an unemployment benefit claim. Additionally, this bill corrects reference errors in the laws governing unemployment compensation to accurately identify the Department of Labor as the entity that prescribes how and in what form an individual reports on that individual's work search, and as the entity that determines whether good cause exists for an individual's failure to comply with the work search requirement.

**Committee Amendment "A" (S-183)**

This amendment slightly changes the language of the bill to better meet the requirements of the federal Trade Adjustment Assistance Extension Act of 2011, pursuant to direction from the United States Department of Labor. The amendment provides that 15% of an overpayment, as opposed to 15% of a penalty assessed, due to misrepresentation or fraud by a claimant will be directly deposited into the Unemployment Compensation Fund.

**Enacted Law Summary**

Public Law 2013, chapter 314 amends the laws governing unemployment compensation to ensure conformity with the federal Trade Adjustment Assistance Extension Act of 2011, Public Law 112-40, 125 Stat. 401. It provides that an amount equal to 15% of each overpayment on which a penalty was assessed due to unemployment misrepresentation or fraud must be placed directly into the Unemployment Compensation Fund. It also prohibits an employer from being relieved of benefit charges for a benefit overpayment that was due to the fault of the employer or agent of the employer if that employer or agent of the employer has established a pattern of failing to provide timely or adequately requested information pertaining to an unemployment benefit claim. Additionally, this law corrects reference errors in the laws governing unemployment compensation to accurately identify the Department of Labor as the entity that prescribes how and in what form an individual reports on that individual's work search, and as the entity that determines whether good cause exists for an individual's failure to comply with the work search requirement.

**LD 1313 An Act To Amend Licensing Requirements for Professional Engineers**

**PUBLIC 296**

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

This bill makes the following changes to the laws governing the licensing of professional engineers.

1. It adds defined terms for various accreditation and licensing entities.

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2. It removes references to the form and length of examinations.
3. It removes provisions that provide alternative methods of licensure, including licensure by oral examination.
4. It removes references to examination fees and removes the requirement that examinations be held at such times and places as the State Board of Licensure for Professional Engineers determines. It amends the laws governing the reexamination of a person who fails an examination.
5. It removes the requirement that a notice of the expiration of a license be mailed.
6. It changes the provisions regarding the process for a retired licensee to be reinstated to active status.

**Enacted Law Summary**

Public Law 2013, chapter 296 makes the following changes to the laws governing the licensing of professional engineers.

1. It adds defined terms for various accreditation and licensing entities.
2. It removes references to the form and length of examinations.
3. It removes provisions that provide alternative methods of licensure, including licensure by oral examination.
4. It removes references to examination fees and removes the requirement that examinations be held at such times and places as the State Board of Licensure for Professional Engineers determines. It amends the laws governing the reexamination of a person who fails an examination.
5. It removes the requirement that a notice of the expiration of a license be mailed.
6. It changes the provisions regarding the process for a retired licensee to be reinstated to active status.

**LD 1315    Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Stakeholder Group To Review Changes in Federal and State Regulations and Rules Governing Compounding Pharmacies**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT CRAVEN	OTP-AM	H-299

This bill strengthens Maine's laws on compounding pharmacies. The bill contains the following provisions.

1. The bill provides a definition for "compounding pharmacy" and describes sterile compounding pharmacies and nonsterile compounding pharmacies.
2. Beginning with appointments made on or after January 1, 2014, the bill adds a physician and an advanced practice registered nurse to the Maine Board of Pharmacy, decreases the number of pharmacist members from 5 to 3 and requires that one public member be a person who has education and professional experience in the field of health care safety and quality assurance. The bill requires members of the Maine Board of Pharmacy to file by December 31st an annual statement disclosing any conflicts of interest and requires the Maine Board of Pharmacy to post the statements on the board's publicly accessible website.

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3. The bill requires licensed pharmacies that are compounding pharmacies to obtain a license as a compounding pharmacy and to specify whether the pharmacy is a nonsterile compounding pharmacy or a sterile compounding pharmacy. The bill requires the Maine Board of Pharmacy to adopt rules to establish the criteria for licensure as a compounding pharmacy.
4. The bill extends the responsibility of the Maine Board of Pharmacy to include licensing out-of-state compounding pharmacies that are licensed in another state and that deliver or dispense drugs in the State. The bill grants to the Maine Board of Pharmacy the authority to appoint and convene advisory committees and the responsibility to impose a fine on a compounding pharmacy that violates the Maine Pharmacy Act. The bill requires the Maine Board of Pharmacy to participate in a national data reporting system on pharmacies, pharmacists and pharmacy technicians. The bill requires the Maine Board of Pharmacy to license pharmacy technicians in 2 categories: those that are licensed for employment in sterile compounding pharmacies and those that are licensed for employment in nonsterile compounding pharmacies. The bill requires the Maine Board of Pharmacy to make available to the public on its website, in a searchable format, information regarding disciplinary and enforcement actions taken by the board and the results of pharmacy inspections.
5. The bill further extends the responsibility of the Maine Board of Pharmacy to allow consultation with the Board of Licensure in Medicine, the Board of Osteopathic Licensure and the Commissioner of Health and Human Services regarding the compounding of drugs.
6. The bill requires the Maine Board of Pharmacy to ensure standards for purity and quality are met by compounding pharmacies.
7. With regard to the investigatory powers of the Maine Board of Pharmacy, the bill adds documentation regarding compounding to the list of items that the board may remove from a premises being inspected.
8. The bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Maine Board of Pharmacy and law enforcement to cooperate with other law enforcement agencies concerned with compounding pharmacies.
9. The bill requires that licensing fees for pharmacies distinguish those that are not compounding pharmacies from those that are compounding pharmacies and, among compounding pharmacies, distinguish nonsterile compounding pharmacies from sterile compounding pharmacies.
10. The bill adds sterile and nonsterile compounding of drugs to the specific subject matter of course work for continuing education for pharmacists.
11. The bill makes a violation of the Maine Pharmacy Act by a compounding pharmacy a Class C crime and authorizes a fine of up to \$25,000.
12. The bill requires the Department of Health and Human Services to adopt rules regarding compounding pharmacies in hospitals and nursing facilities.
13. The bill requires the Commissioner of Health and Human Services, through the Director of the Maine Center for Disease Control and Prevention, to provide consultation services to the Maine Board of Pharmacy on issues related to epidemiology and public health.
14. The bill prohibits licensed health care facilities and practitioners from purchasing drugs compounded by a pharmacy or other entity that is not licensed in Maine, designates such purchases a violation of the licensure statutes and directs the licensing authorities to adopt rules to enforce the prohibition.

### **Committee Amendment "A" (H-299)**

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This amendment replaces the bill with a resolve that directs the Commissioner of Professional and Financial Regulation to convene a stakeholder group to review the proposed changes in federal and state safety and inspection regulations and rules governing sterile and nonsterile compounding pharmacies and identify any remaining gaps in the regulatory process that need to be addressed by state regulatory agencies in order to protect public health and safety. It directs the Commissioner of Professional and Financial Regulation to invite participation from the following stakeholders: the Department of Professional and Financial Regulation, Maine Board of Pharmacy; the division of licensing and regulatory services and the Maine Center for Disease Control and Prevention within the Department of Health and Human Services; and other interested parties from the medical and pharmaceutical communities. It also requires the Commissioner of Professional and Financial Regulation to submit a report on the study and authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to submit a bill to the Second Regular Session of the 126th Legislature related to the subject matter of the report.

**LD 1328 An Act To License Home Building and Improvement Contractors**

**CARRIED OVER**

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

This bill creates the Maine Home Contractor Licensing Act to establish licensing standards of practice and continuing education requirements for home contractors and home contractor salespersons.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1329 An Act To Provide Equity for Seasonal Public School Employees Concerning Unemployment**

**LEAVE TO WITHDRAW**

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

This bill allows school employees, except those that work in an instructional, research or principal administrative capacity, to collect unemployment benefits during months they are not employed.

**LD 1341 An Act Directing the Department of Economic and Community Development To Establish a Program To Promote Economic Growth and Development**

**ONTP**

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

This bill requires the Department of Economic and Community Development to establish and monitor a program to provide funds to be used for on-the-job training for people receiving general assistance. Funds will be used to provide training for workers of a local employer or business in partnership with the municipality and training for workers through the Maine Community College System in partnership with the municipality and to issue funds to local small businesses for projects in need of completion.

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**LD 1351 An Act To Attract Military Families to Maine**

ONTP

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

This bill provides that the Commissioner of Professional and Financial Regulation may recommend legislation or other measures to the Governor and the Legislature for the purpose of assisting the spouses of current and former members of the United States Armed Forces in obtaining any professional license.

**LD 1352 An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities**

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND VOLK	OTP-AM OTP-AM	S-187 S-196 PATRICK

Part A of this bill requires the Department of Education, the Department of Health and Human Services and the Department of Labor, in carrying out their duties to provide services and supports to persons with disabilities, to:

1. Include as a core component, the employment of persons with disabilities in “integrated community-based employment” and “customized employment”:
  - A. “Integrated community-based employment” means employment in the competitive labor market in the general community, or through self-employment, with compensation being at least minimum wage and at least the same level of prevailing wage and benefits paid by the employer for the same or similar work to persons without disabilities; and
  - B. “Customized employment” means employment as part of a flexible blend of strategies, services and supports through voluntary negotiation with the employer;
2. Offer, as the first and preferred option, employment services that will support the employment of persons with disabilities;
3. Coordinate their efforts to ensure that the programs directed, the funding managed and the policies adopted by each agency support the gaining of employment by persons with disabilities; and
4. When permissible under the law, share information regarding the use of services and other data in order to monitor progress toward facilitating the employment of persons with disabilities.

Part A also specifies that a person with a disability who receives services from the Department of Education, the Department of Health and Human Services or the Department of Labor may not be required to accept employment services from that agency or to experience a loss of services as a result of choosing not to explore employment options.

Part B of this bill establishes, until October 1, 2016, the Employment First Maine Coalition within the Disability Rights Center, which is the protection and advocacy agency for persons with disabilities designated by the Governor pursuant to the Maine Revised Statutes, Title 5, section 19502. Among its duties, the Employment First Maine Coalition is directed to:

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1. Promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities, to advance employment services for persons with disabilities;
2. Review relevant state policies, plans, programs and activities in order to determine whether they effectively meet the employment needs of persons with disabilities;
3. Serve as a conduit for information and input to aid advocacy groups, commissions and councils that focus on issues facing persons with disabilities in Maine;
4. Make recommendations to the Governor, the Legislature and agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;
5. Propose and promote rules and policies to agencies that provide services and supports to persons with disabilities to improve employment of persons with disabilities;
6. Review and comment on proposed legislation affecting the employment of persons with disabilities; and
7. Submit proposed legislation to the Legislature to improve employment of persons with disabilities.

The Employment First Maine Coalition (“Coalition”) should strive to ensure that at least 1/2 of the members are persons with disabilities. The membership will include 3 representatives from each of the State agencies involved, 1 representative of the Maine Business Leadership Network, 16 representatives from various advisory, advocacy and support organizations concerned with persons with disabilities, 1 certified rehabilitation provider that provides “integrated community-based employment” or “customized employment” services, and at least 2 persons who are parents of persons with disabilities. The Coalition may also invite other members to join.

The members of the Coalition serve without compensation, and will be led by an annually elected chair and vice-chair. The Coalition will hold regularly scheduled meetings, and all decisions will be made using the consensus-based decision making process.

### **Committee Amendment "A" (S-187)**

This amendment, which is the majority report of the committee, removes the provision of the bill that establishes a consensus-based decision-making process for the Employment First Maine Coalition and replaces it with a number of governance requirements for the coalition, including a quorum requirement, majority voting, notice of meetings and the power to adopt bylaws.

### **Committee Amendment "B" (S-188)**

This amendment, which is the minority report of the committee, mirrors the majority report except that it adds the executive director of the Manufacturers Association of Maine or the executive director's designee to the membership list of the Employment First Maine Coalition.

### **Senate Amendment "A" To Committee Amendment "A" (S-196)**

This amendment adds the executive director of the Manufacturers Association of Maine or the executive director's designee to the membership list of the Employment First Maine Coalition.

### **Enacted Law Summary**

Public Law 2013, chapter 335 requires the Department of Education, the Department of Health and Human Services and the Department of Labor, in carrying out their duties to provide services and supports to persons with disabilities, to:

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1. Include as a core component, the employment of persons with disabilities in "integrated community-based employment" and "customized employment":

A. "Integrated community-based employment" means employment in the competitive labor market in the general community, or through self-employment, with compensation being at least minimum wage and at least the same level of prevailing wage and benefits paid by the employer for the same or similar work to persons without disabilities; and

B. "Customized employment" means employment as part of a flexible blend of strategies, services and supports through voluntary negotiation with the employer;

2. Offer, as the first and preferred option, employment services that will support the employment of persons with disabilities;

3. Coordinate their efforts to ensure that the programs directed, the funding managed and the policies adopted by each agency support the gaining of employment by persons with disabilities; and

4. When permissible under the law, share information regarding the use of services and other data in order to monitor progress toward facilitating the employment of persons with disabilities.

Additionally, this law specifies that a person with a disability who receives services from the Department of Education, the Department of Health and Human Services or the Department of Labor may not be required to accept employment services from that agency or to experience a loss of services as a result of choosing not to explore employment options.

Public Law 2013, chapter 335 also establishes, until October 1, 2016, the Employment First Maine Coalition within the Disability Rights Center, which is the protection and advocacy agency for persons with disabilities designated by the Governor pursuant to the Maine Revised Statutes, Title 5, section 19502. Among its duties, the Employment First Maine Coalition is directed to:

1. Promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities, to advance employment services for persons with disabilities;

2. Review relevant state policies, plans, programs and activities in order to determine whether they effectively meet the employment needs of persons with disabilities;

3. Serve as a conduit for information and input to aid advocacy groups, commissions and councils that focus on issues facing persons with disabilities in Maine;

4. Make recommendations to the Governor, the Legislature and agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;

5. Propose and promote rules and policies to agencies that provide services and supports to persons with disabilities to improve employment of persons with disabilities;

6. Review and comment on proposed legislation affecting the employment of persons with disabilities; and

7. Submit proposed legislation to the Legislature to improve employment of persons with disabilities.

The Employment First Maine Coalition ("Coalition") should strive to ensure that at least 1/2 of the members are persons with disabilities. The membership will include 3 representatives from each of the State agencies involved, 1 representative of the Maine Business Leadership Network, 1 representative from the Manufacturers Association

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of Maine, 16 representatives from various advisory, advocacy and support organizations concerned with persons with disabilities, 1 certified rehabilitation provider that provides "integrated community-based employment" or "customized employment" services, and at least 2 persons who are parents of persons with disabilities. The Coalition may also invite other members to join.

The members of the Coalition serve without compensation, and will be led by an annually elected chair and vice-chair. The Coalition will hold regularly scheduled meetings, and is subject to a number of governance requirements, including a quorum requirement, majority voting and providing notice of meetings. Additionally, the Coalition may adopt bylaws to govern itself.

**LD 1354 An Act To Create the Aging in Place Program**

**CARRIED OVER**

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

This bill establishes the Aging in Place Program in the Department of Economic and Community Development to assist low-income seniors with aging in place, including assisting low-income seniors to remain in their homes. It also establishes the Aging in Place Fund and appropriates money to the fund. The department is required to disburse money from the fund to a statewide network that provides weatherization and home repair services, including but not limited to repairs to meet federal Americans with Disabilities Act standards, to replace substandard fixtures and hardware and to reduce ongoing maintenance and heating costs, to low-income residents.

**Committee Amendment "A" (S-143)**

This amendment incorporates a fiscal note.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1360 An Act To Amend the Motor Fuel Distribution and Sales Act**

**PUBLIC 219**

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

This bill makes changes to the Motor Fuel Distribution and Sales Act by allowing a franchisor that has entered into a consignment agreement with a franchisee to set the price at which the motor fuel must be sold without being subject to the motor fuel price-fixing prohibition for motor fuel franchise agreements. The bill also makes a variety of technical changes to the laws governing motor fuel franchise agreements.

**Enacted Law Summary**

Public Law 2013, chapter 219 makes changes to the Motor Fuel Distribution and Sales Act by allowing a franchisor that has entered into a consignment agreement with a franchisee to set the price at which the motor fuel must be sold without being subject to the motor fuel price-fixing prohibition for motor fuel franchise agreements. The law also makes a variety of technical changes to the laws governing motor fuel franchise agreements.

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**LD 1368 An Act To Temporarily Restore Boxing Rules**

**ONTP**

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

This bill provides that the rules and procedures concerning boxing that were in effect under the former Maine Athletic Commission on June 30, 2008 are in effect and the Combat Sports Authority of Maine is required to enforce those rules and procedures until the rules or procedures are rescinded, revised or amended by the Combat Sports Authority of Maine.

**LD 1373 An Act To Update the Polygraph Examiner Licensing Laws**

**PUBLIC 316**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM OTP	S-287 S-290 PATRICK

This bill repeals and replaces the existing polygraph examiner licensing statutes effective April 1, 2014.

**Committee Amendment "A" (S-287)**

This amendment makes the following changes to the bill.

1. It provides that the Commissioner of Public Safety is responsible for administering the laws governing polygraph examiners, as in current law, and it changes the status and role of the proposed Polygraph Examiners Board to an advisory board, which the amendment renames the Polygraph Examiners Advisory Board, that is responsible for providing advice to the commissioner on licensing issues related to polygraph examiners and administration of the polygraph examiner licensing laws.
2. It removes provisions in the bill that add polygraph examiners to the list of mandated reporters of suspected abuse or neglect of children or incapacitated or dependent adults.
3. It adds to the list of licensing violations the act of maintaining possession of a suspended or revoked license.
4. It includes the provisions in current law governing prohibitions on the use of polygraph examinations and the limitations on their uses in employment.
5. It removes provisions in the bill that add administrative staff to the board.
6. It removes provisions in the bill that allow the board to take licensing and disciplinary action against licensees.
7. It adds language governing the commissioner's authority to deny a license, refuse to renew a license, suspend or revoke a license or impose disciplinary or probationary conditions, fines or costs of hearing and investigation on a polygraph examiner or intern, as well as issue a written warning.
8. It adds language to provide that the Maine Administrative Procedure Act applies to all administrative actions taken under these provisions, as well as to authorize the commissioner to adopt rules to administer these provisions, which are routine technical rules.

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**Senate Amendment "A" To Committee Amendment "A" (S-290)**

This amendment amends Committee Amendment "A" to require a polygraph examiner to report to the Department of Health and Human Services when the examiner knows or has reasonable cause to believe that a person 14 years of age or younger will be the victim of a sexual assault crime as provided in the Maine Revised Statutes, Title 17-A, chapter 11 or is in imminent danger of substantial bodily injury or death and makes failure to report under these circumstances a Class E crime. The requirement to report to the Department of Health and Human Services does not abrogate any other duty to report the examiner has by virtue of the examiner's profession.

**Enacted Law Summary**

Public Law 2013, chapter 316 repeals and replaces the polygraph examiner licensing statutes effective April 1, 2014. It provides that the Commissioner of Public Safety is responsible for administering the laws governing polygraph examiners and establishes the Polygraph Examiners Advisory Board to provide advice to the commissioner on licensing issues related to polygraph examiners and the administration of the polygraph examiner licensing laws. The law requires a polygraph examiner to report to the Department of Health and Human Services when the examiner knows or has reasonable cause to believe that a person 14 years of age or younger will be the victim of a sexual assault crime as provided in the Maine Revised Statutes, Title 17-A, chapter 11 or is in imminent danger of substantial bodily injury or death and makes failure to report under these circumstances a Class E crime. The requirement to report to the Department of Health and Human Services does not abrogate any other duty to report the examiner has by virtue of the examiner's profession. In addition, the law prohibits a polygraph examiner from asking certain questions pertaining to sexual behavior or political or religious beliefs, as well limits the use of polygraph examinations in employment.

**LD 1376 An Act To Ensure the Choice of a Pharmacy for Injured Employees under the Maine Workers' Compensation Act of 1992**

**PUBLIC 164**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK CAMPBELL J	OTP-AM	S-93

This bill gives an injured employee the right under the Maine Workers' Compensation Act of 1992 to choose the provider, pharmacy or pharmacist to dispense any drugs or medication prescribed to treat the injury or disease for which compensation is claimed and sets formulas for reimbursement under the Maine Workers' Compensation Act of 1992 for generic and brand-name drugs or medications.

**Committee Amendment "A" (S-93)**

This amendment removes the portion of the bill providing for a formula for reimbursement of a provider, pharmacy or pharmacist for drugs or medications prescribed to treat an injury or disease for which compensation is claimed under the Maine Workers' Compensation Act of 1992.

**Enacted Law Summary**

Public Law 2013, chapter 164 gives an injured employee the right under the Maine Workers' Compensation Act of 1992 to choose the provider, pharmacy or pharmacist to dispense any drugs or medication prescribed to treat the injury or disease for which compensation is claimed.

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**LD 1380      Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies      ONTP**

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

This resolve requires the Department of Professional and Financial Regulation, Bureau of Insurance to establish a workers' compensation business classification for pharmacies so that the workers' compensation insurance rate for employees of a pharmacy located within a larger retail store is identical to the workers' compensation insurance rate for employees of a stand-alone pharmacy.

**LD 1381      An Act To Promote Rural Job Creation and Workforce Development      ONTP**

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

This bill gives a preference in state contracting to bidders who primarily employ residents of the State and to bidders who coordinate with regional workforce development programs and who fill at least 20% of positions on the project with low-income or long-term unemployed people. The bill requires that successful bidders on public building or public works contracts with the State, counties, cities and towns and every charitable or educational institution that is supported in whole or in part by aid granted by the State or by a municipality commit to coordinate with regional workforce development programs and make best efforts to hire low-income and long-term unemployed people. The bill also requires state public works programs to give hiring preference to residents of the county where the work is being performed.

**LD 1390      An Act Regarding the Cancellation of Subscription Services      VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY	OTP-AM	H-498

This bill requires a person that provides certain goods or services pursuant to a subscription to provide to a subscriber, at the time the subscription starts, information regarding how the subscriber may cancel the subscription; a secure, prominently displayed and easy-to-use method on the person's website that allows the subscriber to cancel the subscription immediately without having to send a letter by the United States Postal Service or other delivery service or to make a telephone call; and the option to cancel the subscription using the same method that was used to start the subscription. A violation of the provisions of the bill is a violation of the Maine Unfair Trade Practices Act.

**Committee Amendment "A" (H-498)**

This amendment makes the following changes to the bill.

1. It removes from the provisions of the bill newspapers, magazines, journals and periodicals and online news sources, including online versions of newspapers, and cable and Internet services, but retains online magazines, journals and periodicals, online media players, social networking services and Internet game services.

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2. It restricts the application of the bill to only those subscriptions that are automatically renewed at the end of a definite term for a subsequent term, unless the consumer cancels the agreement.
3. It removes provisions in the bill detailing the methods by which a subscriber must be allowed to cancel a subscription and instead requires a business that makes an automatic renewal subscription offer to a consumer in this State to present the consumer with an easily accessible disclosure of the methods the consumer may use to cancel the subscription, which must include online cancellation.
4. It adds an application section to provide that the Act only applies to agreements entered into or renewed after January 1, 2014. It provides that the provisions do not apply to an entity that provides the host platform on the website of an Internet game service.

**LD 1420      An Act To Return to Building Code Requirements in Effect Prior to the      ONTP**  
**Adoption of the Maine Uniform Building and Energy Code**

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

This bill repeals the laws establishing the Maine Uniform Building and Energy Code and makes adjustments to certain other laws to make them consistent with law that existed prior to the enactment of Public Law 2007, chapter 699, which created the uniform code. This bill reestablishes the Maine Model Building Code, which was repealed by Public Law 2007, chapter 699 and replaced by the Maine Uniform Building and Energy Code. The bill has a delayed effective date of December 1, 2013.

**LD 1436      An Act To Avoid Conflicts of Interest in State Government Labor      ACCEPTED**  
**Relations      MAJORITY**  
**(ONTP) REPORT**

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

This bill prohibits a bargaining agent from representing a bargaining unit composed entirely of supervisors employed by the State and a bargaining unit that contains state employees supervised by members of the supervisor bargaining unit.

**Committee Amendment "A" (H-287)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to the bill.

**LD 1437      An Act To Amend the Laws Regarding Licensure of Physicians and      PUBLIC 355**  
**Physician Assistants**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK PATRICK	OTP-AM	H-424

This bill amends the Maine Health Security Act and the laws governing the Board of Licensure in Medicine as

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follows.

1. It provides that physician assistants have the same duty as physicians to report acts of a physician amounting to gross or repeated medical malpractice, habitual drunkenness, addiction to the use of drugs, professional incompetence, unprofessional conduct or sexual misconduct. It also provides that physician assistants may be the subject of such reports.
2. It clarifies that a health care provider or health care entity is required to report disciplinary action taken against an employee, even if that person is employed by a 3rd party.
3. It provides that recovery is not allowed against a physician assistant on the grounds that treatment was rendered without the informed consent of the patient as long as certain conditions are met. This protection is already provided in current law for similar health care providers.
4. It allows the board to specify individuals other than physicians for the purpose of conducting examinations of physicians and physician assistants to determine whether a physician or physician assistant is mentally and physically competent.
5. It allows the board, by rulemaking, to issue special licenses in addition to a special license for the practice of administrative medicine.
6. It repeals a requirement that the board, upon a finding that a suspension or revocation of a license is in order, file a complaint in the District Court.
7. It specifies that misrepresentation in obtaining a license or in connection with service rendered is grounds for discipline and adds 5 other grounds for discipline, including engaging in an activity that requires licensing without a license and continuing to act in a capacity requiring a license under the governing law of the board after expiration, suspension or revocation of that license.

### **Committee Amendment "A" (H-424)**

This amendment strikes the provision in the bill that proposes to keep the identity of any reporting physician or physician assistant confidential unless it is necessary to the investigation or adjudication of the report by the Board of Licensure in Medicine. It allows for dual trained dentists and oral surgeons to satisfy the Board of Licensure in Medicine's requirements for postgraduate training in a manner that applies to the specific training received by these licensees. It also adds language to ensure the statutory provisions governing Board of Licensure in Medicine sanctions are in compliance with federal and state laws regarding confidentiality of patient information that is the subject of a disciplinary complaint.

### **Enacted Law Summary**

Public Law 2013, chapter 355 amends the Maine Health Security Act and the laws governing the Board of Licensure in Medicine as follows.

1. It provides that physician assistants have the same duty as physicians to report acts of a physician amounting to gross or repeated medical malpractice, misuse of alcohol, drugs or other substances, professional incompetence, unprofessional conduct or sexual misconduct. It also provides that physician assistants may be the subject of such reports.
2. It clarifies that a health care provider or health care entity is required to report disciplinary action taken against an employee, even if that person is employed by a 3rd party.
3. It provides that recovery is not allowed against a physician assistant on the grounds that treatment was rendered without the informed consent of the patient as long as certain conditions are met. This protection is already

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provided in current law for similar health care providers.

4. It allows the board to specify individuals other than physicians for the purpose of conducting examinations of physicians and physician assistants to determine whether a physician or physician assistant is mentally and physically competent.
5. It allows for dual trained dentists and oral surgeons to satisfy the Board of Licensure in Medicine's requirements for postgraduate training in a manner that applies to the specific training received by these licensees.
6. It repeals a requirement that the board, upon a finding that a suspension or revocation of a license is in order, file a complaint in the District Court.
7. It specifies that misrepresentation in obtaining a license or in connection with service rendered is grounds for discipline and adds 5 other grounds for discipline, including engaging in an activity that requires licensing without a license and continuing to act in a capacity requiring a license under the governing law of the board after expiration, suspension or revocation of that license.
8. It includes language to ensure the statutory provisions governing Board of Licensure in Medicine sanctions are in compliance with federal and state laws regarding confidentiality of patient information that is the subject of a disciplinary complaint.

**LD 1451    An Act To Require the Membership of the State Workforce Investment Board To Include Representatives of the Local Workforce Investment Boards** **VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM ONTP	S-162

This bill requires that the membership of the State Workforce Investment Board include a representative from each of the local workforce investment boards in this State.

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

This amendment, which is the majority report of the committee, replaces the bill with a provision that allows a county commissioner appointed to the State Workforce Investment Board to send a designee to act as a member of the board in the county commissioner's place. The amendment also requires that the membership of the State Workforce Investment Board's Program Policy Committee include directors of the local workforce investment boards.

**LD 1458    An Act To Enact the Maine Small Business Investment Protection Act** **CARRIED OVER**

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

This bill enacts the Maine Small Business Investment Protection Act to protect franchisees in the sale and operation of franchise businesses.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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**LD 1476    An Act To Protect Local Input in Economic Development and  
Redevelopment Efforts**

**DIED BETWEEN  
HOUSES**

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

This bill adds 2 members to the board of trustees of the Midcoast Regional Redevelopment Authority, one appointed by the town council of the Town of Brunswick and one appointed by the board of selectmen of the Town of Topsham. It also removes references to counties from the definition of "primary impact community."

**LD 1482    An Act To Amend the Motor Vehicle Franchise Laws**

**CARRIED OVER**

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

This bill amends the motor vehicle dealer franchise laws. It defines "essential tool" as a tool specific to a manufacturer that is instrumental to the diagnosis or repair of a manufacturer's express warranty claim on a new motor vehicle. It amends the laws related to a manufacturer's requirement to provide a fair supply and mix of vehicles. It clarifies that when a manufacturer requires a dealer to purchase a special or essential tool a manufacturer may charge only its actual cost for such a tool. It establishes standards protecting dealership data from unauthorized use. It clarifies the right of a dealer to see the dealer's file regarding compliance with the franchise agreement. It also amends the warranty law to clarify that if a dealer performs warranty service and the work is done in a professional manner and the repair is otherwise completed to the benefit of the consumer, if the manufacturer objects to a technical requirement associated with the warranty submission process or to a specific aspect of the repair, those elements of the warranty claim that are not objectionable must be paid.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1498    An Act To Amend the Labor Laws as They Relate to Payment for  
Required Medical Examinations**

**PUBLIC 363**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE HERBIG	OTP-AM	S-251

Current law provides that an employer may not require an employee or accepted applicant for employment to bear the medical expense of an examination when that examination is ordered or required by the employer. It also provides that an employer may pay for such an examination through group health insurance coverage of the employee. This bill provides that an employer may pay for such an examination through group health insurance coverage of the employee only if the employer pays 100% of the cost of that coverage.

**Committee Amendment "A" (S-251)**

This amendment clarifies that an employer may not require an employee or accepted applicant for employment to bear the expense of any copayments or other out-of-pocket expenses when the employer pays the medical expense of a medical exam ordered or required by the employer.

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**Enacted Law Summary**

Public Law 2013, chapter 363 clarifies that an employer may not require an employee or accepted applicant for employment to bear the expense of any copayments or other out-of-pocket expenses when the employer pays the medical expense of a medical exam ordered or required by the employer.

**LD 1499      Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants** **VETO SUSTAINED**

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

This resolve prohibits the Department of Economic and Community Development from establishing a minimum population requirement in the eligibility requirements of the housing assistance grant program and to allow certain community development strategies in the eligibility requirements of the public facilities grant program in the Community Development Block Grant Program statement.

**LD 1506      An Act To Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising** **ONTP**

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

Current law places certain restrictions on professional solicitors, who are persons or companies that solicit donations on behalf of charitable organizations.

This bill requires a professional solicitor who receives more than 25% of the solicited donation to disclose to the donor the percentage of the donation the professional solicitor receives, the percentage of the donation the charitable organization receives, whether the donation is sent by the donor to the professional solicitor or to the charitable organization and whether the professional solicitor's fee is paid prior to or after the distribution of the donation to the charitable organization.

As under the current law, a failure to make the disclosures required by this bill is a violation of the Maine Unfair Trade Practices Act and an intentional violation is a Class D crime.

**LD 1554      An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy** **PUBLIC 419**

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

This bill appropriates \$5,250 in fiscal years 2013-14 and 2014-15 for the Maine-Canadian Legislative Advisory Commission.

**Enacted Law Summary**

Public Law, chapter 416 appropriates \$5,250 in fiscal years 2013-14 and 2014-15 for the Maine-Canadian

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Legislative Advisory Commission.

**LD 1565 An Act To Preserve Code Enforcement Officer Training and Certification**

**CARRIED OVER**

Sponsor(s)

CAREY

Committee Report

Amendments Adopted

This bill reassigns the responsibilities for code enforcement officer training and certification from the Department of Economic and Community Development, Office of Community Development to the Department of Environmental Protection, Bureau of Land Quality Control. Current law partially funds the position from the Maine Code Enforcement Training and Certification Fund, which receives fees and surcharges imposed for the examination of plans for construction, reconstruction or repairs, plumbing inspections and training and certification of municipal building officials and code enforcement officers. Current law also provides that if insufficient funds are available to support the training and certification program, the program is discontinued. This bill removes that provision.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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SUBJECT INDEX

Bonds

Enacted

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Business Regulation

Enacted

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LD 364 An Act To Amend the Laws Regulating Suppliers of Agricultural, Construction, Industrial and Forestry Equipment PUBLIC 41

LD 808 An Act To Amend the Laws Concerning Scrap Metal Processors PUBLIC 141

LD 809 Resolve, Directing the Secretary of State To Study the Need for a State Regulatory Process for Scrap Metal Dealers RESOLVE 37

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LD 1017 An Act Relating to Employee Leasing Company Registration PUBLIC 257

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Not Enacted

LD 36 An Act To Amend the Laws Governing Record Keeping for Pawn Transactions ONTP

LD 263 An Act To Require Dealers of Secondhand Precious Metals To Keep Records To Aid Law Enforcement ONTP

LD 461 An Act To Allow Businesses with More than 5,000 Square Feet of Interior Customer Selling Space To Open on Easter Day, Thanksgiving Day and Christmas Day ONTP

LD 700 An Act To Require Elevators To Be Accessible for Ambulance Stretchers ONTP

LD 732 An Act To Impose a Holding Period during Which a Dealer in Secondhand Precious Metals Must Retain Property ONTP

LD 788 An Act To Provide Vehicle Owners and Repair Facilities Access to Vehicle Diagnostic and Repair Information and Equipment CARRIED OVER

LD 865 An Act Regarding Contract Indemnification MAJORITY (ONTP) REPORT

LD 977 An Act To Restore Uniformity to the Maine Uniform Building and Energy Code DIED BETWEEN HOUSES

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### *Business Regulation*

#### Not Enacted

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LD 1217	An Act To Modify Franchise Territories for Personal Sports Mobile Dealerships	ONTP
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### *Collective Bargaining*

#### Not Enacted

LD 293	An Act To Ensure Parity in the Collective Bargaining Process among State Institutions of Higher Education	ONTP
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### *Consumer Protection*

#### Enacted

LD 118	An Act To Ensure the Authenticity of Items Reported To Have Been Crafted by Native Americans	PUBLIC 302
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#### Not Enacted

LD 1390	An Act Regarding the Cancellation of Subscription Services	VETO SUSTAINED
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### *Economic Development- Agencies*

#### Enacted

LD 35	An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council	PUBLIC 102
LD 1554	An Act To Increase International Cross-border Partnerships To Benefit Maine's Economy	PUBLIC 419

#### Not Enacted

LD 314	An Act To Create the Office of Marketing	CARRIED OVER
LD 554	Resolve, Requiring the Department of Economic and Community Development To Market the Positive Attributes of the State of Maine	ONTP
LD 656	Resolve, Requiring the Department of Economic and Community Development To Develop Incentives for Industries in the State To Increase Employment of Maine Residents	ONTP
LD 1275	An Act To Implement the Recommendations of the Maine Economic Growth Council Regarding Prosperity	ONTP
LD 1476	An Act To Protect Local Input in Economic Development and Redevelopment Efforts	DIED BETWEEN HOUSES
LD 1499	Resolve, To Direct the Department of Economic and Community Development To Adopt Certain Eligibility Requirements Regarding Community Development Block Grants	VETO SUSTAINED

### *Economic Development-Programs*

### Economic Development-Programs

#### Enacted

LD 260	An Act To Extend Funding for the Loring Job Increment Financing Fund	PUBLIC 413
LD 1276	An Act Regarding Research and Development in Maine	PUBLIC 225

#### Not Enacted

LD 116	An Act To Amend the Laws Governing Pine Tree Development Zones To Require Payment of a Livable Wage	ONTP
LD 739	Resolve, To Establish a Task Force To Study Economic Development in Rural Areas	ONTP
LD 1179	An Act To Create the Brunswick Landing Job Increment Financing Fund	ONTP
LD 1341	An Act Directing the Department of Economic and Community Development To Establish a Program To Promote Economic Growth and Development	ONTP
LD 1354	An Act To Create the Aging in Place Program	CARRIED OVER

### Employment Practices

#### Enacted

LD 605	An Act To Allow a Minor in the Police Explorer Program To Assist with Traffic Control at Civic Events	PUBLIC 142
LD 1498	An Act To Amend the Labor Laws as They Relate to Payment for Required Medical Examinations	PUBLIC 363

#### Not Enacted

LD 431	An Act To Amend the Laws Governing the Work Permit Process for Minors and To Conform the Laws Governing Allowable Places of Work for Minors to Federal Law	MAJORITY (ONTP) REPORT
LD 491	An Act Regarding Timber Harvesting on Land Managed by the Division of Parks and Public Lands	VETO SUSTAINED
LD 976	An Act To Reform Employer-provided Benefits	MAJORITY (ONTP) REPORT
LD 1103	An Act To Encourage Development in the Logging Industry	VETO SUSTAINED
LD 1157	An Act To Establish the Fair Chance for Employment Act	CARRIED OVER
LD 1195	An Act To Protect the Privacy of Job Applicants	ONTP
LD 1201	Resolve, Directing the Workers' Compensation Board To Study the Issue of Addressing Psychological and Physical Harm to Employees Due to Abusive Work Environments	VETO SUSTAINED
LD 1259	Resolve, Regarding Legislative Review of Portions of Chapter 17: Rules Regarding Proof of Ownership and Recruitment by Employers Employing Foreign Laborers To Operate Logging Equipment, a Major Substantive Rule of the Department of Labor	VETO SUSTAINED

### Housing

#### Enacted

LD 1203	An Act To Encourage Financing of Manufactured Housing for the Workforce	PUBLIC 295
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## Housing

### Not Enacted

LD 722	Resolve, To Establish a Task Force To Review Section 8 Housing Construction Standards	ONTP
LD 1072	An Act To Provide Accountability in the Handling of Affordable Housing Tenants' Security Deposits	ONTP
LD 1199	An Act Regarding Mobile Home Ownership	ONTP

## Independent Contractor Status

### Not Enacted

LD 418	An Act To Enforce Wage Laws by Preventing Misclassification of Employees	ONTP
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## Individuals with Disabilities Employment

### Enacted

LD 1352	An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities	PUBLIC 335
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## Labor Department

### Not Enacted

LD 853	Resolve, Requiring the Department of Labor To Establish a Fund To Assist Unemployed Individuals Lacking Transportation to Job Interviews	ONTP
LD 1221	An Act To Preserve the Dynamic Status Quo Pending Expiration of Collective Bargaining Agreements	ONTP

## Labor Relations

### Enacted

LD 689	Resolve, Directing the Maine Labor Relations Board To Convene a Task Force To Examine Compensation for the Panel of Mediators	RESOLVE 26
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### Not Enacted

LD 786	An Act To Ensure the Voluntary Membership of Public Employees in Unions	MAJORITY (ONTP) REPORT
LD 831	An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment	MAJORITY (ONTP) REPORT
LD 1436	An Act To Avoid Conflicts of Interest in State Government Labor Relations	MAJORITY (ONTP) REPORT

## Miscellaneous

### Enacted

LD 1151	An Act Regarding the Administration and Financial Transparency of the Citizen Trade Policy Commission	PUBLIC 427 EMERGENCY
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### Not Enacted

LD 149	An Act To Make Gold and Silver Coins and Bars Legal Tender	MAJORITY (ONTP) REPORT
LD 691	An Act To Prohibit Enforcement of Federal Laws Regulating Commerce in Violation of the Constitution of the United States	MAJORITY (ONTP) REPORT

Miscellaneous

Not Enacted

LD 890	An Act To Buy American-made Products	VETO SUSTAINED
LD 1108	An Act To Modify the Qualifications for a Person To Be Able To Teach Driver's Education	ONTP
LD 1295	An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects	DIED BETWEEN HOUSES
LD 1381	An Act To Promote Rural Job Creation and Workforce Development	ONTP

Occupational and Professional Regulation

Enacted

LD 32	An Act To Expand the Types of Vaccines That May Be Administered by Pharmacists	PUBLIC 6
LD 148	An Act To Amend the Laws Governing Pharmacy Interns	PUBLIC 98
LD 171	An Act To Facilitate the Personal Importation of Prescription Drugs from International Mail Order Prescription Pharmacies	PUBLIC 373
LD 237	An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards	PUBLIC 246
LD 249	Resolve, Directing the Board of Dental Examiners To Amend Its Rules To Improve Access to Oral Health Care in Maine	RESOLVE 36
LD 411	An Act To Amend the Health Care Practitioner Licensing, Disciplinary and Reporting Laws Regarding Alcohol and Drug Abuse	PUBLIC 105
LD 414	An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways	PUBLIC 70
LD 416	An Act To Allow Complainants in Disciplinary Actions To Attend Informal Conferences Held by the State Board of Nursing in Executive Session	PUBLIC 23
LD 426	An Act To Provide for the Continuity of a Veterinary Practice Subsequent to the Death or Incapacitation of the Owner	PUBLIC 46
LD 553	An Act To Remove the Statement of Oral Condition as a Requirement for Denturists Making Partial Dentures	PUBLIC 83
LD 556	An Act To Modernize the Statutes Governing Physician Assistants	PUBLIC 101
LD 867	An Act To Streamline, Amend and Clarify Certain Professional and Occupational Licensing Statutes	PUBLIC 217
LD 1134	An Act To Allow Collaborative Practice Agreements between Authorized Practitioners and Pharmacists	PUBLIC 308
LD 1137	An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training	PUBLIC 311
LD 1238	An Act To Improve Professional Training for Licensed Mental Health Clinicians	PUBLIC 262
LD 1267	An Act To Recodify the Land Surveyor Licensing Laws	PUBLIC 180
LD 1313	An Act To Amend Licensing Requirements for Professional Engineers	PUBLIC 296
LD 1373	An Act To Update the Polygraph Examiner Licensing Laws	PUBLIC 316
LD 1437	An Act To Amend the Laws Regarding Licensure of Physicians and Physician Assistants	PUBLIC 355

**Occupational and Professional Regulation**

**Not Enacted**

LD 117	An Act To Change the Composition of the Board of Dental Examiners	ONTP
LD 348	An Act Concerning the Scope of Practice of Cardiovascular Technologists	ONTP
LD 445	An Act To Improve Efficiencies in Dental Offices	ONTP
LD 449	An Act To Ensure Consumer Choice in the Purchase of Prescription Drugs	CARRIED OVER
LD 509	An Act To Exempt Certain Supervised Medical Assistants from Licensing under the Medical Radiation Health and Safety Laws	ONTP
LD 555	Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Consider Reforms of the Practices of the Nursing Home Administrators Licensing Board	VETO SUSTAINED
LD 747	An Act To Protect Doctors Who Prescribe a Complementary Course of Treatment and To Provide Insurance Coverage for That Treatment	ONTP
LD 914	An Act To Certify Nuclear Medicine Technologists in Computed Tomography	ONTP
LD 933	An Act To Establish a Separate Regulatory Board for Dental Hygienists	CARRIED OVER
LD 993	Resolve, To Amend Maine Board of Pharmacy Rules Regarding Automated Pharmacy Systems in Hospitals	ONTP
LD 1070	Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades	MAJORITY (ONTP) REPORT
LD 1071	An Act Regarding Qualifications for Real Estate Licensees	ONTP
LD 1196	An Act To Amend the Postgraduate Education Requirements for Physicians Who Have Completed an Accredited Residency Program in Oral and Maxillofacial Surgery	ONTP
LD 1202	An Act To Update the Maine Veterinary Practice Act	ONTP
LD 1230	An Act To Improve Access to Oral Health Care	CARRIED OVER
LD 1281	Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Recreational Therapists	VETO SUSTAINED
LD 1310	An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health	CARRIED OVER
LD 1315	Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Stakeholder Group To Review Changes in Federal and State Regulations and Rules Governing Compounding Pharmacies	VETO SUSTAINED
LD 1351	An Act To Attract Military Families to Maine	ONTP
LD 1368	An Act To Temporarily Restore Boxing Rules	ONTP
LD 1506	An Act To Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising	ONTP
LD 1565	An Act To Preserve Code Enforcement Officer Training and Certification	CARRIED OVER

**Prevailing Wage and Benefits**

*Prevailing Wage and Benefits*

Not Enacted

LD 1069     An Act To Provide Flexibility in the State Prevailing Wage and Benefit Rates     VETO  
SUSTAINED

*Retirement*

Not Enacted

LD 992     An Act To Create a State-sponsored 401(k) Retirement Plan for     ONTP  
Participation by Private Employers  
LD 1154     An Act To Establish the Maine Length of Service Award Program     CARRIED OVER

*State Retirement System*

Not Enacted

LD 1288     An Act Regarding Impairment of Health of a Correctional Employee Caused     ONTP  
by Infectious Disease

*Unemployment Compensation*

Enacted

LD 1250     An Act To Revise Maine's Unemployment Compensation Laws     PUBLIC 175  
  
LD 1311     An Act To Amend the Laws Governing Unemployment Compensation To     PUBLIC 314  
Ensure Conformity with the Federal Trade Adjustment Assistance Extension  
Act of 2011

Not Enacted

LD 159     An Act Regarding the Laws Governing Unemployment Compensation     ONTP  
Benefits for Employees of Temporary Staffing Agencies  
LD 690     An Act To Ensure Efficiency in the Unemployment Insurance System     CARRIED OVER  
  
LD 1033     An Act To Help the Unemployed Find Work     MAJORITY  
(ONTP) REPORT  
  
LD 1198     An Act To Protect Earned Pay     VETO  
SUSTAINED  
  
LD 1329     An Act To Provide Equity for Seasonal Public School Employees Concerning     LEAVE TO  
Unemployment     WITHDRAW

*Wages*

Enacted

LD 103     An Act To Correct an Inconsistency in Maine's Apprenticeship Laws     PUBLIC 5

Not Enacted

LD 611     An Act To Adjust Maine's Minimum Wage Annually Based on Cost-of-living     VETO  
Changes     SUSTAINED  
  
LD 952     An Act To Ensure Increased Wages for Wabanaki Tribal Members     MAJORITY  
(ONTP) REPORT  
  
LD 1035     An Act To Report Certain Information in Response to Growing Financial     ONTP  
Inequality

**Workers' Compensation**

**Enacted**

LD 1	An Act To Amend the Maine Workers' Compensation Act of 1992	PUBLIC 63
LD 444	Resolve, Directing the Workers' Compensation Board To Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Payments	RESOLVE 40
LD 696	An Act To Include Raising Equines in the Definition of Agriculture for the Purpose of the Maine Workers' Compensation Act of 1992	PUBLIC 111
LD 761	An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws	PUBLIC 87
LD 949	An Act To Ensure the Proportional Offset against Retirement Benefits of Workers' Compensation Awards	PUBLIC 152
LD 1376	An Act To Ensure the Choice of a Pharmacy for Injured Employees under the Maine Workers' Compensation Act of 1992	PUBLIC 164

**Not Enacted**

LD 235	An Act To Improve Insurance Coverage for Volunteer First Responders	DIED IN CONCURRENCE
LD 443	An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers	VETO SUSTAINED
LD 1087	An Act Concerning Workers' Compensation and Short-term Disability Insurance in Maine	ONTP
LD 1149	An Act To Establish a Rebuttable Presumption Regarding a Corrections Employee That Contracts Hypertension or Cardiovascular Disease	ONTP
LD 1380	Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies	ONTP

**Workforce Investment**

**Enacted**

LD 1150	An Act To Continue Certain Position Distributions in the Department of Labor and to Amend the Competitive Skills Scholarship Program	PUBLIC 422 EMERGENCY
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**Not Enacted**

LD 1451	An Act To Require the Membership of the State Workforce Investment Board To Include Representatives of the Local Workforce Investment Boards	VETO SUSTAINED
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STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

July 2013

**MEMBERS:**

SEN. CHRISTOPHER K. JOHNSON, CHAIR  
SEN. EDWARD J. MAZUREK  
SEN. RICHARD G. WOODBURY

REP. WALTER A. KUMIEGA III, CHAIR  
REP. CHUCK KRUGER  
REP. RALPH CHAPMAN  
REP. MICHAEL GILBERT DEVIN  
REP. ELIZABETH E. DICKERSON  
REP. JEREMY G. SAXTON  
REP. WINDOL C. WEAVER  
REP. WAYNE R. PARRY  
REP. PETER DOAK  
REP. ELLEN A. WINCHENBACH

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AMY WINSTON, LEGISLATIVE ANALYST  
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13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
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*Joint Standing Committee on Marine Resources*

**LD 72      An Act To Open the St. Croix River to River Herring**

**PUBLIC 47  
EMERGENCY**

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

This bill provides that, by May 1, 2013, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure the fishways on the Woodland Dam and the Grand Falls Dam located on the St. Croix River are configured or operated in a manner that allows the unconstrained passage of river herring.

**Enacted Law Summary**

Public Law 2013, chapter 47 provides that, by May 1, 2013, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure the fishways on the Woodland Dam and the Grand Falls Dam located on the St. Croix River are configured or operated in a manner that allows the unconstrained passage of river herring.

Public Law 2013, chapter 47 was enacted as an emergency measure effective April 23, 2013.

**LD 182      An Act To Support the Maine Lobster Industry**

**CARRIED OVER**

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

This bill makes a General Fund appropriation in fiscal year 2013-14 to the Lobster Promotion Council to increase its work to promote and market Maine lobsters in state, regional, national and international markets.

**Committee Amendment "A" (H-29)**

This amendment makes a General Fund appropriation in fiscal year 2013-14 to the Lobster Promotion Fund for the Lobster Promotion Council or its successor organization to increase its work to promote and market Maine lobsters in state, regional, national and international markets.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 451      An Act Relating to Certain Marine Resources Licenses**

**PUBLIC 8  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-8

This bill limits the Passamaquoddy Tribe's issuance of scallop licenses to 20 licenses and the issuance of elver licenses to 8 licenses, which provides parity with the Penobscot Nation. The bill also creates parity between all tribal or nation licenses issued pursuant to the Maine Revised Statutes, Title 12, section 6302-A and those issued by the Department of Marine Resources by restricting the renewal of licenses for noncompliance with reporting requirements.

## *Joint Standing Committee on Marine Resources*

### **Committee Amendment "A" (H-8)**

This amendment makes the following changes to the bill.

1. It provides that the Passamaquoddy Tribe may not issue to members of the tribe commercial licenses for the taking of elvers in any calendar year that exceed the following limits:
  - A. One hundred twenty-four licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net;
  - B. An additional 26 licenses that allow the taking of elvers with two pieces of gear, consisting of an elver fyke net and a dip net; and
  - C. An additional 50 limited licenses that allow the taking of elvers only in the St. Croix River and only with a dip net.
2. It provides that the Houlton Band of Maliseet Indians may issue to members of the band commercial licenses for the taking of elvers, as long as in any calendar year the number of licenses issued does not exceed 8 licenses that allow the taking of elvers with an elver fyke net only and eight licenses that allow the taking of elvers with a dip net only, except as otherwise permitted by the Commissioner of Marine Resources by rule.
3. It provides that an additional 25 dip nets must be made available through an additional Department of Marine Resources state elver gear lottery for the 2013 elver fishing season.
4. It directs the commissioner to examine the elver fishery, including harvesting levels and fishery management plans affecting the elver fishery proposed or adopted by the Atlantic States Marine Fisheries Commission, and, consistent with the commissioner's findings from the examination, to develop recommendations for modifications of the State's regulation of elver fishing, including licensing and gear use. The commissioner is also directed to discuss with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians the findings from the commissioner's examination and to seek through such discussions to develop a mutually agreeable structure for elver fishing licensing by those tribes. No later than January 1, 2014, the commissioner is directed to provide to the Joint Standing Committee on Marine Resources a report of the commissioner's findings and recommendations, including any draft legislation necessary to implement the commissioner's recommendations. The Joint Standing Committee on Marine Resources is authorized to report out a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the commissioner's report.
5. It adds an emergency preamble and emergency clause to the bill.

For clarity, the amendment reallocates, but retains the substance of, the provision of the bill that provides that the Passamaquoddy Tribe may not issue to members of the tribe more than 20 commercial licenses for the taking of scallops in any calendar year, except as otherwise permitted by the commissioner by rule.

The amendment also retains the provision of the bill that provides that if a holder of a tribal commercial fishing license fails to provide information required under Title 12, section 6173, the license may not be renewed until the holder complies with the requirements of that section.

### **Enacted Law Summary**

Public Law 2013, chapter 8 does the following.

1. It provides that the Passamaquoddy Tribe may not issue to members of the tribe commercial licenses for the taking of elvers in any calendar year that exceed the following limits:

*Joint Standing Committee on Marine Resources*

- A. One hundred twenty-four licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net;
  - B. An additional 26 licenses that allow the taking of elvers with two pieces of gear, consisting of an elver fyke net and a dip net; and
  - C. An additional 50 limited licenses that allow the taking of elvers only in the St. Croix River and only with a dip net.
2. It provides that the Houlton Band of Maliseet Indians may issue to members of the band commercial licenses for the taking of elvers, as long as in any calendar year the number of licenses issued does not exceed 8 licenses that allow the taking of elvers with an elver fyke net only and eight licenses that allow the taking of elvers with a dip net only, except as otherwise permitted by the Commissioner of Marine Resources by rule.
3. It also provides that if a holder of a tribal commercial fishing license fails to provide information required under Title 12, section 6173, the license may not be renewed until the holder complies with the requirements of that section.
4. It provides that an additional 25 dip nets must be made available through an additional Department of Marine Resources state elver gear lottery for the 2013 elver fishing season.
5. It directs the commissioner to examine the elver fishery, including harvesting levels and fishery management plans affecting the elver fishery proposed or adopted by the Atlantic States Marine Fisheries Commission, and, consistent with the commissioner's findings from the examination, to develop recommendations for modifications of the State's regulation of elver fishing, including licensing and gear use. The commissioner is also directed to discuss with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians the findings from the commissioner's examination and to seek through such discussions to develop a mutually agreeable structure for elver fishing licensing by those tribes. No later than January 1, 2014, the commissioner is directed to provide to the Joint Standing Committee on Marine Resources a report of the commissioner's findings and recommendations, including any draft legislation necessary to implement the commissioner's recommendations. The Joint Standing Committee on Marine Resources is authorized to report out a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the commissioner's report.

Public Law 2013, chapter 8 was enacted as an emergency measure effective March 21, 2013.

**LD 469      An Act To Allow the Commissioner of Marine Resources To Investigate      ONTP**  
**Price Fixing of Lobster**

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

This bill authorizes the Commissioner of Marine Resources to investigate lobster price fixing and requires the Attorney General, at the request of the commissioner, to provide investigatory assistance in determining whether lobster price fixing has occurred or is occurring.

*Joint Standing Committee on Marine Resources*

**LD 482 An Act To Improve the Quality of the Data Used in the Management of  
Maine's Fisheries**

**PUBLIC 282**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W	OTP-AM	H-335

This bill makes a number of changes to various aspects of the Department of Marine Resources landings program with regard to reporting requirements. It allows the Commissioner of Marine Resources to share confidential landings data with the Department of Marine Resources, Bureau of Marine Patrol when necessary for reporting enforcement purposes. It requires majority shareholders in corporate entities to identify themselves so that noncompliant wholesale and retail license holders would not be able to incorporate under a new business name and continue operating without remedying their noncompliance. It authorizes the commissioner to suspend licenses for noncompliance with reporting requirements in order to ensure effective catch monitoring and assess an administrative fee if licenses are suspended. It prevents unlicensed crew members on lobster or crab fishing boats and scallop and sea urchin diving tenders from selling any catch and limits selling to certain licensed harvesters. It expands the seaweed buyer's license to include anyone buying seaweed for resale and removes the ability of marine worm and wholesale seafood dealers to harvest seaweed without a license. Finally, it expands the requirement to hold a retail license for the sale of all marine organisms instead of just lobster, crayfish and shellstock.

**Committee Amendment "A" (H-335)**

This amendment strikes the section of the bill allowing the Commissioner of Marine Resources to share confidential landings data with the Bureau of Marine Patrol within the Department of Marine Resources because that provision duplicates another bill that has already been passed. This amendment provides, in the section authorizing the Commissioner of Marine Resources to suspend licenses for noncompliance with reporting requirements, the person whose license is being suspended with an opportunity to request a hearing. This amendment allows unlicensed crew members to sell lobsters and crabs and licensed scallop and sea urchin diving tenders and holders of handfishing sea urchin licenses to sell scallops and sea urchins as long as they report to the dealer the license under which it was harvested. This amendment strikes the provision that requires a seaweed buyer's license to purchase 10 wet tons or an equivalent number of dry tons of seaweed from harvesters for resale. This amendment clarifies that beginning April 1, 2014 the expansion of retail licenses for the sale of all marine organisms excludes ornamental marine organisms used for exhibition in marine aquaria.

**Enacted Law Summary**

Public Law 2103, chapter 282 does the following.

1. It provides, in the section authorizing the Commissioner of Marine Resources to suspend licenses for noncompliance with reporting requirements, the person whose license is being suspended with an opportunity to request a hearing.
2. It allows unlicensed crew members to sell lobsters and crabs and licensed scallop and sea urchin diving tenders and holders of handfishing sea urchin licenses to sell scallops and sea urchins as long as they report to the dealer the license under which it was harvested.
3. It clarifies that beginning April 1, 2014 the expansion of retail licenses to the sale of all marine organisms excludes ornamental marine organisms used for exhibition in marine aquaria.

See also enacted law summary for LD 632, which includes the provision from LD 482 that allows the Commissioner of Marine Resources to share confidential landings data with the Bureau of Marine Patrol within the Department of Marine Resources.

*Joint Standing Committee on Marine Resources*

**LD 486 An Act To Provide for the Effective Marketing and Promotion of Maine Lobster**

**PUBLIC 309**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KRUGER	OTP-AM OTP-AM	H-491

This bill amends provisions of the law establishing the Lobster Promotion Council as follows.

1. It increases the surcharge assessed on harvester and dealer licenses and creates a surcharge on the processor license to fund the council.
2. It changes the criteria for membership and the selection process.
3. It requires that the council report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters, the Lobster Advisory Council and the lobster industry.

**Committee Amendment "A" (H-491)**

This amendment, which is the majority report, replaces the bill and changes the provisions of the law establishing the Lobster Promotion Council as follows.

1. It renames the council the Maine Lobster Marketing Collaborative.
2. It increases, beginning in 2014, the surcharge assessed on lobster harvester and dealer licenses and creates a tiered surcharge on the lobster processor license to fund the marketing collaborative. It also creates tiered surcharges on the supplemental wholesale seafood licenses and supplemental lobster transportation licenses to fund the marketing collaborative. It requires the Commissioner of Marine Resources to review the surcharges annually and report to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to adjust the surcharges.
3. It changes the number of members, the criteria for membership and the selection process.
4. It requires that the collaborative present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2014 a 3-year marketing plan with a detailed work plan and proposed budget for programs and activities for 2014 and 2015. It retains the provisions of the bill that require a report by January 15, 2018 to the Lobster Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters with respect to the results of a third-party audit of programs and activities and that allow the committee to report out a bill based on the report.
5. It requires that the collaborative report annually to the joint standing committee of the Legislature having jurisdiction over marine resources matters, the Lobster Advisory Council and the lobster industry.
6. It provides that the provisions of law establishing the collaborative and the surcharges are repealed October 1, 2018.
7. It adds an appropriations and allocations section.

**Committee Amendment "B" (H-492)**

This amendment, which is the minority report, replaces the bill and changes the provisions of the law establishing the Lobster Promotion Council as follows.

## *Joint Standing Committee on Marine Resources*

1. It renames the council the Maine Lobster Marketing Collaborative.
2. It increases, beginning in 2014, the surcharge assessed on lobster harvester and dealer licenses and creates a surcharge on the lobster processor license to fund the marketing collaborative. Under this amendment the lobster dealer and transportation licenses are assessed a surcharge of \$1,300 in 2014 rising to \$3,900 for years 2016 to 2018. The lobster processing license is assessed a surcharge of \$2,000 in 2014 rising to \$6,000 for years 2016 to 2018. It requires the Commissioner of Marine Resources to review the surcharges annually and report to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to adjust the surcharges.
3. It changes the number of members, the criteria for membership and the selection process.
4. It requires that the collaborative present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2014 a 3-year marketing plan with a detailed work plan and proposed budget for programs and activities for 2014 and 2015. It retains the provisions of the bill that require a report by January 15, 2018 to the Lobster Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters with respect to the results of a third-party audit of programs and activities and that allow the committee to report out a bill based on the report.
5. It requires that the collaborative report annually to the joint standing committee of the Legislature having jurisdiction over marine resources matters, the Lobster Advisory Council and the lobster industry.
6. It provides that the provisions of law establishing the collaborative and the surcharges are repealed October 1, 2018.
7. It adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2013, chapter 309 changes the provisions of the law establishing the Lobster Promotion Council as follows.

1. It renames the council the Maine Lobster Marketing Collaborative.
2. It increases, beginning in 2014, the surcharge assessed on lobster harvester and dealer licenses and creates a tiered surcharge on the lobster processor license to fund the marketing collaborative. It also creates tiered surcharges on the supplemental wholesale seafood licenses and supplemental lobster transportation licenses to fund the marketing collaborative. It requires the Commissioner of Marine Resources to review the surcharges annually and report to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to adjust the surcharges.
3. It changes the number of members, the criteria for membership and the selection process.
4. It requires that the collaborative present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2014 a 3-year marketing plan with a detailed work plan and proposed budget for programs and activities for 2014 and 2015. It require the collaborative to report by January 15, 2018 to the Lobster Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters the results of a third-party audit of programs and activities and allows the committee to report out a bill based on the report.
5. It requires that the collaborative report annually to the joint standing committee of the Legislature having jurisdiction over marine resources matters, the Lobster Advisory Council and the lobster industry.

*Joint Standing Committee on Marine Resources*

6. It repeals the provisions of law establishing the collaborative and the surcharges effective October 1, 2018.

**LD 497      An Act To Move Maine's Elver Fishery towards Sustainability      ONTP**

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

This bill provides that elvers may be harvested only by residents using dip nets. Licenses for elver fishing are required to be issued to applicants who are residents who have previously been issued an elver license in any two consecutive years since and including 1994. Fifty dollars of each elver license fee and dip net fee is deposited in the Eel and Elver Management Fund, which is used for research and management of eels and elvers; the fund is modified to remove authority for the Commissioner of Marine Resources to use the fund to cover the costs associated with determining eligibility for elver fishing licenses.

**LD 557      An Act To Change the Age at Which a Person Qualifies for a Fee      ONTP**  
**Reduction for a Lobster and Crab Fishing License**

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

This bill changes the age at which an applicant qualifies for a fee reduction for a lobster and crab fishing license from 70 years of age to 65 years of age.

**LD 583      An Act To Allow the Exchange of Scallop Licenses      ONTP**

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

This bill allows a holder of a hand fishing scallop license and a holder of a scallop dragging license to exchange licenses.

**LD 584      An Act To Provide for Passage of River Herring on the St. Croix River      ONTP**  
**in Accordance with an Adaptive Management Plan**

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

This bill requires that the fishway on the Grand Falls Dam allow passage of river herring in accordance with the provisions of the Adaptive Management Plan dated April 23, 2010 developed at the request of an international joint commission involving the United States and Canada.

See enacted law summary for LD 72 and bill summary for LD 748.

*Joint Standing Committee on Marine Resources*

**LD 585      An Act To Require the Development of a Statewide Approach to Seaweed Management**

**PUBLIC 169**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINCHENBACH JOHNSON C	OTP-AM	H-126

This bill repeals the laws establishing the Cobscook Bay Rockweed Management Area 90 days after the adjournment of the Second Regular Session of the 126th Legislature. The bill also directs the Commissioner of Marine Resources to develop a fisheries management plan for a consistent approach to the management of seaweed harvesting throughout the State and to report to the Joint Standing Committee on Marine Resources no later than January 31, 2014.

**Committee Amendment "A" (H-126)**

This amendment removes the section of the bill that repeals the laws establishing the Cobscook Bay Rockweed Management Area 90 days after the adjournment of the Second Regular Session of the 126th Legislature. This amendment retains the provision of the bill that requires that the statewide fisheries management plan for a consistent statewide approach to seaweed harvesting be presented to the Joint Standing Committee on Marine Resources no later than January 31, 2014, but it clarifies that the plan must be provided to the committee for review and comment and gives the committee the authority to report out a bill related to the plan.

**Enacted Law Summary**

Public Law 2013, chapter 169 requires the Commissioner of Marine Resources to develop and present to the Joint Standing Committee on Marine Resources for review and comment no later than January 31, 2014, a statewide fisheries management plan for a consistent statewide approach to seaweed harvesting. It also gives the committee authority to report out a bill related to the plan.

**LD 604      An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation**

**PUBLIC 9  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL CAIN	OTP-AM	H-9

This bill increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from 8 to 48. It also specifies that if the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner by rule may increase the number.

**Committee Amendment "A" (H-9)**

This amendment, like the bill, increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from eight licenses to 48 licenses. The amendment specifies that eight of the licenses allow the taking of elvers with two pieces of gear consisting of an elver fyke net and a dip net and 40 allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net. The amendment retains the provision of the bill that provides that if the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner by rule may increase the number.

**Enacted Law Summary**

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Public Law 2013, chapter 9 increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from eight licenses to 48 licenses. Eight of the licenses allow the taking of elvers with two pieces of gear consisting of an elver fyke net and a dip net and 40 licenses allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net. If the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner shall increase the number by rule.

Public Law 2013, chapter 9 was enacted as an emergency measure effective March 21, 2013.

**LD 632 An Act To Enact Measures To Improve Enforcement Mechanisms in the Elver Industry**

**PUBLIC 49  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C KUMIEGA	OTP-AM	S-23

This bill makes technical changes in laws regarding marine resources to improve enforcement mechanisms for the elver industry. Among the changes are authorizing the seizure of a bulk pile that contains illegally harvested elvers and prohibiting the possession of elvers outside of the open season. The bill also changes the law to restrict courts from suspending all or a portion of fines for elver violations. It reduces the daily number of marine worms harvestable for personal use, and it restricts the allowable landings of northern shrimp for personal use to one tote.

The bill also specifies size limits on scallop spat collected and sold for placement on a lease site, it expands the sources of funds available to an aquaculture fund and it clarifies that Atlantic salmon raised for restoration purposes are not exempt from certain fishing prohibitions.

**Committee Amendment "A" (S-23)**

This amendment replaces the bill and adds an emergency preamble and an emergency clause. The amendment requires an elver harvester to provide, upon request of a law enforcement officer or elver dealer, a government-issued identification with the harvester's photograph and birth date. The amendment restricts the form of payment with respect to the sale and purchase of elvers to a check. The amendment converts many elver fishing violations that are currently civil violations to Class D crimes and requires courts to impose the maximum fine for those Class D crimes.

**Enacted Law Summary**

Public Law 2013, chapter 49 requires an elver harvester to provide, upon request of a law enforcement officer or elver dealer, a government-issued identification with the harvester's photograph and birth date and restricts the form of payment with respect to the sale and purchase of elvers to a check. It also converts many elver fishing violations that are currently civil violations to Class D crimes and requires courts to impose the maximum fine for those Class D crimes.

Public Law 2013, chapter 49 was enacted as an emergency measure effective April 24, 2013.

See enacted bill summary for LD 1545, which repeals the provision requiring licensed elver dealers and dealer's representatives to purchase elvers with a check.

***Joint Standing Committee on Marine Resources***

**LD 643      An Act To Create a Tax Incentive Program To Improve the Maine Lobster Industry**

**ONTP**

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

This bill provides a sales tax refund and exemption, beginning July 1, 2013, to encourage capital investment in commercial lobster processing companies in the State and creates a working group that will examine broader issues and make recommendations by January 15, 2014 for improving the competitiveness of commercial lobster processing companies in the State.

Part A of the bill creates a sales tax refund and exemption for the purchase of depreciable machinery and equipment for use in commercial lobster processing beginning July 1, 2013. It requires commercial lobster processing companies receiving the exemption and refund to, beginning January 1, 2014, report annually to the State Tax Assessor on their market share, number of employees, average salary or wages, employee benefits and the number of pounds of lobster processed. It gives the State Tax Assessor auditing authority and the authority to recapture ineligible refunds and exemptions of sales tax within 3 years after the date of the refund or purchase. Beginning March 1, 2014, the bill requires the State Tax Assessor to submit a report annually to the joint standing committee of the Legislature having jurisdiction over taxation matters. The report must include, from the commercial lobster processing companies reporting, aggregate data on market share, employment, wages, benefits and the number of pounds of lobster processed as well as the amount of tax expenditure attributable to the commercial lobster processing companies' receiving the refund and exemption. It requires the joint standing committee of the Legislature having jurisdiction over taxation matters to annually review the report provided by the State Tax Assessor and authorizes the joint standing committee of the Legislature having jurisdiction over taxation matters to issue a report of its findings and recommendations. It gives the joint standing committee of the Legislature having jurisdiction over taxation matters authority to submit a bill to the Legislature to implement recommendations resulting from the review. The sales tax refund and exemption available to commercial lobster processing companies expires June 30, 2018.

Part B of the bill creates a working group convened jointly by the Commissioner of Economic and Community Development and the Commissioner of Marine Resources to examine factors that undermine the competitiveness of Maine commercial lobster processing companies, the extent to which the Canadian lobster industry is subsidized and data on employment, wages, benefits, pounds of lobster processed and market share. It requires the working group to identify benchmarks that may be used to determine eligibility for the sales tax refund and exemption. It requires the working group to make recommendations for increasing commercial lobster processing in the State and identify strategies for strengthening the Maine lobster brand and the relationships within the industry to better promote Maine lobster and increase sales. It requires the working group to report, no later than January 15, 2014, findings and recommendations to the Joint Standing Committee on Taxation and the Joint Standing Committee on Marine Resources. It authorizes the Joint Standing Committee on Taxation and the Joint Standing Committee on Marine Resources to introduce a bill related to the subject matter of the report to the Second Regular Session of the 126th Legislature upon receipt of the report.

**LD 731      An Act To Increase the Number of Elver Harvesting Licenses and Preserve the Fishery through Conservation**

**ONTP**

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

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This bill establishes special elver fishing license lotteries in 2014 and 2015 under which a person who possessed an elver fishing license in 1996, 1997 or 1998 or a person who has never held an elver fishing license and is not otherwise eligible may obtain that license. Persons issued a license under these special lotteries may use one elver fyke net or one dip net to fish for or take elvers. The bill increases the overall number of pieces of gear that may be used for fishing for or taking elvers. The bill prohibits harvesting yearling elvers, as defined by the Commissioner of Marine Resources by rule and increases from two days to three days per week the closed period for elver fishing. The bill establishes the Eel and Elver Advisory Council to make recommendations to the commissioner and the Legislature regarding matters of interest to the State's eel and elver fishing industry. The bill requires the Department of Marine Resources to work with the Department of Inland Fisheries and Wildlife to establish an elver restocking program. See enacted law summary for LD 451.

**LD 748      An Act Regarding the Passage of River Herring on the St. Croix River      ONTP**

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

This bill requires the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to ensure by May 1, 2013 that fishways on the Woodland Dam and the Grand Falls Dam are configured in a manner that allows the unlimited passage of river herring. See enacted law summary for LD 72 and bill summary for LD 584.

**LD 778      An Act To Develop Principles To Guide Fisheries Management Decisions      ONTP**

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

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

This bill proposes to establish a means of determining the long-term goal of fisheries management in the State, including developing a method of outcome testing proposed legislation and rules. The joint standing committee of the Legislature having jurisdiction over marine resources matters would use the outcome testing to evaluate the effect of the proposed legislation or rules on fisheries management and include the Department of Marine Resources advisory committees and lobster management policy councils in the decision-making process.

The bill would require the periodic review of the fisheries management laws and goals in order to ensure that they remain pertinent and applicable. See enacted law summary for LD 811.

**LD 810      Resolve, To Amend the Lobster Trap Tag System Rules for Certain Zones      ONTP**

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

This resolve directs the Commissioner of Marine Resources to amend Department of Marine Resources rule Chapter 25.08, A (3) concerning lobster fishing Zones F and G to reduce the number of lobster traps that a person may fish in the limited entry zone other than the person's declared lobster zone from 49% of the person's traps to

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25%.

**LD 811 An Act To Provide Guidance for the Development of Marine Fisheries Management Plans**

**PUBLIC 287**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN WOODBURY	OTP-AM	H-259

This bill establishes general requirements for the development of fisheries management plans by the Commissioner of Marine Resources, including objectives plans must seek to address and the management and scientific content for the plans. The bill also provides that the commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council. The bill requires that a management plan be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists.

**Committee Amendment "A" (H-259)**

This amendment adds to the bill the requirement that the fishery management plan for each species must include an ecosystem-based characterization of the species under consideration.

**Enacted Law Summary**

Public Law, chapter 287 establishes general requirements for the development of fisheries management plans by the Commissioner of Marine Resources, including objectives plans must seek to address and the management and scientific content for the plans. The bill also provides that the commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council. The bill requires that a management plan be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists. Public Law, chapter 287 also requires that the fishery management plan for each species must include an ecosystem-based characterization of the species under consideration.

**LD 832 An Act To Enable Small-scale Cooperative Management of Sea Urchin Resources**

**CARRIED OVER**

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

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

The purpose of the bill is to enable persons involved in the sea urchin fishery to increase economic return of sea urchin resources through resource enhancement and harvest control in designated areas.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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**LD 898 An Act To Require Labeling of Genetically Engineered Marine Organisms**

**DIED BETWEEN HOUSES**

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

This bill requires clear and conspicuous labeling of marine organisms offered for sale that are produced using genetic engineering. Failure to provide the required labeling is a civil violation subject to enforcement by the Commissioner of Marine Resources.

**Committee Amendment "A" (H-443)**

This amendment, which is the minority report of the committee, clarifies the definition of "genetically engineered" as applied to marine organisms.

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

This amendment provides that a marine organism that has been genetically engineered may not be offered for sale for human consumption if labeled with the same name as its nongenetically engineered counterpart unless the words "genetically engineered" appear immediately before the name in the same size, color and font type.

**LD 899 An Act Providing for a Noncommercial, Nondomiciled Resident Lobster and Crab Fishing License**

**ONTP**

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

This bill creates a noncommercial, nondomiciled resident lobster and crab fishing license. The holders of these licenses are charged \$250 for a license and an annual surcharge of \$1,000 designated to the Lobster Promotion Fund.

**LD 935 An Act To Permit the Harvest of Sea Cucumbers as Bycatch of Sea Urchin Dragging and To Allow Areas To Be Closed to Sea Cucumber Dragging**

**ONTP**

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

This bill allows those authorized to engage in sea urchin dragging to possess, ship, transport and sell up to 2 fish totes per day of sea cucumbers caught as bycatch if the retained sea cucumbers are 2 inches longer than any minimum size established by the Commissioner of Marine Resources and the person retaining the sea cucumbers is also in possession of sea urchins. The bill also grants authority to the commissioner to close an area to sea cucumber dragging in order to protect lobster populations or to reduce conflicts between mobile and fixed fishing gear.

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**LD 939      An Act To Authorize a General Fund Bond Issue To Restore Maine's  
Groundfishing Industry**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MOONEN	OTP-AM	

This bill includes ongoing General Fund appropriations of \$3,500,000 annually to the Department of Marine Resources beginning in fiscal year 2013-14 for the purchase of federal groundfishing permits.

**Committee Amendment "A" (S-152)**

This amendment replaces the bill with a bond issue in the amount of \$3,500,000 for the purchase of federal groundfishing permits to enable Maine fishing vessels to land their catch in Maine.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 946      An Act To Allow Municipalities To Petition the Department of Marine  
Resources To Establish Dive-only Areas for Scallops in Mooring Fields**

**PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-110

This bill gives the Commissioner of Marine Resources authority to establish by rule at the written request of a municipality dive-only areas in harbors where there are moorings within that municipality in which a person may not fish for or take scallops by any means other than by hand. This bill provides that dragging for scallops in a dive-only area is prohibited, and that a violation of this prohibition is a civil violation with mandatory fines.

**Committee Amendment "A" (S-110)**

This amendment gives the Commissioner of Marine Resources authority to establish by rule at the written request of a municipality in harbors where there are five or more moorings within that municipality dive-only areas in which a person may not fish for or take scallops by any means other than by hand. The bill does not specify a minimum number of moorings.

**Enacted Law Summary**

Public Law 2013, chapter 230 gives the Commissioner of Marine Resources authority to establish by rule at the written request of a municipality in harbors where there are five or more moorings within that municipality dive-only areas in which a person may not fish for or take scallops by any means other than by hand. It provides that dragging for scallops in a dive-only area is prohibited, and that a violation of this prohibition is a civil violation with mandatory fines.

**LD 953      An Act To Provide for and Recognize the Right of the Houlton Band of  
Maliseet Indians To Fish for Marine Organisms**

**PUBLIC 254**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAR	OTP-AM	H-225

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This bill provides the Houlton Band of Maliseet Indians the same rights regarding the taking of marine organisms as are provided to the other federally recognized Indian tribes in this State, including the right to issue certain commercial licenses and permits for the taking of marine organisms and the right of members of the band to take, possess, transport and distribute marine organisms for sustenance and ceremonial uses. The bill limits the number of lobster and crab fishing licenses issued by the band to 25, the number of sea urchin licenses to 24, the number of scallop licenses to 10 and the number of elver licenses to 25. The bill also increases the number of elver licenses that may be issued by the Penobscot Nation to 50 and the number that may be issued by the Aroostook Band of Micmacs to 25.

**Committee Amendment "A" (H-225)**

This amendment replaces the bill and provides the Houlton Band of Maliseet Indians the same rights regarding the taking of marine organisms as are provided to the other, federally recognized, Indian tribes in this State, including the right to issue certain commercial licenses and permits for the taking of marine organisms and the right of members of the band to take, possess, transport and distribute marine organisms for sustenance and ceremonial uses. The amendment limits the number of lobster and crab fishing licenses issued by the band to 10, the number of sea urchin licenses to 24 and the number of scallop licenses to 10.

**Enacted Law Summary**

Public Law 2013, chapter 254 provides the Houlton Band of Maliseet Indians the same rights regarding the taking of marine organisms as are provided to the other, federally recognized, Indian tribes in this State, including the right to issue certain commercial licenses and permits for the taking of marine organisms and the right of members of the band to take, possess, transport and distribute marine organisms for sustenance and ceremonial uses. The amendment limits the number of lobster and crab fishing licenses issued by the band to 10, the number of sea urchin licenses to 24 and the number of scallop licenses to 10.

**LD 1020 An Act Regarding the Swans Island Lobster Fishing Zone**

**PUBLIC 342  
EMERGENCY**

Sponsor(s)  
KUMIEGA

Committee Report  
OTP-AM

Amendments Adopted  
H-408

This bill establishes in statute the Swans Island Lobster Conservation Area. Under this bill, the maximum allowable number of lobster traps and tags per individual registered to obtain Swans Island Lobster Conservation Area trap tags is 550.

**Committee Amendment "A" (H-408)**

This amendment clarifies the eligibility requirements for Swans Island Conservation Area lobster trap tags. It ensures that a person eligible to take lobsters in the limited-entry zone in which Swans Island is located pursuant to the Department of Marine Resources Rule Chapter 25.90: Swans Island Area Lobster Trap Regulation is eligible to obtain the tags. It also provides that a person who declared the lobster management zone that includes the Swans Island Lobster Conservation Area in the prior calendar year is eligible to obtain Swans Island Lobster Conservation Area trap tags.

**Enacted Law Summary**

Public Law 2013, chapter 342 does the following.

1. It establishes in statute the Swans Island Lobster Conservation Area. Under this law, the maximum allowable number of lobster traps and tags per individual registered to obtain Swans Island Lobster Conservation Area trap tags is 550.



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**LD 1397 An Act To Create Equity and Fairness in the Elver Industry**

**CARRIED OVER**

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

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

This bill proposes to improve the fairness of the elver licensing process by making the process more comparable to the licensing processes for other similar industries within the Department of Marine Resources.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1448 An Act To Preserve Marine Resources Licenses for Active Duty Service Members**

**PUBLIC 319  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DEVIN	OTP-AM	S-267

This bill makes a valid license issued by the Department of Marine Resources inactive with no fee due for a holder who is a member of the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces and the United States Coast Guard, who is under orders for active duty. The license may be reactivated within 30 days of the holder's release from active duty and remains valid until the end of the licensing period in which the holder is released from active duty.

**Committee Amendment "A" (S-267)**

This amendment strikes the bill and replaces it with amendments to existing statutes that provide exceptions for certain requirements for licenses issued by the Department of Marine Resources to persons serving or who have recently served in the United States Armed Forces or United States Coast Guard or the National Guard or the Reserves of the United States Armed Forces.

1. The amendment changes the exception that allows individuals who are ineligible for a commercial fishing license in a limited entry fishery due to service in the United States Armed Forces or United States Coast Guard to be awarded a license, in the following ways:

- A. It expands the exception to all limited entry fisheries;
- B. It increases the eligibility period from 6 to 10 consecutive years of service, with no license fee being assessed during that time;
- C. For consecutive years of service beyond 10 years, it provides that the exception is available as long as a license fee is paid; and
- D. Instead of requiring an honorable discharge from service, it disqualifies an individual who has received a dishonorable discharge.

2. The amendment also changes the current waiver provision regarding license eligibility requirements for

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individuals who are called to active duty in the National Guard or the Reserves of the United States Armed Forces and who hold a license or have held a license in the preceding calendar year, in the following ways:

- A. It expands the exception to all limited entry fisheries;
- B. It adds an eligibility period of 10 consecutive years of service, with no license fee being assessed during that time;
- C. For consecutive years of service beyond 10 years, it provides that the exception is available as long as a license fee is paid; and
- D. It includes instances when the individual enters the service pursuant to a draft or enlistment during a period of an active draft.

The amendment extends an individual's eligibility for a student lobster and crab fishing license by allowing the individual, upon the individual's return from active duty in the United States Armed Forces or United States Coast Guard or the National Guard or the Reserves of the United States Armed Forces, to have the individual's eligibility regarding age extended by the number of years that individual was not able to purchase a student license due to this military service for a period of up to 10 years. In order to take advantage of this extended eligibility, the individual must initiate the license application within one year of the individual's return from active duty.

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

### **Enacted Law Summary**

Public Law 2013, chapter 319 amends existing statutes that provide exceptions for certain requirements for licenses issued by the Department of Marine Resources to persons serving or who have recently served in the United States Armed Forces or United States Coast Guard or the National Guard or the Reserves of the United States Armed Forces.

1. It changes the exception that allows individuals who are ineligible for a commercial fishing license in a limited entry fishery due to service in the United States Armed Forces or United States Coast Guard to be awarded a license, in the following ways:

- A. It expands the exception to all limited entry fisheries;
- B. It increases the eligibility period from 6 to 10 consecutive years of service, with no license fee being assessed during that time;
- C. For consecutive years of service beyond 10 years, it provides that the exception is available as long as a license fee is paid; and
- D. Instead of requiring an honorable discharge from service, it disqualifies an individual who has received a dishonorable discharge.

2. This law also changes the current waiver provision regarding license eligibility requirements for individuals who are called to active duty in the National Guard or the Reserves of the United States Armed Forces and who hold a license or have held a license in the preceding calendar year, in the following ways:

- A. It expands the exception to all limited entry fisheries;
- B. It adds an eligibility period of 10 consecutive years of service, with no license fee being assessed during that time;

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C. For consecutive years of service beyond 10 years, it provides that the exception is available as long as a license fee is paid; and

D. It includes instances when the individual enters the service pursuant to a draft or enlistment during a period of an active draft.

This law also extends an individual's eligibility for a student lobster and crab fishing license by allowing the individual, upon the individual's return from active duty in the United States Armed Forces or United States Coast Guard or the National Guard or the Reserves of the United States Armed Forces, to have the individual's eligibility regarding age extended by the number of years that individual was not able to purchase a student license due to this military service for a period of up to 10 years. In order to take advantage of this extended eligibility, the individual must initiate the license application within one year of the individual's return from active duty.

Public Law 2013, chapter 319 was enacted as an emergency measure effective June 21, 2013.

**LD 1452      An Act To Allow Municipalities with Shellfish Conservation Ordinances      CARRIED OVER  
To Request Permission To Prohibit Marine Worm Harvesting**

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

This bill allows a municipality with a shellfish conservation ordinance to apply to the Department of Marine Resources to request a prohibition on marine worm harvesting. It also makes it a civil violation to harvest marine worms from areas closed to the harvest and possession of marine worms.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1544      An Act To Expand the Authority of Lobster Management Policy      PUBLIC 239  
Councils To Address Entry into Lobster Management Zones and To      EMERGENCY  
Create a Temporary Medical Allowance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-334

This bill expands the authority of lobster management policy councils to allow them to make a recommendation to the Commissioner of Marine Resources regarding the methodology used to calculate the number of new entrants into a lobster management zone. Under existing law, the calculation is based on the number of trap tags retired; this bill would allow a council to recommend using the number of licenses retired instead. The bill also creates a temporary medical allowance so that when a parent or spouse holding a lobster and crab fishing license is unable to fish due to a medical condition, a child or spouse of the license holder who has completed the apprentice program may operate under the license for a limited duration of up to one year.

**Committee Amendment "A" (H-334)**

This amendment provides that in order to be eligible for the temporary medical allowance provided in the bill, the holder of a lobster and crab fishing license must have harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for a temporary medical allowance. This amendment also gives the Joint Standing Committee on Marine Resources the authority to report out a bill regarding lobster licenses and methods for

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expanding opportunity in the limited-entry lobster fishery.

**Enacted Law Summary**

Public Law 2013, chapter 239 expands the authority of lobster management policy councils to allow them to make a recommendation to the Commissioner of Marine Resources regarding the methodology used to calculate the number of new entrants into a lobster management zone. Under previous law, the calculation was based on the number of trap tags retired; this law allows a council to recommend using the number of licenses retired instead.

Public Law 2013, chapter 239 also creates a temporary medical allowance so that when a parent or spouse holding a lobster and crab fishing license is unable to fish due to a medical condition, a child or spouse of the license holder who has completed the apprentice program may operate under the license for a limited duration of up to one year. The law requires that in order to be eligible for the temporary medical allowance provided in the bill, the holder of a lobster and crab fishing license must have harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for a temporary medical allowance.

Public Law 2013, chapter 239 gives the Joint Standing Committee on Marine Resources the authority to report out a bill regarding lobster licenses and methods for expanding opportunity in the limited-entry lobster fishery.

Public Law 2013 chapter 239 was enacted as an emergency measure effective June 12, 2013.

**LD 1545      An Act To Make Technical Changes to Maine's Marine Resources Laws      PUBLIC 301  
and Elver Enforcement Mechanisms**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C	OTP-AM	S-247 H-473 DEVIN

This bill makes changes in the laws governing marine resources, including changes designed to improve enforcement mechanisms for the elver industry. This bill:

1. Specifically authorizes the Commissioner of Marine Resources to adopt or amend rules to add or delete authorization for the holders of aquaculture leases to use specific gear on the lease site and provides that the commissioner may grant authorization for a gear or species amendment only upon a determination that the change is consistent with the findings made by the commissioner when the lease was approved;
2. Specifies size limits on scallop spat collected under the authority of a special license and sold for placement on a lease site;
3. Provides that approval by the applicable advisory council is not required for a special license issued by the commissioner to a teacher who is providing a postsecondary school program;
4. Authorizes the commissioner to receive on behalf of the Aquaculture Monitoring, Research and Development Fund funds from any source;
5. Specifies that Atlantic salmon raised in a hatchery for purposes of restoration are not exempt from the possession prohibitions;
6. Eliminates language that would have repealed the exception allowing lobster processing by a person who holds both a wholesale seafood license with a lobster permit and a lobster processor license;
7. Specifies that the holder of an elver fishing license may possess elvers only during the open season and for up to

## *Joint Standing Committee on Marine Resources*

6 hours after the end of open season;

8. Eliminates language that allows the taking of eels by hoop net;
9. Repeals a provision that prohibits a person from selling elvers for any form of payment other than a check that identifies both the seller and the buyer;
10. Eliminates language that prohibits an elver license holder or authorized representative from purchasing elvers in any manner other than by a check that identifies both the seller and buyer;
11. Enacts a provision that prohibits a person from assisting another person to illegally harvest elvers;
12. Specifically provides that elvers that are purchased or possessed that were illegally taken are subject to seizure;
13. Removes language requiring that shellfish conservation training programs include training in sampling techniques for the detection of pollutants and contaminants in shellfish areas;
14. Increases from 2 quarts to one gallon the amount of shucked scallops a person may take for personal use in any one day without possessing a scallop dragging license;
15. Increases from 2 quarts to one gallon the amount of shucked scallops a holder of a noncommercial scallop license may take for personal use in any one day;
16. Amends the description of the zone that is closed to sea urchin fishing that is designated "Zone 1";
17. Decreases from 125 to 50 the number of marine worms a person may take for personal use in any one day without possessing a marine worm digger's license or a marine worm dealer's license;
18. Restricts the allowable landings of northern shrimp for personal use to one standard fish tote;
19. Prohibits the issuance of an elver dealer's license after February 1st for the following licensing year;
20. Clarifies that an elver dealer's license authorizes licensed activities at only one permanent facility, which cannot be a dwelling, that is owned or legally leased by the license holder; and
21. Removes language prohibiting a licensed elver dealer or dealer's representative from purchasing or attempting to purchase elvers with a nonnegotiable check.

### **Committee Amendment "A" (S-247)**

This amendment:

1. Modifies the provision of the bill that authorizes the Commissioner of Marine Resources to authorize gear or species changes under aquaculture leases; it provides that before any such changes are made, the public and interested parties must be notified and allowed to comment on the change;
2. Modifies the size limits on scallop spat collected under the authority of a special license and sold for placement on a lease site. Until September 1, 2015, the scallop spat must be less than 40 millimeters in the longest diameter and, beginning September 1, 2015, the scallop spat must be less than 25 millimeters in the longest diameter;
3. Clarifies that approval by the applicable advisory council is not required for a special license issued by the commissioner to a teacher who is providing a school program for educational purposes;

## *Joint Standing Committee on Marine Resources*

4. Retains a recently enacted provision, repealed in the bill, that prohibits a person from buying or selling elvers with any form of payment other than a check, but modifies the provision to allow other forms of payment if the purchaser provides a written or electronic receipt that identifies both the buyer and seller; and
5. Suspends the elver gear lottery until action is taken to reauthorize the lottery.

### **House Amendment "A" To Committee Amendment "A" (H-473)**

This amendment changes provisions in Committee Amendment "A" governing regulations that the Commissioner of Marine Resources may adopt or amend governing research and aquaculture leases. The committee amendment conditions authorization for a species or gear amendment on the provision of notice of the proposed amendment to the public, the owners of riparian land within 1,000 feet of the lease site and the municipal officers of the municipality within which the lease is located and specifies that the notice must provide an opportunity for submission of written comments on the proposed amendment within 14 days. This amendment instead requires that these regulations provide for notice of proposed changes in only gear authorization to the lessee, the public, riparian landowners and the municipality in which the lease is located, and provide an opportunity for submission of written comments. The amendment provides that a change in authorization is not an adjudicatory proceeding.

This amendment also allows the commissioner to adopt similar rules for limited-purpose leases for commercial or scientific research.

### **Enacted Law Summary**

Public Law 2013, chapter 301 makes the following changes in the laws governing marine resources, including changes designed to improve enforcement mechanisms for the elver industry. It:

1. Specifically authorizes the Commissioner of Marine Resources to adopt or amend rules to add or delete authorization for the holders of aquaculture leases to use specific gear on the lease site and provides that the commissioner may grant authorization for a gear or species amendment only upon a determination that the change is consistent with the findings made by the commissioner when the lease was approved. The rules must provide for notice of proposed changes in gear authorization only to the lessee, the public, riparian landowners and the municipality in which the lease is located, and provide an opportunity for submission of written comments. The law provides that a change in authorization is not an adjudicatory proceeding and also allows the commissioner to adopt similar rules for limited-purpose leases for commercial or scientific research;
2. Specifies size limits on scallop spat collected under the authority of a special license and sold for placement on a lease site. The new size limits on scallop spat collected under the authority of a special license and sold for placement on a lease site are as follows: Until September 1, 2015, the scallop spat must be less than 40 millimeters in the longest diameter and, beginning September 1, 2015, the scallop spat must be less than 25 millimeters in the longest diameter;
3. Provides that approval by the applicable advisory council is not required for a special license issued by the commissioner to a teacher who is providing a postsecondary school program for educational purposes;
4. Authorizes the commissioner to receive on behalf of the Aquaculture Monitoring, Research and Development Fund funds from any source;
5. Specifies that Atlantic salmon raised in a hatchery for purposes of restoration are not exempt from the possession prohibitions;
6. Eliminates language that would have repealed the exception allowing lobster processing by a person who holds both a wholesale seafood license with a lobster permit and a lobster processor license;
7. Specifies that the holder of an elver fishing license may possess elvers only during the open season and for up to

*Joint Standing Committee on Marine Resources*

6 hours after the end of open season;

- 8. Eliminates language that allows the taking of eels by hoop net;
- 9. Repeals a provision that prohibits a person from selling elvers for any form of payment other than a check that identifies both the seller and the buyer;
- 10. Eliminates language that prohibits an elver license holder or authorized representative from purchasing elvers in any manner other than by a check that identifies both the seller and buyer;
- 11. Enacts a provision that prohibits a person from assisting another person to illegally harvest elvers;
- 12. Specifically provides that elvers that are purchased or possessed that were illegally taken are subject to seizure;
- 13. Removes language requiring that shellfish conservation training programs include training in sampling techniques for the detection of pollutants and contaminants in shellfish areas;
- 14. Increases from 2 quarts to one gallon the amount of shucked scallops a person may take for personal use in any one day without possessing a scallop dragging license;
- 15. Increases from 2 quarts to one gallon the amount of shucked scallops a holder of a noncommercial scallop license may take for personal use in any one day;
- 16. Amends the description of the zone that is closed to sea urchin fishing that is designated "Zone 1";
- 17. Decreases from 125 to 50 the number of marine worms a person may take for personal use in any one day without possessing a marine worm digger's license or a marine worm dealer's license;
- 18. Restricts the allowable landings of northern shrimp for personal use to one standard fish tote;
- 19. Prohibits the issuance of an elver dealer's license after February 1st for the following licensing year;
- 20. Clarifies that an elver dealer's license authorizes licensed activities at only one permanent facility, which cannot be a dwelling, that is owned or legally leased by the license holder;
- 21. Prohibits a person from buying or selling elvers with any form of payment other than a check unless the purchaser provides a written or electronic receipt that identifies both the buyer and seller; and
- 22. Suspends the elver gear lottery until action is taken to reauthorize the lottery.

**LD 1549 An Act To Provide an Exemption for Incidentally Caught Lobsters**

**ACCEPTED  
MINORITY  
(ONTP) REPORT**

Sponsor(s)  
HASKELL

Committee Report  
OTP-AM  
ONTP

Amendments Adopted

This bill allows the holder of a commercial fishing license while on a boat participating in the federal northeast multispecies fishery fishing exclusively in specific lobster management areas delineated under federal regulation to take, possess or sell lobsters but prohibits the first sale of those lobsters in Maine.

## *Joint Standing Committee on Marine Resources*

### **Committee Amendment "A" (S-229)**

The majority report repeals after three years the exception provided in the bill that allows the holder of a commercial fishing license fishing exclusively in specific lobster management areas under federal jurisdiction to take, possess or sell lobsters. It also clarifies that the lobsters permitted to be taken under the bill may not be first landed in Maine.

*Joint Standing Committee on Marine Resources*

**SUBJECT INDEX**

*Alewives*

Enacted

LD 72 An Act To Open the St. Croix River to River Herring PUBLIC 47  
EMERGENCY

Not Enacted

LD 584 An Act To Provide for Passage of River Herring on the St. Croix River in ONTP  
Accordance with an Adaptive Management Plan

LD 748 An Act Regarding the Passage of River Herring on the St. Croix River ONTP

*Bait*

Not Enacted

LD 1171 Resolve, To Allow Certain Holders of Lobster and Crab Fishing Licenses To ONTP  
Harvest River Herring for Personal Use as Bait

*Clams, Quahogs, Oysters, and Mussels*

Not Enacted

LD 1224 An Act Regarding Advertising of Maine Shellfish ONTP

LD 1452 An Act To Allow Municipalities with Shellfish Conservation Ordinances To CARRIED OVER  
Request Permission To Prohibit Marine Worm Harvesting

*Department of Marine Resources*

Enacted

LD 482 An Act To Improve the Quality of the Data Used in the Management of PUBLIC 282  
Maine's Fisheries

*Elvers*

Enacted

LD 451 An Act Relating to Certain Marine Resources Licenses PUBLIC 8  
EMERGENCY

LD 604 An Act Regarding Commercial Elver Fishing Licenses Issued by the PUBLIC 9  
Penobscot Nation EMERGENCY

LD 632 An Act To Enact Measures To Improve Enforcement Mechanisms in the PUBLIC 49  
Elver Industry EMERGENCY

Not Enacted

LD 497 An Act To Move Maine's Elver Fishery towards Sustainability ONTP

LD 731 An Act To Increase the Number of Elver Harvesting Licenses and Preserve ONTP  
the Fishery through Conservation

LD 1397 An Act To Create Equity and Fairness in the Elver Industry CARRIED OVER

*Fisheries Management Planning*

Enacted

LD 811 An Act To Provide Guidance for the Development of Marine Fisheries PUBLIC 287  
Management Plans

*Fisheries Management Planning*

Not Enacted

LD 778      An Act To Develop Principles To Guide Fisheries Management Decisions      ONTP

*Genetically Engineered Marine Organisms*

Not Enacted

LD 898      An Act To Require Labeling of Genetically Engineered Marine Organisms      DIED BETWEEN HOUSES

*Groundfish*

Not Enacted

LD 939      An Act To Authorize a General Fund Bond Issue To Restore Maine's Groundfishing Industry      CARRIED OVER

*Licenses*

Enacted

LD 1448      An Act To Preserve Marine Resources Licenses for Active Duty Service Members      PUBLIC 319 EMERGENCY

*Lobsters and Crabs*

Enacted

LD 486      An Act To Provide for the Effective Marketing and Promotion of Maine Lobster      PUBLIC 309

LD 1020      An Act Regarding the Swans Island Lobster Fishing Zone      PUBLIC 342 EMERGENCY

LD 1544      An Act To Expand the Authority of Lobster Management Policy Councils To Address Entry into Lobster Management Zones and To Create a Temporary Medical Allowance      PUBLIC 239 EMERGENCY

Not Enacted

LD 182      An Act To Support the Maine Lobster Industry      CARRIED OVER

LD 469      An Act To Allow the Commissioner of Marine Resources To Investigate Price Fixing of Lobster      ONTP

LD 557      An Act To Change the Age at Which a Person Qualifies for a Fee Reduction for a Lobster and Crab Fishing License      ONTP

LD 643      An Act To Create a Tax Incentive Program To Improve the Maine Lobster Industry      ONTP

LD 810      Resolve, To Amend the Lobster Trap Tag System Rules for Certain Zones      ONTP

LD 899      An Act Providing for a Noncommercial, Nondomiciled Resident Lobster and Crab Fishing License      ONTP

LD 1097      An Act To Allow the Sale of Incidentally Caught Lobsters      ONTP

LD 1549      An Act To Provide an Exemption for Incidentally Caught Lobsters      MINORITY (ONTP) REPORT

*Rockweed, Bait Fish and the Intertidal Zone*

Enacted

LD 585      An Act To Require the Development of a Statewide Approach to Seaweed Management      PUBLIC 169

**Scallops**

**Enacted**

LD 946 An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields PUBLIC 230

**Not Enacted**

LD 583 An Act To Allow the Exchange of Scallop Licenses ONTP

**Sea Urchins and Sea Cucumbers**

**Not Enacted**

LD 832 An Act To Enable Small-scale Cooperative Management of Sea Urchin Resources CARRIED OVER

LD 935 An Act To Permit the Harvest of Sea Cucumbers as Bycatch of Sea Urchin Dragging and To Allow Areas To Be Closed to Sea Cucumber Dragging ONTP

**Technical Changes**

**Enacted**

LD 1545 An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms PUBLIC 301

**Tribal Fishing**

**Enacted**

LD 953 An Act To Provide for and Recognize the Right of the Houlton Band of Maliseet Indians To Fish for Marine Organisms PUBLIC 254



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



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

**JOINT SELECT COMMITTEE ON MAINE'S WORKFORCE  
AND ECONOMIC FUTURE**

July 2013

**MEMBERS:**

SEN. SETH A. GOODALL, CHAIR  
SEN. LINDA M. VALENTINO  
SEN. ROGER J. KATZ  
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13 STATE HOUSE STATION  
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*Joint Select Committee on Maine's Workforce and Economic Future*

**LD 90      An Act To Strengthen Maine's Workforce and Economic Future**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND EVES	OTP-AM	S-71 S-83    GOODALL

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

The bill proposes to strengthen the State's middle class and improve the State's business climate by making targeted and strategic investments in the State's workforce, place-based economic engines and small businesses.

The bill proposes to close the so-called "skills gap" between the State's workforce and the needs of the State's employers through a renewed partnership among the State's workers, educators and businesses.

The bill proposes to strengthen the State's place-based economic engines, including, but not limited to, downtowns, farms, forests and waters, to facilitate and accelerate economic growth.

The bill proposes to amend state laws to help improve the ability of small businesses to innovate and expand.

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

This amendment replaces the concept draft.

The amendment adds an emergency preamble and emergency clause and does the following.

**PART A**

This Part amends the laws governing the Education Coordinating Committee to require that the committee meet at least quarterly. It also requires the committee to consult organizations and associations with a commitment to and interest in education matters in developing its cooperative efforts and strategic planning. It requires the Education Coordinating Committee to examine the issues related to adults needing assistance in meeting the requirements for postsecondary education admission or entrance into specific training programs and to report to the Joint Select Committee on Maine's Workforce and Economic Future by December 16, 2014 with its findings and recommendations. This Part also authorizes the joint select committee to report out legislation based on the Education Coordinating Committee's findings and recommendations.

**PART B**

This Part requires the Chancellor of the University of Maine System and the Board of Trustees of the University of Maine System, in cooperation with the President of the Maine Community College System and the Board of Trustees of the Maine Community College System, to develop the policies and procedures to establish a process for students enrolled in community colleges in this State to successfully transfer their credits into the University of Maine System in order to complete their baccalaureate degrees. It also requires the Chancellor of the University of Maine System and the President of the Maine Community College System to study the feasibility of developing a common course numbering system and provide a plan and implementation schedule, if their study results in a solution that could be realized in a reasonable timeframe and that adds value to the transfer process, to the Joint Standing Committee on Education and Cultural Affairs no later than September 1, 2014.

**PART C**

## *Joint Select Committee on Maine's Workforce and Economic Future*

This Part establishes Maine industry partnerships as a cooperative initiative within the Office of the Governor. This Part also creates the Industry Partnership Assistance Collaborative in the Office of the Governor administered by the Commissioner of Labor and consisting of representatives from the Department of Labor, the Department of Education, the Department of Economic and Community Development, the University of Maine System and the Maine Community College System. This Part also establishes the objectives for the industry partnerships and requires the collaborative to provide staffing and other support for the industry partnerships. It establishes the industry partnerships grant program and requires the collaborative to develop application and qualification criteria for that program. This Part requires the collaborative to provide industry and labor market research to industry partnerships and to establish a performance improvement and evaluation system for the collaborative. This Part also includes an appropriations and allocations section providing \$100,000 in each year of the biennium to the Executive Department to support industry partnerships.

### PART D

This Part establishes the Task Force on Adult Learners. The task force consists of 13 members and is charged with studying issues related to the more than 200,000 adults in the State who have obtained some postsecondary education but who have not earned an associate or baccalaureate degree or obtained a professional certificate. This Part requires the task force to develop a multisector statewide strategic plan to increase postsecondary degree completion rates among such nontraditional students, which will include both short-term and long-term strategies to increase degree completion rates by nontraditional students in the State and provide proposed draft legislation related to these strategies. The task force is required to report its findings and recommendations to the Joint Select Committee on Maine's Workforce and Economic Future no later than February 1, 2014.

### PART E

This Part requires the director of the office within the Department of Education concerned with adult education and family literacy to convene the Working Group on Adult Workforce Readiness to develop a statewide plan to address the work readiness needs of unemployed adults, incumbent workers and employers. This Part requires that the director report the findings and recommendations of the working group to the Joint Select Committee on Maine's Workforce and Economic Future by January 2, 2014.

### PART F

This Part requires Jobs for Maine's Graduates to provide capacity, curriculum and professional development to assist up to 30 high schools, depending on available funding, in creating career preparation courses and local business networks to support career preparation activities. It also requires the Executive Director of Jobs for Maine's Graduates to report by February 1, 2014 on progress toward achieving the goal of providing the resource support required by this Part to the Joint Select Committee on Maine's Workforce and Economic Future.

### PART G

This Part establishes the Maine Incumbent Worker Training Program as a pilot project within the Maine Community College System. This Part requires that the pilot project provide additional training to 300 incumbent workers across the State. This Part requires the President of the Maine Community College System to establish guidelines for the pilot project that require some participating employers to pay a percentage of costs of providing training to their employees. This Part requires that the President of the Maine Community College System report on the pilot project by January 15, 2015 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters.

### PART H

This Part expands InternHelpME.com, a statewide internship-matching program established by the Maine State

## *Joint Select Committee on Maine's Workforce and Economic Future*

Chamber of Commerce that links employers, students, colleges and universities. This Part requires the Commissioner of Labor, in consultation with the Commissioner of Economic and Community Development, to establish a 13-member advisory committee to assist the Commissioner of Labor in program oversight and development. This Part requires a report on the expansion of InternHelpME.com to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters by January 2, 2015.

### PART I

This Part provides an additional General Fund appropriation of \$320,000 in each year of the 2013-2015 biennium to create 4 new degree programs annually through the Bring College to ME Program within the Maine Community College System. The new degree programs will be delivered to rural Maine in high-skill, high-wage occupations.

### PART J

Part J provides a one-time General Fund appropriation of \$500,000 in fiscal year 2014-15 to match \$500,000 in private funding from the University of Maine System to establish a scholarship program in the University of Maine System to assist adults with prior education credits to return to the University of Maine System to complete their baccalaureate degrees.

### PART K

Part K provides a General Fund appropriation for the Maine Apprenticeship Program of \$575,000 in fiscal year 2013-14 and \$590,000 in fiscal year 2014-15.

### PART L

Part L provides an additional appropriation of \$1,180,000 in each year of the 2013-2015 biennium to the Maine Community College System to enable the system to reduce the backlog of student applicants for 14 high-demand courses of study that result in degrees or certifications that lead to the opportunity for graduates to obtain high-wage jobs.

### PART M

Part M provides a General Fund appropriation of \$75,000 in each year of the 2013-2015 biennium to the office within the Department of Education concerned with adult education and family literacy for a full-time coordinator position for a pilot project that will establish a foreign-trained worker Welcome Center Initiative in the Portland adult education program.

### **Senate Amendment "A" To Committee Amendment "A" (S-83)**

This amendment requires the Department of Corrections to perform the duties required in the committee amendment within existing resources, provides the Industry Partnership Assistance Collaborative with the discretion, rather than the duty, to provide industry and market research necessary to support the work of industry partnerships and removes the related appropriations.

The provisions in this bill, as amended by Committee Amendment "A" and Senate Amendment "A" are incorporated into Public Law 2013, chapter 368, Parts A, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ and KKKKK.

See the bill summary for LD 1509 under the Joint Standing Committee on Appropriations and Financial Affairs.

*Joint Select Committee on Maine's Workforce and Economic Future*

**LD 516      An Act To Create the Integrated Manufacturing Program Fund      ONTP**

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

This bill establishes the Integrated Manufacturing Program Fund within the Maine Community College System to support the education and training of the manufacturing workforce in the State. The bill provides one-time funding and ongoing funding from the General Fund and requires the Maine Community College System to seek funds from the public and private sectors for deposit into the fund. The bill also provides that funds in fiscal years 2013-14 to 2017-18 must be disbursed to expand the capacity of the integrated manufacturing program at York County Community College. The bill further provides that the Legislature may not reduce General Fund appropriations to the Department of Education, the University of Maine System, the Maine Community College System or the Maine Maritime Academy in fiscal year 2013-14 to fund the Integrated Manufacturing Program Fund.

**LD 577      An Act To Clarify the Role of Career and Technical Education Region      ONTP**  
**Adult Education Programs**

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

This bill includes adult education programs administered by a career and technical education region in the definition of "adult education" in the adult education laws and requires such a program to offer courses in at least one of the five basic course categories provided in statute. Current law includes only programs administered by school administrative units in the definition of "adult education" and requires school administrative units to offer courses in at least 3 of the course categories.

**LD 578      An Act To Award Academic Credit to Service Members for Military      ONTP**  
**Education, Experience and Training**

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

This bill requires the University of Maine System, the Maine Community College System and the Maine Maritime Academy to each develop a system of prior learning assessment to award academic credit to veterans or current members of the United States Armed Forces, including the National Guard and Reserves, for relevant experience, education and training obtained during military service. The University of Maine System, the Maine Community College System and Maine Maritime Academy are directed to report to the joint standing committee of the Legislature having jurisdiction over education matters by December 1, 2014 on progress in implementing these systems.

*Joint Select Committee on Maine's Workforce and Economic Future*

**LD 737      An Act To Promote Workforce Development and Training in the Heating, Ventilation, Air Conditioning and Energy Efficiency and Conservation Trades      ONTP**

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

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

This bill proposes to enact measures designed to promote collaboration between the State and a private sector training center focusing on training workers in heating, ventilation, air conditioning and energy efficiency and conservation trades that serves over 200 students per year. This bill is designed to promote public-private partnerships between the training center and state entities, including, but not limited to, the Finance Authority of Maine, the Maine State Housing Authority, the Maine Community College System and the Department of Defense, Veterans and Emergency Management.

The concept contained in this bill was incorporated into LD 1509, Part FFFFF-2. See the bill summary for LD 1509 under the Joint Standing Committee on Appropriations and Financial Affairs.

**LD 960      Resolve, To Direct Eastern Maine Community College To Create Industry-specific Workplace Transition Educational Programming      ONTP**

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

This resolve requires Eastern Maine Community College to develop a pilot project that creates transition educational programming that begins in one or more secondary schools and continues at Eastern Maine Community College, where students develop skills specific to local businesses so that the skills can be immediately used by the local businesses who hire the students upon graduation from Eastern Maine Community College.

**LD 1172      An Act To Support the Maine Downtown Center      HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL DECHANT	OTP-AM ONTP	S-59 S-352 HILL

This bill provides ongoing support for the Maine Downtown Center.

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

This amendment incorporates a fiscal note.

**Senate Amendment "A" To Committee Amendment "A" (S-352)**

This amendment reduces the appropriation to the Maine Downtown Center to \$25,000, which is for fiscal year 2013-14 only.

*Joint Select Committee on Maine's Workforce and Economic Future*

**LD 1393 An Act To Encourage Entrepreneurial Investment in Maine**

**CARRIED OVER**

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

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

This bill proposes to encourage entrepreneurial investment in Maine in a manner that emphasizes Maine's strengths, focuses on the dynamics of the future economy, envisions Maine's role in a global economy, expands access in Maine to cutting-edge technology, recognizes the importance of small businesses and research organizations as entrepreneurial incubators and emphasizes the advantages of Maine as a healthy and clean environment for families as well as for businesses.

The bill proposes to bring together groups of individuals on the cutting edge of entrepreneurship, innovation and economic philanthropy for the following purposes:

1. To identify innovative business models and financing options;
2. To bring together leaders in all aspects of business, social and cultural sectors in the State to serve as a guiding force for the State's economic future. The groups will marshal stakeholders in the State's future and draw on expertise and vision in the fields of business, education, science, technology, culture and the environment;
3. To identify Maine's strengths as the location of education and research institutions with worldwide reputations and significant natural resources and as the home of a working population with significant potential and a reputation for problem solving and hard work;
4. To identify areas where education and government resources can be reallocated to support the development of an entrepreneurial environment that will attract investment from outside as well as from inside the State by focusing on business sectors that have the best opportunity to grow by taking advantage of the State's strengths; and
5. To develop both a short-term and a long-term strategy for enhancing and increasing awareness of the State's advantages and opportunities for the creation of new businesses and the expansion of existing businesses. A short-term strategy will identify the areas of greatest need for infrastructure and services to support the development of the immediate resources needed for entrepreneurial development and the social and cultural resources that enhance the attractiveness of the State and develop a plan for meeting those needs. A long-term strategy will develop long-term goals and develop a plan and action steps for continuing growth and implementation of a methodology for maintaining the State's activities on the forefront of global opportunities.

This resolve was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1489 An Act To Address Maine's Immediate Workforce Needs**

**HELD BY  
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY GRANT	OTP-AM	S-194 S-364 HILL

## *Joint Select Committee on Maine's Workforce and Economic Future*

This bill creates the Maine Skills Gap Program to address the immediate hiring needs of Maine employers. Its goal is to encourage students and qualified experienced workers to take positions with Maine companies representing industries with significant unmet demand for skilled labor by reimbursing a portion of an employee's student debt or, in the absence of student debt, reimbursing a portion of an employee's housing expense during the employee's employment. The reimbursement is not subject to Maine income tax. A qualified employer will be considered eligible for reimbursement by the State under the Maine Employment Tax Increment Financing Program and will be reimbursed 50% of the qualified employer's employment, payroll and state income tax withholding taxes paid by the qualified employer for each qualified employee. The Maine Skills Gap Program is repealed March 31, 2021.

### **Committee Amendment "A" (S-194)**

This amendment replaces the bill and does the following.

1. It changes the name of the program created under the bill from the Maine Skills Gap Program to the Maine Workforce Opportunities Program.
2. It requires the Department of Economic and Community Development, in coordination with the Department of Labor, to create and maintain qualified employee and employer registries.
3. It charges the Department of Economic and Community Development with leading the marketing efforts to employers and employees of the Job Creation Through Educational Opportunity Program, as well as all other existing incentive programs that are aimed at attracting new employees to Maine businesses.
4. It requires the Commissioner of Economic and Community Development to report to the Joint Select Committee on Maine's Workforce and Economic Future and the Joint Standing Committee on Labor, Commerce, Research and Economic Development on the results of the marketing effort no later than January 15, 2014. It also requires the commissioner to study what the effect would be of including reimbursement of a qualified employee's housing costs as an incentive.
5. It adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-364)**

This amendment delays the implementation of the Maine Workforce Opportunities Program until July 1, 2014 and delays the reporting date of the Commissioner of Economic and Community Development until December 1, 2014. The amendment also removes the funding in fiscal year 2013-14 due to the delay of the implementation of the program.





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



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

**JOINT STANDING COMMITTEE ON STATE AND LOCAL  
GOVERNMENT**

July 2013

**MEMBERS:**

SEN. COLLEEN M. LACHOWICZ, CHAIR  
SEN. STAN J. GERZOFSKY  
SEN. RONALD F. COLLINS

REP. ANNE P. GRAHAM, CHAIR  
REP. ANDREA M. BOLAND  
REP. TERESEA M. HAYES  
REP. BRIAN D. BOLDUC  
REP. JUSTIN MARK CHENETTE  
REP. CATHERINE M. NADEAU  
REP. H. DAVID COTTA  
REP. SHARRI K. MACDONALD  
REP. ALLEN MICHAEL NADEAU  
REP. JETHRO D. PEASE

**STAFF:**

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

**Joint Standing Committee on State and Local Government**

**LD 27      An Act To Enable the Town of Livermore Falls To Withdraw from  
Androscoggin County and Join Franklin County**

**P & S 18**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT SAVIELLO	OTP-AM	H-503 S-368 HILL

This bill authorizes the Town of Livermore Falls to withdraw from Androscoggin County and be annexed by Franklin County.

**Committee Amendment "A" (H-503)**

This amendment provides that Androscoggin County, as well as Franklin County, must vote on the annexation of the Town of Livermore Falls by Franklin County. The municipality petitioning to secede, Livermore Falls, bears the expense of the 2 countywide referenda as provided in the Maine Revised Statutes, Title 30-A, section 2178.

**Senate Amendment "A" To Committee Amendment "A" (S-368)**

This amendment adds a mandate preamble.

**Enacted Law Summary**

Private and Special Law 2013, chapter 18 authorizes the Town of Livermore Falls to withdraw from Androscoggin County and be annexed by Franklin County. It provides that Androscoggin County, as well as Franklin County, must vote on the annexation of the Town of Livermore Falls by Franklin County. The municipality petitioning to secede, Livermore Falls, bears the expense of the two countywide referenda as provided in the Maine Revised Statutes, Title 30-A, section 2178.

**LD 48      An Act To Streamline the Publication of Municipal Reports**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires municipal reports to be published in paper form and digitally on a publicly accessible site on the Internet. It also requires that requests for hard copies of a report be made at least 2 weeks prior to the printing date of the report.

**Committee Amendment "A" (H-146)**

This amendment is the minority report of the committee and provides that the cost savings a municipality realizes from requiring requests for hard copies of the municipal report may be used to offset a municipality's costs for creation and maintenance of a publicly accessible website.

**Joint Standing Committee on State and Local Government**

**LD 49      An Act To Amend the Laws Governing Payment of Fees to Registers of Deeds      VETO SUSTAINED**

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

This bill requires that fees for recording a document with the register of deeds by a company, state or federal agency or department that has an automated clearinghouse automatic deposit agreement with a registry of deeds must be made in accordance with that agreement.

**LD 80      An Act To Change the Schedule for the Beginning of the Biennial Budget Cycle      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill shifts the start of the fiscal biennium for the state budget from the first regular session of the Legislature to the second regular session of the Legislature, beginning for the fiscal year that begins on July 1, 2016. This bill also provides that the state budget beginning on July 1, 2015 is a one-year budget.

**Committee Amendment "A" (H-200)**

This amendment is the minority report of the committee and shifts the start of the fiscal biennium for the state budget from the first regular session of the Legislature to the second regular session of the Legislature beginning with the fiscal year that begins on July 1, 2018, instead of July 1, 2016 as proposed in the bill. It also provides that the state budget beginning July 1, 2017, instead of July 1, 2015 as proposed in the bill, is a one-year budget. The amendment also adds an appropriations and allocations section to the bill.

**LD 82      An Act To Establish a People's Veto Process for Actions of County Commissioners      ACCEPTED MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS JOHNSON P	ONTP OTP-AM	

This bill establishes a people's veto process for the actions of county commissioners. The process allows 5 days for a notice of intention to be filed with the county clerk and 30 days to collect signatures. The number of signatures must be equal to no less than 5% of the total votes cast in the county at the last gubernatorial election. Once the petition is certified by the county clerk, the action that was the subject of the county commissioners' vote must be suspended until a countywide election is held. If the action that was the subject of the county commissioners' vote is budget-related, an interim budget that is equal to the previous year's budget goes into effect until a countywide election is held. If the majority of voters cast their vote in opposition to the veto, the action that was the subject of the county commissioners' vote takes effect.

**Joint Standing Committee on State and Local Government**

**Committee Amendment "A" (S-140)**

This amendment is the minority report of the Joint Standing Committee on State and Local Government, and it strikes and replaces the bill. It requires the President of the Senate and the Speaker of the House to convene a working group to study the issue of creating a people's veto process on actions of county commissioners and requires the working group to report to the committee by January 15, 2014. The amendment also gives the committee permission to report out a bill based on the findings of the study.

**LD 106      An Act To Abolish the Trustees of Public Cemeteries for the City of Waterville**

**P & S 1  
EMERGENCY**

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

This bill abolishes the Trustees of Public Cemeteries for the City of Waterville and transfers all duties and responsibilities for the care and upkeep of the public cemeteries in the City of Waterville to the City of Waterville.

**Enacted Law Summary**

Private and Special Law 2013, chapter 1 abolishes the Trustees of Public Cemeteries for the City of Waterville and transfers all duties and responsibilities for the care and upkeep of the public cemeteries in the City of Waterville to the City of Waterville.

Private and Special Law 2013, chapter 1 was enacted as an emergency measure effective March 27, 2013.

**LD 134      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This resolution proposes to amend the Constitution of Maine to reduce the size of the House of Representatives from 151 members to 101 members and the size of the Senate from no more than 35 members and no less than 31 members to 25 members. Under the resolution, the proposal would be presented to the voters for their approval at a statewide election held in the month of November following the passage of this resolution, and after voter approval, the Legislature that convenes in 2015 would submit a reapportionment plan to implement the reduction in the size of the Legislature. The reduction in the size of the legislative body takes effect with the 128th Legislature.

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

This amendment adds a fiscal note and is the minority report of the committee.

**LD 155      An Act To Streamline the Approval of Accessibility Structures**

**PUBLIC 186  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON MILLETT	OTP-AM	H-222

**Joint Standing Committee on State and Local Government**

This bill allows the code enforcement officer to grant all permits to build a disability ramp, including any structure that requires a variance. Previous law required a municipal zoning board of appeals to approve the construction of a disability ramp requiring a variance before a permit is issued by a code enforcement officer.

**Committee Amendment "A" (H-222)**

This amendment specifies that the authorization to issue a permit to an owner of a dwelling to make the dwelling accessible to a person with a disability is provided by municipal ordinance.

**Enacted Law Summary**

Public Law 2013, chapter 186 provides that the authorization to issue a permit to an owner of a dwelling to make the dwelling accessible to a person with a disability is provided by municipal ordinance.

Public Law 2013, chapter 186 was enacted as an emergency measure effective May 31, 2013.

**LD 183      An Act To Exempt Municipalities That Do Not Hold Annual Meetings      ONTP**  
**from Required Publication of an Annual Report**

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

This bill provides that only municipalities that hold a town meeting are required to publish an annual report.

**LD 210      An Act To Require That Forms, Pamphlets and Other Documents Be      ONTP**  
**Designed To Permit the Continued Use of the Materials**

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

This bill provides that a state agency, board, commission or department may not include the name of a state agency, board, commission or department official on any document produced and distributed to the public after January 1, 2014 unless the inclusion of the name is required to effectuate the legal purposes of the document. The purpose of this bill is to reduce waste resulting from the need to reprint pamphlets, forms and other documents when the name of a state agency, board, commission or department official changes.

**LD 211      An Act To Amend the Laws Governing the Limitation on County      CARRIED OVER**  
**Assessments**

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

This bill changes the definition of "property growth factor," which is integral in the calculation of a county's annual assessment limitation, in the laws governing the limitation on county assessments. The revised definition uses state valuation data in determining the property growth factor, rather than relying on municipal reporting of data based on the assessed valuation of real and personal property.

**Joint Standing Committee on State and Local Government**

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 231 An Act To Support the Permanent Commission on the Status of Women**

**PUBLIC 104  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM WOODBURY	OTP-AM	H-80

This bill authorizes the Permanent Commission on the Status of Women to accept and expend funds for the purposes of the commission. The bill also eliminates a vice-chair position for the commission and the term period for the chair.

**Committee Amendment "A" (H-80)**

This amendment provides that funds received by the Permanent Commission on the Status of Women are deposited in a nonlapsing Other Special Revenue Funds account within the Department of the Secretary of State to support the work of the commission. The amendment also provides an Other Special Revenue Funds allocation in order to allow the commission to spend any funds deposited into the account.

**Enacted Law Summary**

Public Law 2013, chapter 104 authorizes the Permanent Commission on the Status of Women to accept and expend funds for the purposes of the commission. Public Law 2013, chapter 104 provides that funds received by the Permanent Commission on the Status of Women are deposited in a nonlapsing Other Special Revenue Funds account within the Department of the Secretary of State to support the work of the commission. It also provides an Other Special Revenue Funds allocation in order to allow the commission to spend any funds deposited into the account. It also eliminates a vice-chair position for the commission and the term period for the chair.

Public Law 2013, chapter 104 was enacted as an emergency measure effective May 20, 2013.

**LD 255 An Act To Establish July 27th as Maine Korean War Veteran Recognition Day**

**PUBLIC 26  
EMERGENCY**

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

This bill establishes July 27th of each year as Maine Korean War Veteran Recognition Day to honor those members of the United States Armed Forces who served during the Korean War.

**Enacted Law Summary**

Public Law 2013, chapter 26 establishes July 27th of each year as Maine Korean War Veteran Recognition Day to honor those members of the United States Armed Forces who served during the Korean War.

Public Law 2013, chapter 26 was enacted as an emergency measure effective April 8, 2013.

*Joint Standing Committee on State and Local Government*

**LD 274 An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried**

**PUBLIC 421**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO WELSH	OTP-AM ONTP	S-248 S-334 HILL

This bill amends the law governing ancient burying grounds and public burying grounds.

1. It authorizes a municipality to delegate to a caretaker the municipality's responsibilities regarding an ancient burying ground.
2. Current law requires municipalities to care for public burying grounds in which veterans of the Armed Forces of the United States of America who served during a war are buried. This bill removes language requiring service during a war.

**Committee Amendment "A" (S-248)**

This amendment clarifies what keeping a burial place in good condition and repair entails with respect to the provision of the bill that provides an increased standard of care for burial places of veterans of the Armed Forces of the United States that are located in public burying grounds.

**Senate Amendment "A" To Committee Amendment "A" (S-334)**

This amendment adds a mandate preamble.

**Enacted Law Summary**

Public Law 2013, chapter 421 authorizes a municipality to delegate to a caretaker the municipality's responsibilities regarding an ancient burying ground. It requires municipalities to care for public burying grounds in which veterans of the Armed Forces of the United States of America are buried. It also clarifies what keeping a burial place in good condition and repair entails with respect to an increased standard of care for burial places of veterans of the Armed Forces of the United States that are located in public burying grounds.

**LD 315 An Act To Ban the Purchase of Bottled Water by State Agencies**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill prohibits the State or any political subdivision, governmental agency or public benefit corporation of the State from purchasing bottled water.

**Committee Amendment "A" (H-36)**

This amendment, which adds a fiscal note to the bill, is the minority report of the committee.

*Joint Standing Committee on State and Local Government*

**LD 339      An Act To Require Public Hearings by the Legislature To Be Recorded  
and Posted on the Internet**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires that all joint standing committee public hearings are recorded and made accessible to the public as a written transcript, audio recording, video recording or other electronic recording on the Legislature's website within 72 hours of a public hearing beginning January 1, 2014. A committee may not hold a work session on a bill unless the record is available on the Legislature's website. The State Archivist is required to assist and advise the Legislative Council in establishing a records management program for committee public hearings.

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

This amendment is the minority report of the committee. The amendment eliminates the requirement in the bill that a record of a public hearing be accessible to the public on the Legislature's website within 72 hours of the public hearing. The amendment also eliminates the requirement in the bill that a committee may not hold a work session on a bill unless the public hearing record of the bill is accessible to the public on the Legislature's website. The amendment also removes written transcript and video recording and other electronic recording from the types of records in which the public hearing could be recorded and leaves audio recording as the form for the permanent record. The amendment also adds an appropriations and allocations section to the bill.

**LD 340      Resolve, Authorizing the Sale of Certain Property in Augusta to  
Motivational Services, Inc.**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This resolve gives the Commissioner of Administrative and Financial Services authority to sell to Motivational Services, Inc., the property now or formerly known as "the doctors' houses" located at 6 and 10 Arsenal Heights Drive on the east campus of the land comprising the site of what is now or was formerly known as the Augusta Mental Health Institute.

**Committee Amendment "A" (H-201)**

This amendment is the minority report of the committee and gives authority to the Commissioner of Administrative and Financial Services to sell the property located at 6 and 10 Arsenal Heights Drive to a buyer the commissioner approves, instead of specifying that the property must be sold to Motivational Services, Inc.

**LD 357      An Act To Amend the Charter of the Augusta Parking District**

**P & S 4**

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

**Joint Standing Committee on State and Local Government**

This bill repeals a provision contained in Private and Special Law 1947, chapter 124, that requires the dissolution and conveyance of assets from the Augusta Parking District to the City of Augusta upon payment of all bonds issued by the district.

**Enacted Law Summary**

Private and Special Law 2013, chapter 4 repeals a provision contained in Private and Special Law 1947, chapter 124, that requires the dissolution and conveyance of assets from the Augusta Parking District to the City of Augusta upon payment of all bonds issued by the district.

**LD 397      An Act To Amend the Laws Governing the Development and Administration of Municipal Budgets in Unorganized Territories      ONTP**

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

This bill amends the laws governing the development and administration of the county portion of municipal cost component budgets for the unorganized territory. The bill changes counties' annual deadlines for submitting to state officials their unorganized territory municipal cost component budgets from November 7th to February 1st. The bill separates a county's review of its unorganized territory municipal cost component budget from its general fund budget review, thus allowing more time for both processes. The bill also eliminates the role of a county budget committee in approving an excess or increase in the county growth limitation factor for the unorganized territory.

**LD 398      An Act To Eliminate the Constituent Services Allowance for Legislators      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill eliminates the constituent services allowance for Legislators.

**Committee Amendment "A" (H-426)**

This amendment is the minority report of the committee. It changes the title and strikes and replaces the bill and provides that a Legislator may opt out of receiving the constituent services allowance. The amendment also provides that a Legislator who elects to receive the constituent services allowance must keep a record of expenses paid for with the allowance through April 1st of the 2nd year of the legislative biennium. The record must be submitted by April 15th of that year to the Executive Director of the Legislative Council, and the executive director must make the records available upon request and free of charge.

**LD 399      An Act To Change the Name of the Department of Audit      PUBLIC 16**

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

*Joint Standing Committee on State and Local Government*

This bill changes the name of the Department of Audit to the Office of the State Auditor.

**Enacted Law Summary**

Public Law 2013, chapter 16 changes the name of the Department of Audit to the Office of the State Auditor.

**LD 413      An Act To Expand Eligible Project Costs in Development Districts      DIED BETWEEN HOUSES**

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

This bill permits tax increment financing funds to be used to fund projects approved by more than one municipality under an interlocal agreement.

**LD 465      An Act To Improve Access to Public Land Records      ACCEPTED MAJORITY (ONTP) REPORT**

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

This bill improves access to public land records by limiting the fees registries of deeds may charge for digital copies. Maine's Freedom of Access Act limits the fees state agencies may charge for copies of public records to the cost of producing copies, but the Maine Revised Statutes, Title 33 permits registries of deeds to charge a much higher fee for digital copies. The bill also removes outdated references to abstracts, since registries of deeds no longer prepare such documents.

**Committee Amendment "A" (H-199)**

This amendment is the minority report of the committee and changes the cost for any quantity of copies produced on media other than paper from 110% of the costs incurred to fulfill the copies request to 125% of the costs incurred.

**LD 474      An Act To Provide for Edible Landscaping in a Portion of Capitol Park      PUBLIC 153**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN	OTP-AM ONTP	H-102

This bill requires edible landscaping in a portion of Capitol Park. The development of the edible landscaping portion of Capitol Park is subject to available funding, and the State House and Capitol Park Commission may seek and accept public and private funds for this purpose.

**Committee Amendment "A" (H-102)**

This amendment is the majority report of the committee. It strikes the bill and directs the State House and Capitol Park Commission to arrange for and implement a plan to incorporate food-producing landscaping into a portion of

*Joint Standing Committee on State and Local Government*

Capitol Park. The amendment requires that the plan be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920, as revised, and be subject to available funding.

**Enacted Law Summary**

Public Law 2013, chapter 153 directs the State House and Capitol Park Commission to arrange for and implement a plan to incorporate food-producing landscaping into a portion of Capitol Park. It requires that the plan be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920, as revised, and be subject to available funding.

**LD 489      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Increase the Lengths of Terms of Members of the Legislature      DIED BETWEEN  
HOUSES**

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

This resolution proposes to amend the Constitution of Maine to increase the length of the terms of State Senators and members of the House of Representatives from two years to four years beginning in 2016.

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

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

This amendment is the majority report of the committee. The resolution proposes to increase the length of terms of members of the State Senate and the House of Representatives from two years to four years. The amendment also proposes to amend the Constitution of Maine to limit the number of consecutive terms members of the State Senate and the House of Representatives may serve from four terms to two terms. The amendment changes the referendum question to reflect the changes proposed in this amendment.

**LD 490      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Limit a Governor's Pension to Governors Who Have Served 2 Full  
Terms      ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This resolution amends the Constitution of Maine to provide that a Governor who leaves office after January 1, 2012 or the spouse of a Governor who leaves office after January 1, 2012 does not qualify for a retirement allowance based on the Governor's service unless the Governor served at least two full terms as Governor.

**Committee Amendment "A" (S-49)**

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

*Joint Standing Committee on State and Local Government*

**LD 558      Resolve, To Erect a State Monument to Franco-Americans**

**RESOLVE 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE LANGLEY	OTP-AM	H-180

This resolve directs the Capitol Planning Commission to raise and maintain a monument to men and women of Franco-American heritage in the State. It also allows the commission to accept gifts and private contributions to assist in achieving this goal.

**Committee Amendment "A" (H-180)**

This amendment provides that sufficient funding must be available before the Capital Planning Commission constructs a monument in honor of men and women of Franco-American heritage in the State. The amendment also excludes state funds as a funding source.

**Enacted Law Summary**

Resolve 2013, chapter 29 directs the Capitol Planning Commission to raise and maintain a monument to men and women of Franco-American heritage in the State. It also allows the commission to accept gifts and private contributions to assist in achieving this goal and excludes state funds as a funding source. Resolve 2013, chapter 29 provides that sufficient funding must be available before the Capital Planning Commission constructs the monument.

**LD 559      An Act To Change Document Filing and Copying Fees for County  
                 Registries of Deeds**

**PUBLIC 370**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON	OTP-AM	H-445

This bill increases the filing fee for the first page of recording an instrument, including plans, at all registries of deeds by \$6. This bill also gives the county commissioners the option to raise the filing fee for the first page of recording an instrument in the registry of deeds by a majority vote.

**Committee Amendment "A" (H-445)**

This amendment separates paper copies from electronic abstracts and images for the purpose of fees assessed by county registries of deeds and further breaks down electronic copies into those downloaded at the office of a county registry of deeds and those downloaded from a county registry of deeds website. In current law, the cost for digital abstracts and images is 50¢ per page, with a fee of 5¢ per page for copies of 1,000 or more digital abstracts and copies of consecutive records. The amendment provides for a fee of 5¢ per image or electronic abstract for acquiring downloads of 1,000 or more consecutive electronic images or electronic abstracts from a county registry of deeds equipped to provide downloads. It also provides for no charge per image from a county registry of deeds website for the first 500 images or electronic abstracts, or a combination of the first 500 images and electronic abstracts, acquired by a person in a calendar year and 50¢ per image or electronic abstract for each subsequent image or electronic abstract acquired in the same calendar year. The amendment also removes the option for county commissioners to raise filing fees as provided in the bill and adds a definitions section.

**Enacted Law Summary**

Public Law 2013, chapter 370 increases the filing fee for the first page of recording an instrument, including

*Joint Standing Committee on State and Local Government*

plans, at all registries of deeds by \$6. Public Law 2013, chapter 370 separates paper copies from electronic abstracts and images for the purpose of fees assessed by county registries of deeds and further breaks down electronic copies into those downloaded at the office of a county registry of deeds and those downloaded from a county registry of deeds website. In current law, the cost for digital abstracts and images is 50¢ per page, with a fee of 5¢ per page for copies of 1,000 or more digital abstracts and copies of consecutive records. Public Law 2013, chapter 370 provides for a fee of 5¢ per image or electronic abstract for acquiring downloads of 1,000 or more consecutive electronic images or electronic abstracts from a county registry of deeds equipped to provide downloads. It also provides for no charge per image from a county registry of deeds website for the first 500 images or electronic abstracts, or a combination of the first 500 images and electronic abstracts, acquired by a person in a calendar year and 50¢ per image or electronic abstract for each subsequent image or electronic abstract acquired in the same calendar year.

**LD 560 An Act To Establish Maine Seniors Day**

**PUBLIC 143**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R BOYLE	OTP-AM	H-132

This bill establishes the second Saturday in September of each year as Maine Seniors Day to honor senior citizens of the State.

**Committee Amendment "A" (H-132)**

This amendment allows state agencies with promotional budgets to promote Maine Seniors Day, which the bill establishes to honor senior citizens of the State.

**Enacted Law Summary**

Public Law 2013, chapter 143 establishes the second Saturday in September of each year as Maine Seniors Day to honor senior citizens of the State and allows state agencies with promotional budgets to promote Maine Seniors Day.

**LD 586 An Act To Enable Municipalities To Establish Business Development Loan Programs Using Municipally Raised or Appropriated Money**

**PUBLIC 206**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	OTP-AM ONTP	H-229

This bill amends the Maine Revised Statutes, Title 30-A, section 5726 to provide that municipalities may raise or appropriate money to establish revolving loan fund programs to assist local for-profit and nonprofit enterprises in their job creation and job retention efforts.

**Committee Amendment "A" (H-229)**

This amendment is the majority report of the committee and changes the bill to require a municipality to receive approval at a referendum election before raising and appropriating money to establish a revolving loan fund program to assist in local job creation and retention.

**Enacted Law Summary**

Public Law 2013, chapter 206 amends the Maine Revised Statutes, Title 30-A, section 5726 to provide that a municipality, if the municipality receives approval at a referendum election, may raise or appropriate money to

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establish revolving loan fund programs to assist local for-profit and nonprofit enterprises in their job creation and job retention efforts.

**LD 587 An Act To Designate Election Day as an Official State Holiday**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill designates Election Day, the first Tuesday after the first Monday in November, as a state holiday.

**Committee Amendment "A" (H-230)**

This amendment is the minority report and replaces the bill. The amendment directs the Secretary of State to convene a working group to study election day holiday options. The amendment requires the working group to report to the Joint Standing Committee on State and Local Government by January 30, 2014 and provides the committee with the opportunity to submit a bill related to the subject matter of the report.

**LD 613 Resolve, Directing the Bureau of General Services To Erect a Memorial in Memory of Those Who Died at the Former Augusta Mental Health Institute**

**ONTP**

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

This resolve directs the Department of Administrative and Financial Services, Bureau of General Services to design and erect a memorial on the grounds of the former Augusta Mental Health Institute for the individuals who died at the former Augusta Mental Health Institute. It authorizes the bureau to accept state and local funds, gifts and other contributions to be used solely for the costs of the memorial. It also includes a one-time General Fund appropriation of \$50,000 in fiscal year 2014-15 to fund the memorial.

**LD 740 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That the Attorney General Be Elected by Popular Vote**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This resolution proposes a constitutional amendment that provides for direct popular election biennially of the Attorney General in the manner currently provided for Senators and Representatives.

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

This amendment is the minority report of the committee and proposes the quadrennial election of the Attorney General by nonpartisan ballot beginning in 2014.

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**LD 787 An Act To Encourage Municipal Infrastructure Improvement**

**ONTP**

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

This bill expands the permissible uses for municipal incentive development zones to include municipal infrastructure improvements, including improvements to municipal tax-exempt property. The bill also provides that increases in the equalized just value of industrial and commercial property within a municipal incentive development zone will not be included in the just value of the municipality for the purposes of education funding.

**LD 805 An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located**

**PUBLIC 357**

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

This bill requires the Department of Health and Human Services to provide specific information on the location of a residential facility providing services to forensic patients to the municipality in which the facility is to be located. Notice must be provided 120 days prior to the opening of the facility or to signing a contract with a community agency to provide residential services. The department must review any response and site alternatives provided by municipal officials.

**Enacted Law Summary**

Public Law 2013, chapter 357 requires the Department of Health and Human Services to provide specific information on the location of a residential facility providing services to forensic patients to the municipality in which the facility is to be located. Notice must be provided 120 days prior to the opening of the facility or to signing a contract with a community agency to provide residential services. The department must review any response and site alternatives provided by municipal officials.

**LD 813 An Act To Promote the Sale of Maine Milk**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires a state-owned or state-operated facility that sells or contracts with a person to sell beverages directly to the public, including a facility on the Maine Turnpike, to have available for sale milk processed at a milk plant in the State. This bill exempts facilities in an institutional setting in which sales of beverages to the public are incidental, including a state-owned postsecondary institution or correctional facility.

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

This amendment is the minority report of the committee. The amendment clarifies that a state-owned or state-operated facility that sells or contracts with a private person to sell milk directly to the public must make available for sale milk that has been processed in the State. The bill requires a facility that sells beverages, which

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may not necessarily include milk, to make available for sale milk processed in the State. The amendment excludes facilities on the Maine Turnpike from the facilities that must make milk processed in the State available for sale.

**LD 814 An Act To Clarify the Request for Proposal Process**

**ONTP**

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

This bill proposes to require the Department of Administrative and Financial Services, Bureau of General Services to notify winning bidders that, once their initial contract for supplying goods or services has expired, they are required to go through the request for proposal process again in order to continue providing their goods or services.

**LD 833 An Act To Allow Municipalities To Place Liens for Failure To Pay Storm Water Assessments**

**PUBLIC 197**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN HASKELL	OTP-AM	H-181

This bill allows municipalities to place liens on real estate for delinquent storm water disposal system accounts in the same manner as municipalities are presently allowed for delinquent sewer and sewer disposal system accounts.

**Committee Amendment "A" (H-181)**

This amendment adds a definition for "storm water disposal system" and specifies that a municipality must provide the landlord or landlord's agent, if requested, with the current status of a tenant's storm water disposal system service account if nonpayment for that service could result in a lien against the property. The amendment also allows landlords access to tenant storm water disposal system service bill payment information.

**Enacted Law Summary**

Public Law 2013, chapter 197 allows municipalities to place liens on real estate for delinquent storm water disposal system accounts in the same manner as municipalities are presently allowed for delinquent sewer and sewer disposal system accounts. It defines "storm water disposal system" and specifies that a municipality must provide the landlord or landlord's agent, if requested, with the current status of a tenant's storm water disposal system service account if nonpayment for that service could result in a lien against the property. Public Law 2013, chapter 197 also allows landlords access to tenant storm water disposal system service bill payment information.

**LD 855 Resolve, To Create a Study Group To Research the Possibility of a Virtual Legislature**

**DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT DUTREMBLE	OTP-AM	H-467

This resolve establishes the Task Force To Study Issues Associated with Implementation of a Virtual Legislature.

**Committee Amendment "A" (H-467)**

This amendment provides that the President of the Senate and Speaker of the House each appoint one public

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member of the task force instead of having the Governor appoint two public members. It requires the task force to study strategies for remote citizen participation and to make pilot program recommendations. It provides that the office of the Secretary of the Senate and office of the Clerk of the House assist the task force upon request. It also provides that the task force submit a preliminary report by December 4, 2013 and in addition a final report on November 5, 2014.

**LD 856      RESOLUTION, Proposing an Amendment to the Constitution of Maine      ONTP**  
**To Require State Officers To Be Elected by a Majority of Voters**

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

This resolution proposes to amend the Constitution of Maine to require that a candidate for the office of Governor, State Senator or State Representative receive more than 50% of the votes cast to be elected. Currently, the candidate who receives the largest number of votes, regardless of that number's percentage of the total number of votes cast, is elected. This resolution requires a run-off election between the two persons who received the largest number of votes when no candidate received more than 50% of the total number of votes cast. The person who receives the larger number of votes in the run-off election is declared the winner.

**LD 858      An Act To Partially Fund Tax Breaks for the Wealthy by Eliminating      ONTP**  
**Certain Gubernatorial Benefits**

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

This bill repeals the provision that provides the Governor a retirement allowance, excepts the Governor from eligibility for the State Employee and Teacher Retirement Program and any state employee group health plan, and authorizes the Commissioner of Administrative and Financial Services to sell the Blaine House, with the proceeds to be deposited into the General Fund.

**LD 878      An Act To Provide a Preference for Maine Bidders on State Contracts      ONTP**

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

This bill gives preference in the award of construction and public works contracts by the State and its political subdivisions to workers and bidders who are residents of this State, as long as their bids are not more than 5% over bids submitted by out-of-state bidders.

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**LD 947      An Act To Ensure the Effectiveness of Constitutional Officers**

**ACCEPTED  
MINORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C MCCABE	OTP-AM ONTP	

This bill prohibits the Secretary of State, Treasurer of State and Attorney General from being a candidate for federal office or Governor.

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

This amendment is the majority report of the committee and strikes from the bill provisions that prohibit the Treasurer of State and the Attorney General from being candidates for federal office or Governor.

**LD 954      Resolve, Extending the Time That the Commissioner of Administrative and Financial Services Has To Sell or Lease Property in Augusta**

**RESOLVE 35  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-135

This resolve extends the repeal date of Resolve 2007, chapter 181, which pertains to the sale of the Stone Buildings formerly occupied by the Augusta Mental Health Institute in the City of Augusta, by 5 years to June 30, 2018.

**Committee Amendment "A" (H-135)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2013, chapter 35 extends the repeal date of Resolve 2007, chapter 181, which pertains to the sale of the Stone Buildings formerly occupied by the Augusta Mental Health Institute in the City of Augusta, by 5 years to June 30, 2018.

Resolve 2013, chapter 35 was finally passed as an emergency measure effective June 3, 2013.

**LD 955      Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Boothbay Harbor and Hallowell**

**RESOLVE 53**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-412

This resolve gives the Commissioner of Administrative and Financial Services authority to sell or lease the property now or formerly known as the Bangor Mental Health Institute in the City of Bangor and the portion of the property located in the Town of Boothbay Harbor now or formerly occupied by the Bigelow Laboratory for Ocean Sciences. The resolve also amends Resolve 2011, chapter 70, which pertains to the sale of property in the City of Hallowell, to provide that any proceeds from a sale be deposited into the Department of Administrative and Financial Services,

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Bureau of General Services' capital repair and improvement account for capital improvements.

**Committee Amendment "A" (H-412)**

This amendment clarifies that the provisions in section 1 of the resolve giving the Commissioner of Administrative and Financial Services authority to convey state property apply only to the properties in the City of Bangor and Town of Boothbay Harbor listed in section 2 of the resolve.

**Enacted Law Summary**

Resolve 2013, chapter 53 gives the Commissioner of Administrative and Financial Services authority to sell or lease the property now or formerly known as the Bangor Mental Health Institute in the City of Bangor and the portion of the property located in the Town of Boothbay Harbor now or formerly occupied by the Bigelow Laboratory for Ocean Sciences. It clarifies that provisions giving the Commissioner of Administrative and Financial Services authority to convey state property apply only to the properties in the City of Bangor and Town of Boothbay Harbor. It also amends Resolve 2011, chapter 70, which pertains to the sale of property in the City of Hallowell, to provide that any proceeds from a sale be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements.

**LD 978      An Act To Enhance Public Participation in Legislative Committee Proceedings through the Internet      ONTP**

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

This bill authorizes the Legislative Council to make all proceedings of the joint standing committees of the Legislature available to the public through a live video broadcast that allows for remote public participation; records of these proceedings are permanent records.

**LD 1021      An Act To Establish as a Public Record the Performance Evaluation of a Municipal Employee      ACCEPTED REPORT A (ONTP)**

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

This bill removes from the list of records that are confidential the performance evaluation of a municipal employee.

**Committee Amendment "B" (H-323)**

This amendment provides that a written performance evaluation for a town manager or municipal department head is not confidential.

**Committee Amendment "A" (H-322)**

This amendment provides that a performance evaluation is confidential unless it is requested for an external independent review requested by the municipality.

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**LD 1073 An Act To Establish Minimum Fuel Economy Standards for State Vehicles**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires that a newly acquired motor vehicle of the State must have a fuel economy standard that exceeds by at least 10 miles per gallon the corporate average fuel economy standard established by the United States Department of Transportation, National Highway Transportation Safety Administration.

**Committee Amendment "A" (H-310)**

This amendment exempts vehicles over 6,000 pounds from the requirement that a newly acquired motor vehicle of the State exceed fuel economy standards as specified in the bill. This amendment also corrects a reference to the United States Department of Transportation, National Highway Traffic Safety Administration.

**LD 1074 An Act To Deny Employment-related Benefits to State Employees Convicted of a Felony Involving the Misuse or Theft of Government Funds**

**ONTP**

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

This bill provides that if a person is convicted of a crime with penalties equal to or greater than the penalties for a Class C crime and the crime involves the misuse or theft of public funds and was committed when the person was a state employee, a court must order the forfeiture of any earned or future compensation or benefits, including benefits under the Maine Public Employees Retirement System.

**LD 1084 Resolve, Directing the Androscoggin County Commissioners To Make Changes to the Androscoggin County Charter**

**RESOLVE 62**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G	OTP-AM ONTP	S-153

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the Androscoggin County charter.

**Committee Amendment "A" (S-153)**

This amendment is the majority report of the committee and replaces the bill. It allows the board of county commissioners of Androscoggin County to make specific changes to the county charter. In November 2012 changes to the Androscoggin County charter were presented to the voters at a countywide vote and accepted by the voters of Androscoggin County pursuant to the Maine Revised Statutes, Title 30-A, section 1324. After the charter was filed with the Secretary of State, it was realized that the wrong charter had been voted on; the changes included in this amendment were the intent of the charter commission and were presented by the county charter members at public presentations and at a county commission meeting. This amendment allows the board of county commissioners of

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Androscoggin County to make the changes to the charter that would have been voted on in November without incurring the expenses of another countywide vote.

**Enacted Law Summary**

Resolve 2013, chapter 62 allows the board of county commissioners of Androscoggin County to make specific changes to the county charter. In November 2012 changes to the Androscoggin County charter were presented to the voters at a countywide vote and accepted by the voters of Androscoggin County pursuant to the Maine Revised Statutes, Title 30-A, section 1324. After the charter was filed with the Secretary of State, it was realized that the wrong charter had been voted on; the changes included in this amendment were the intent of the charter commission and were presented by the county charter members at public presentations and at a county commission meeting. Resolve 2013, chapter 62 allows the board of county commissioners of Androscoggin County to make the changes to the charter that would have been voted on in November without incurring the expenses of another countywide vote.

**LD 1122 An Act Allowing Municipalities To Enact Firearms Policies in Local Government Buildings**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill provides a municipal legislative body with the authority to adopt an ordinance that restricts the carrying of firearms in the municipality's essential municipal offices and places of legislative assembly just as the State imposes those restrictions in its capitol area. It requires a municipality, if the legislative body of that municipality adopts an ordinance that restricts the carrying of firearms in that municipality's essential municipal offices or places of legislative assembly, to post in a prominent location outside the affected offices and places a notice of the existence of that restriction.

**LD 1127 An Act To Establish Hospital Administrative District No. 5, a Regional Hospital Administrative District in Lincoln County**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W JOHNSON C	ONTP OTP-AM	

This bill authorizes the voters of the Town of Boothbay, the Town of Boothbay Harbor, the Town of Edgecomb and the Town of Southport to hold a referendum to establish Hospital Administrative District No. 5, a regional hospital administrative district in Lincoln County. The vote of the towns must take place at town meetings and the Town of Boothbay, the Town of Boothbay Harbor and at least one other town must approve the district by June 30, 2013 in order to establish the district.

**Committee Amendment "A" (H-391)**

This amendment is the minority report of the committee and makes the following changes to the bill, which establishes Hospital Administrative District No. 5, a regional hospital administrative district in Lincoln County.

1. The amendment removes the requirement that the district initially operate a hospital and provide health care services from the existing St. Andrews Hospital and Healthcare Center campus and instead provides authorization to

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operate a hospital and provide health care services.

2. The amendment provides an option for a town to have its municipal officers appoint the town's initial members on the board of directors of the district.
3. The amendment increases the number of members on the board of directors of the district from 7 to up to 11 depending on which towns join and adjusts the staggered membership in the first year accordingly.
4. The amendment allows a town to vote to withdraw from the district but requires such a town to assume responsibility for a proportionate share of the indebtedness of the district.
5. The amendment clarifies that voting lists must be obtained by the district's registration clerk from each town in the district on paper or electronically instead of requiring the registration clerk to compile a district voting list from the towns' lists. The amendment provides that the towns must supply the lists at no charge.
6. The amendment removes language that is not needed because elections to form the district are conducted by towns using the towns' voting lists, which can be printed the day before the elections and include up-to-date information, and are conducted in accordance with the municipal election process.
7. The amendment requires the result of the election to form the district to be filed in town records.
8. The amendment requires town clerks to report the results of the elections to the registration clerk, who must compile and declare the results, instead of requiring the town clerks to file certification with the Secretary of State.

**LD 1133 An Act Concerning the Removal of Municipal Employees**

**DIED IN  
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	ONTP OTP-AM	S-141 S-349 HILL

This bill specifies that municipal employees who are not appointed pursuant to general law, charter or ordinance may only be removed for cause.

**Committee Amendment "A" (S-141)**

This amendment is the minority report and replaces the bill and clarifies that municipal officials and employees required by general law, charter or ordinance and those whose appointment is not otherwise provided for by general law, charter or ordinance may only be removed for cause.

**Senate Amendment "A" To Committee Amendment "A" (S-349)**

This amendment adds a mandate preamble.

**LD 1138 An Act Related to Appeals of Disciplinary Proceedings Affecting  
County Employees**

**DIED BETWEEN  
HOUSES**

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

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This bill was acted upon without reference to committee.

This bill provides that, in every case of dismissal, suspension or disciplinary action, a county employee, county officer or department head may appeal a decision of the county commissioners or personnel board to the Maine Labor Relations Board.

**LD 1139 An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements**

**PUBLIC 261**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM	OTP-AM	H-377

This bill allows county commissioners, unless prohibited by county charter or ordinance, to authorize the sheriff for that county to render law enforcement aid to other counties, when requested, or to request law enforcement aid from other counties. Current law allows municipal officers, unless prohibited by municipal charter or ordinance, to authorize the chief of police for that municipality to render law enforcement aid to other municipalities, when requested, or to request law enforcement aid from other municipalities. This bill also specifies that the law applies to all law enforcement officers, not just police officers.

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

This amendment adds to the bill to provide that county commissioners may authorize the sheriff or other designee to request that a municipality provide law enforcement officers to assist the requesting county and that municipal law enforcement officers may be authorized to assist a requesting county. The amendment also provides that the authorization from the county commissioners must be accompanied by an agreement between the requesting municipality or county and the responding municipality or county that specifies who is liable if any liability exists for personal injury or property damage caused by or occurring to the law enforcement officers. The amendment also provides that the sheriff or a sheriff's designee may request assistance from or provide assistance to a municipality or law enforcement agency whether or not an agreement between the two parties exists if the request is for assistance in a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality or county.

**Enacted Law Summary**

Public Law 2013, chapter 261 allows county commissioners, unless prohibited by county charter or ordinance, to authorize the sheriff for that county to render law enforcement aid to other counties, when requested, or to request law enforcement aid from other counties. Public Law 2013, chapter 261 also provides that county commissioners may authorize the sheriff or other designee to request that a municipality provide law enforcement officers to assist the requesting county and that municipal law enforcement officers may be authorized to assist a requesting county. It provides that the authorization from the county commissioners must be accompanied by an agreement between the requesting municipality or county and the responding municipality or county that specifies who is liable if any liability exists for personal injury or property damage caused by or occurring to the law enforcement officers. Public Law 2013, chapter 261 also provides that the sheriff or a sheriff's designee may request assistance from or provide assistance to a municipality or law enforcement agency whether or not an agreement between the two parties exists if the request is for assistance in a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality or county. Public Law 2013, chapter 261 specifies that the law applies to all law enforcement officers, not just police officers.

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**LD 1140 An Act To Amend the State Government Evaluation Act**

**PUBLIC 307**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM LACHOWICZ	OTP-AM	H-309

The State Government Evaluation Act requires each agency and independent agency to prepare and submit to the Legislature, through the relevant joint standing committee of the Legislature, a program evaluation report. This bill requires the joint standing committees to request from each agency or independent agency under their jurisdiction a single-page list of organizational units and programs in each organizational unit for that report by March 1st of the first regular session of the Legislature. The bill also requires that an agency or independent agency provide the list to the committee by April 1st of the first regular session of the Legislature. The bill also requires an agency or independent agency to include in the program evaluation report a list of all reports required by the Legislature and a copy of the single-page list.

The bill also eliminates the requirement that an agency or independent agency include in the program evaluation report information about being in compliance with federal and state health and safety laws and a summary of rules adopted.

**Committee Amendment "A" (H-309)**

This amendment authorizes the Joint Standing Committee on State and Local Government to report out a bill to the Second Regular Session of the 126th Legislature updating dates in statute for State Government Evaluation Act review of agencies under the jurisdiction of joint standing committees.

**Enacted Law Summary**

Public Law 2013, chapter 307 requires each agency and independent agency to prepare and submit to the Legislature, through the relevant joint standing committee of the Legislature, a program evaluation report. It requires the joint standing committees to request from each agency or independent agency under their jurisdiction a single-page list of organizational units and programs in each organizational unit for that report by March 1st of the first regular session of the Legislature. Public Law 2013, chapter 307 also requires that an agency or independent agency provide the list to the committee by April 1st of the first regular session of the Legislature. It also requires an agency or independent agency to include in the program evaluation report a list of all reports required by the Legislature and a copy of the single-page list. Public Law 2013, chapter 307 also eliminates the requirement that an agency or independent agency include in the program evaluation report information about being in compliance with federal and state health and safety laws and a summary of rules adopted.

Public Law 2013 chapter 307 authorizes the Joint Standing Committee on State and Local Government to report out a bill to the Second Regular Session of the 126th Legislature updating dates in statute for State Government Evaluation Act review of agencies under the jurisdiction of joint standing committees.

**LD 1152 Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell**

**CARRIED OVER**

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

Current law authorizes the State to sell or lease certain real property in the City of Hallowell, and establishes conditions on the sale or transfer of the property. This resolve directs the State to enter into a lease to extend the

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current terms of School Administrative District 16 or any successor school administrative unit that includes the City of Hallowell as a tenant at the site through June 30, 2017. This resolve also specifies that a subgroup of stakeholders must be invited to participate in interviews of qualified developers and to participate in interviews with developers prior to the transfer of any portion of the site to a developer. This resolve also directs the Commissioner of Administrative and Financial Services to provide a written report to the Joint Standing Committee on State and Local Government on the status of all efforts toward the sale or transfer of the property.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1153    An Act To Amend the Laws Governing Public Notices Provided by Governmental Entities** **ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing public notices that are published in a newspaper by governmental entities.

**LD 1158    RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators to 4 Years** **ONTP**

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

This constitutional resolution increases the length of the terms of State Senators from two years to four years, beginning with the Senators elected in 2014.

**LD 1169    An Act To Ensure Accountability in State Contracts** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LACHOWICZ LIBBY N	ONTP OTP-AM	

This bill requires a request for proposals or solicitation of bids by the State for a contract for the provision of property, products or services with respect to the state budget to include certain defining information and requires the information to be posted on the publicly accessible portion of the Department of Administrative and Financial Services website.

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

This amendment is the minority report of the committee. The amendment adds an appropriations and allocations section.

**Joint Standing Committee on State and Local Government**

**LD 1177      An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group      CARRIED OVER**

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

This bill implements the recommendations of the stakeholder group established by the Department of Agriculture, Conservation and Forestry pursuant to Resolve 2011, chapter 120 to review discontinued and abandoned roads. This bill provides that if a municipality decides to retain a public easement after the municipality discontinues a town way, the municipality must vote in the affirmative to retain the public easement and that if the municipality fails to maintain the public easement for two years, the public easement is discontinued and the public's interest in the easement is abolished. The bill requires that a municipality give an easement to a property owner that requires access to the property owner's property if the municipality discontinues a town way. Current law allows a municipality to discontinue a town way by giving notice to all abutting property owners and the municipal planning board and filing an order of discontinuance with the municipal clerk. The bill, beginning on January 1, 2016, requires that a municipality must vote in order to discontinue a town way. The bill also requires that by January 1, 2016 every municipality prepare a list of all municipal town ways that the municipality intends to keep in repair with public funds pursuant to the Maine Revised Statutes, Title 23, chapter 304 and to publish the list on its publicly accessible website. If a town way has not been included on the list by January 1, 2016, the town way is discontinued with no public easement and the abutters of the town way have 2 years to file a claim pursuant to Title 23, section 3027-A, subsection 2 against the municipality.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1220      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the President of the Senate and the Speaker of the House of Representatives To Be Maine Natives      LEAVE TO WITHDRAW**

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

This resolution proposes to amend the Constitution of Maine to provide that a person may not be President of the Senate or Speaker of the House of Representatives unless that person was born in Maine.

**LD 1254      An Act To Increase Consumption of Maine Foods in All State Institutions      HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN LACHOWICZ	OTP-AM OTP-AM	H-510 S-355 HILL

Current law requires state and school purchasers to buy meat, fish, dairy products, excluding milk and eggs, and species of fruits and fresh vegetables directly from Maine food producers or from food brokers. This bill establishes a minimum percentage of Maine foodstuffs that must be purchased, requiring at least 15% for the 10 years beginning January 1, 2014, at least 25% for the next 10 years and at least 35% beginning in 2034.

**Joint Standing Committee on State and Local Government**

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

This amendment is the majority report of the committee and changes the implementation dates and minimum percentages regarding Maine foodstuffs that state and school purchasers must purchase directly from Maine food producers or food brokers. It changes the implementation schedule for Maine foodstuffs from at least 15% for the 10 years beginning January 1, 2014, at least 25% for the next 10 years and at least 35% beginning in 2034 to at least 15% by December 31, 2020, 20% by December 31, 2024, 25% by December 31, 2034 and 35% by December 31, 2035. The amendment excepts from the requirements school purchasers at schools participating in the National School Lunch Program.

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

This amendment is the minority report of the committee and changes the implementation dates and minimum percentages regarding Maine foodstuffs that state and school purchasers must purchase directly from Maine food producers or food brokers. It changes the implementation schedule for Maine foodstuffs from at least 15% for the 10 years beginning January 1, 2014, at least 25% for the next 10 years and at least 35% beginning in 2034 to at least 15% by December 31, 2020, 20% by December 31, 2024, 25% by December 31, 2034 and 35% by December 31, 2035. The amendment also removes from current law the exclusion of milk and eggs from foodstuffs that must be purchased by a state or school purchaser and the exclusion of milk and eggs from products for which quality standards must be established. The amendment excepts from the requirements school purchasers at schools participating in the National School Lunch Program.

**Senate Amendment "A" To Committee Amendment "A" (S-355)**

This amendment adds a mandate preamble.

<b>LD 1273</b>	<b>An Act Pertaining to the Closing of Municipal Roads for Community Use</b>	<b>ONTP</b>
<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK BROOKS	ONTP	

This bill allows a municipality to designate a town way or public easement be held for public purposes other than highway purposes, including recreational purposes, by an affirmative vote of the legislative body of the municipality within which the town way or public easement lies.

<b>LD 1279</b>	<b>RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State, Attorney General and Treasurer of State</b>	<b>ACCEPTED MINORITY (ONTP) REPORT</b>
<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING FREDETTE	OTP-AM ONTP	

This resolution proposes a constitutional amendment that provides for direct popular election beginning in 2014 of the Secretary of State and the Treasurer of State biennially and for direct popular election of the Attorney General every four years in the manner currently provided for Senators and Representatives.

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

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

*Joint Standing Committee on State and Local Government*

**LD 1280 An Act Authorizing the Deorganization of the Town of Bancroft**

**PUBLIC 390**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN LONG	OTP-AM	S-84

This bill provides for the deorganization of the Town of Bancroft in Aroostook County, subject to approval at local referendum, including the removal of the Town of Bancroft from Region 2 career and technical education region in statute.

**Committee Amendment "A" (S-84)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 390 provides for the deorganization of the Town of Bancroft in Aroostook County, subject to approval at local referendum, including the removal of the Town of Bancroft from Region 2 career and technical education region in statute.

**LD 1312 An Act To Create a Succession and Knowledge Transfer Plan for State Government**

**CARRIED OVER**

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

This bill directs the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services to establish a plan to develop a pool of qualified internal candidates to fill vacancies at the managerial and senior staff levels within state agencies.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1338 An Act To Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist States**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires that, beginning January 1, 2014, the State, the University of Maine System, the Maine Community College System, the Maine Maritime Academy and municipalities exclude any business entity or individual from doing business with the State, the University of Maine System, the Maine Community College System, the Maine Maritime Academy or a municipality if that business entity or individual does business with any company, or any subsidiary, affiliate or parent of any company, that does business with a country designated by federal law as a state sponsor of terrorism. It also requires that counties and school boards adopt policies by January 1, 2014 that require counties and school boards to exclude any business entity or individual from doing business with a county or school

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board if that business entity or individual does business with any company, or any subsidiary, affiliate or parent of any company, that does business with a country designated as a state sponsor of terrorism.

**Committee Amendment "A" (H-474)**

This amendment is the minority report of the committee and strikes the bill and replaces it with a resolve. The amendment directs the Department of Administrative and Financial Services to research all vendors whose contracts were competitively bid and whether they or their affiliates do business with a country designated as a state sponsor of terrorism. The amendment directs the Department of Administrative and Financial Services to recommend actions the State can take to limit contracts with corporations that contract with terrorist states and report its findings to the Office of the Attorney General and the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 15, 2015. The amendment also directs the Office of the Attorney General to review and advise the joint standing committee on the recommendations from the Department of Administrative and Financial Services by February 15, 2015. It provides that the joint standing committee may submit a bill related to the subject matter of the reports to the First Regular Session of the 127th Legislature. The amendment also adds an appropriations and allocations section.

**LD 1344 An Act To Modernize the State's Legal Notice Requirements**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires that legal notices appearing in a newspaper also appear in any publicly accessible website that the newspaper maintains. Legal notices on a newspaper website must appear on the same date that they appear in print editions of the newspaper; be reachable by a link from the website's home page; be presented in a clear and conspicuous manner; and be the dominant subject matter of the website page on which they appear. Beginning in July 2014, the newspaper website must also offer a search function for legal notices on the website. The bill also requires a statewide association representing newspapers to establish and maintain, at its own expense, a publicly accessible repository for legal notices appearing on newspaper websites.

**Committee Amendment "A" (H-446)**

This amendment is the minority report of the committee and provides that the statewide association representing newspapers that under the bill is required to establish and maintain a publicly accessible electronic repository is responsible for providing e-mail notification of legal notices upon request and at no charge.

**LD 1357 An Act To Support Maine Businesses through State Purchasing**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill requires that the State, when awarding contracts or purchases for the State or any department or agency of the State, award the contract or purchase to an in-state bidder or person offering commodities produced or manufactured in the State as long as the bid is within 2.5% of the otherwise best-value bidder. This bill also gives preference in the award of construction and public works contracts by the State and its political subdivisions to

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workers and bidders who are residents of the State, as long as their bids are within 2.5% of the bids submitted by out-of-state bidders.

**Committee Amendment "A" (S-235)**

This amendment is the minority report of the committee and provides that preference for in-state bidders or Maine products applies to contracts or purchases under \$100,000. The amendment retains the provision of the bill that requires that the State, counties, cities and towns and every charitable or educational institution supported in whole or in part by and granted by the State or any municipality give preference to workers and bidders from the State when awarding contracts if the bids are within 2.5% of the bids submitted by out-of-state contractors but removes language that limits the provision to contracts for constructing, altering, repairing, furnishing or equipping buildings or public works. The amendment also adds an appropriations and allocations section.

**LD 1369 An Act To Change the Way Legislators Are Paid**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY MASON G	ONTP OTP-AM	

This bill changes the pay to members of the Senate and House of Representatives in the first year of the legislative session from the current rate of \$13,852 to \$20,000 and the pay in the 2nd year of the legislative session from the current rate of \$9,661 to \$20,000 and removes the cost-of-living adjustment beginning November 30, 2014. Members of the Penobscot Nation, Passamaquoddy Tribe and Houlton Band of Maliseet Indians receive pay equal to that of members of the Senate and House of Representatives. The bill repeals the law that provides additional legislative pay for each day's attendance at a special session, but keeps the provision that provides expenses and mileage payments to Legislators during a special session. The bill also removes the provision of health insurance to Legislators and allows them to purchase health insurance for themselves and for their dependents at the rate at which the State purchases health insurance. Legislators may also purchase life insurance through the State. The bill also requires the Board of Trustees of the Maine Public Employees Retirement System to submit legislation by January 1, 2014 to close the Legislative Retirement Program by July 1, 2014. The legislation must allow members of the Legislative Retirement Program who are eligible for the State Employee and Teacher Retirement Program to become members of the State Employee and Teacher Retirement Program. Members of the Legislative Retirement Program who do not become members of the State Employee and Teacher Retirement Program will receive a refund of accumulated contributions. Legislators are considered self-employed and independent contractors and are responsible for paying taxes including the employer and employee portions of social security and Medicare.

**Committee Amendment "A" (H-475)**

This amendment is the minority report of the committee and provides that Legislators are paid \$18,000 in both the first regular session and the second regular session instead of \$20,000 in each session as provided in the bill. The amendment requires the Executive Director of the Legislative Council to determine the implications of considering Legislators self-employed and independent contractors and to report findings and recommendations on the effect of such a consideration on workers' compensation, unemployment insurance, retirement, Social Security and Medicare benefits, disability and withholding obligations to the Joint Standing Committee on State and Local Government by February 15, 2014. The Joint Standing Committee on State and Local Government may report out a bill in the Second Regular Session of the 126th Legislature related to the findings and recommendations in the report. This amendment adds an appropriations and allocations section to the bill.

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**LD 1378    Resolve, Authorizing the Sale of the Guy P. Gannett House in Augusta  
for Use as a Museum**

**RESOLVE 50**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ POULIOT	OTP-AM	S-174

This resolve authorizes the Commissioner of Administrative and Financial Services to sell "as is" at the current market value the State's interests in real estate located at 184 State Street in the City of Augusta, Maine and known as the Guy P. Gannett House to the Gannett House Project, a nonprofit organization, solely for use as a museum. It also requires that any change of use of the property must be approved by the commissioner and that if the Gannett House Project chooses to eventually sell the property, it must first offer the property at current market value to the State.

**Committee Amendment "A" (S-174)**

This amendment provides that the property at 184 State Street in the City of Augusta may be sold and eliminates the requirement that it be sold to the Gannett House Project but retains the requirement that it be sold for use as a museum. The amendment also provides that the resolve constitutes a change to the 2001 Capitol Planning Commission master plan. The amendment also requires that any proceeds from the sale of this property must be deposited in the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account.

**Enacted Law Summary**

Resolve 2013, chapter 50 authorizes the Commissioner of Administrative and Financial Services to sell "as is" at the current market value the State's interests in real estate located at 184 State Street in the City of Augusta, Maine and known as the Guy P. Gannett House for use as a museum. It requires that any proceeds from the sale of this property must be deposited in the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account. If the buyer of the property chooses to sell the Guy P. Gannett House, the real estate must first be offered to the Commissioner for purchase at the current market value and the joint standing committee of the Legislature having jurisdiction over state and local government matters must be notified. Resolve 2013, chapter 50 constitutes a change to the 2001 Capitol Planning Commission master plan.

**LD 1405    An Act To Repeal the Laws Establishing the Cumberland County  
Recreation Center and Transfer Authority to Cumberland County**

**ONTP**

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

This bill repeals Private and Special Law 1971, chapter 86, which established the Cumberland County Recreation Center to establish and operate the Cumberland County Civic Center, and transfers the rights and responsibilities to Cumberland County.

**LD 1408    An Act To Amend the Laws Relating to Secession by a Municipality  
from a County**

**PUBLIC 210  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT LACHOWICZ	OTP-AM	H-197

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This bill amends the procedure that a municipality must follow to secede from a county. Current law requires that, upon the receipt of a petition to secede signed by 10% of the number of voters in the municipality who voted at the last gubernatorial election, the municipal officers shall hold a public hearing and, if the voters approve, the municipality must seek approval from the Legislature to secede. This bill requires that the municipality receive the approval from the Legislature before the municipal officers hold a referendum to have the voters approve the secession.

**Committee Amendment "A" (H-197)**

This amendment clarifies that legislative approval is needed for a municipality to hold a vote on the proposed secession from a county, not for the proposed secession itself, as stated in the bill.

**Enacted Law Summary**

Public Law 2013, chapter 210 amends the procedure that a municipality must follow to secede from a county.

Public Law 2013, chapter 210 provides that legislative approval is needed for a municipality to hold a vote on the proposed secession from a county. Previously the procedure required that, upon the receipt of a petition to secede signed by 10% of the number of voters in the municipality who voted at the last gubernatorial election, the municipal officers shall hold a public hearing and, if the voters approve, the municipality must seek approval from the Legislature to secede.

Public Law 2013, chapter 210 was enacted as an emergency measure effective June 5, 2013.

**LD 1454 RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Establish a Unicameral Legislature**

**DIED BETWEEN  
HOUSES**

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

This resolution proposes to amend the Constitution of Maine to abolish the Senate and the House of Representatives and to replace them with a unicameral Legislature made up of 151 members, referred to as Senators, who serve 4-year terms beginning in 2018. This reduction requires a reapportionment plan by the Legislature that convenes in 2015 so that the Legislature elected in November 2018 is unicameral.

**Committee Amendment "A" (S-234)**

This amendment, which is the majority report of the Joint Standing Committee on State and Local Government, incorporates a fiscal note.

**LD 1459 Resolve, Directing the Maine Library of Geographic Information Board  
To Convene a Stakeholder Group To Study the Feasibility of Using  
Maine's GeoLibrary GeoPortal for a Pilot Project That Involves  
Geographic Information Systems Trail Mapping**

**ONTP**

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

This resolve directs the Maine Library of Geographic Information Board to convene a stakeholder group to study the feasibility of using Maine's GeoLibrary GeoPortal for a pilot project that involves geographic information

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systems trail mapping. The resolve requires the board to report to the Joint Standing Committee on State and Local Government by January 1, 2014.

**LD 1516 An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public**

**PUBLIC 178**

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

This bill provides that commissioned and warrant officers of the state military forces may administer oaths for the purpose of the administration of military justice and for other purposes of military administration. It also provides that judge advocates and paralegals serving in the state military forces have the powers of a notary public in the performance of all notarial acts to be executed for a member of the state military forces or United States Armed Forces or the spouse of a member of the state military forces or United States Armed Forces.

**Enacted Law Summary**

Public Law 2013, chapter 178 provides that commissioned and warrant officers of the state military forces may administer oaths for the purpose of the administration of military justice and for other purposes of military administration. It also provides that judge advocates and paralegals serving in the state military forces have the powers of a notary public in the performance of all notarial acts to be executed for a member of the state military forces or United States Armed Forces or the spouse of a member of the state military forces or United States Armed Forces.

**LD 1539 Resolve, To Restore the Integrity of the State Pay System**

**ONTP**

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

This resolve requires that for one year, beginning July 1, 2013, state employees be awarded one salary step increase and any longevity pay those employees are entitled to under a collective bargaining agreement in effect or, if a collective bargaining agreement is not in effect, under the most recently expired collective bargaining agreement.

**LD 1541 An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown**

**CARRIED OVER**

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

This bill requires the salary of all Legislators to be reduced by an amount that is proportional to the length of a shutdown that occurs due to a biennial budget's not being enacted into law by July 1st of an odd-numbered year.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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**LD 1547 An Act To Support Municipal Volunteers**

**CARRIED OVER**

Sponsor(s)

EVES  
COLLINS

Committee Report

Amendments Adopted

This bill authorizes municipalities to provide benefits of up to \$750 for persons who serve as volunteer firefighters or volunteer emergency medical services' personnel.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1557 An Act To Reapportion the Districts of the State Senate, State House of Representatives and County Commissioners**

**PUBLIC 270**

Sponsor(s)

Committee Report

Amendments Adopted

H-337 MCCABE

This bill was acted upon without reference to committee.

This bill is the unanimous report of the commission established to reapportion the districts of the Legislature pursuant to the Constitution of Maine, Article IV, Part Third, Section 1-A. This bill repeals the provisions of law that establish the Maine Senate districts and House of Representative districts on December 3, 2014 to correspond with the convening of the 127th Legislature and establishes the districts for the Maine Senate and the Maine House of Representatives for elections to the 127th Legislature and subsequent Legislatures. Part C of this bill repeals the section of law that establishes the county commissioner districts and establishes new county commissioner districts.

**House Amendment "A" (H-337)**

This amendment corrects erroneous county designations for certain House Districts and makes other technical changes to reflect the proper names of areas in the unorganized territory. This amendment also adjusts the expiration of terms for certain county commissioners to ensure that the terms remain staggered.

**Enacted Law Summary**

Public Law 2013, chapter 270 reapportions the districts of the Legislature pursuant to the Constitution of Maine, Article IV, Part Third, Section 1-A. It repeals the provisions of law that establish the Maine Senate districts and House of Representative districts on December 3, 2014 to correspond with the convening of the 127th Legislature and establishes the districts for the Maine Senate and the Maine House of Representatives for elections to the 127th Legislature and subsequent Legislatures.

Public Law 2013, chapter 270 repeals the section of law that establishes the county commissioner districts, establishes new county commissioner districts and adjusts the expiration of terms for certain county commissioners to ensure that the terms remain staggered.

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**LD 1561 An Act To Amend the Laws Governing Secession from a Municipality**

**PUBLIC 384  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT JACKSON T	OTP-AM ONTP	H-539

This bill amends the municipal secession law by requiring that residents seeking to secede from a municipality obtain permission from the Legislature to proceed. Authorization must be received before conducting the referendum, engaging in the conflict resolution process and submitting final implementation legislation.

**Committee Amendment "A" (H-539)**

This amendment authorizes the Joint Standing Committee on State and Local Government to report out a bill to the Second Regular Session of the 126th Legislature related to secession from a municipality.

**Enacted Law Summary**

Public Law 2013, chapter 384 amends the municipal secession law by requiring that residents seeking to secede from a municipality obtain permission from the Legislature to proceed. Authorization must be received before conducting the referendum, engaging in the conflict resolution process and submitting final implementation legislation. Public Law 2013, chapter 384 authorizes the Joint Standing Committee on State and Local Government to report out a bill to the Second Regular Session of the 126th Legislature related to secession from a municipality.

Public Law 2013, chapter 384 was enacted as an emergency measure effective July 1, 2013.

# *Joint Standing Committee on State and Local Government*

## SUBJECT INDEX

### *Boards and Commissions*

#### Enacted

LD 231 An Act To Support the Permanent Commission on the Status of Women PUBLIC 104  
EMERGENCY

#### Not Enacted

LD 1459 Resolve, Directing the Maine Library of Geographic Information Board To  
Convene a Stakeholder Group To Study the Feasibility of Using Maine's  
GeoLibrary GeoPortal for a Pilot Project That Involves Geographic  
Information Systems Trail Mapping ONTP

### *Capitol Area/Capitol Complex*

#### Enacted

LD 474 An Act To Provide for Edible Landscaping in a Portion of Capitol Park PUBLIC 153

### *Constitutional Officers*

#### Not Enacted

LD 740 RESOLUTION, Proposing an Amendment to the Constitution of Maine To  
Require That the Attorney General Be Elected by Popular Vote MAJORITY  
(ONTP) REPORT

LD 947 An Act To Ensure the Effectiveness of Constitutional Officers MINORITY  
(ONTP) REPORT

LD 1279 RESOLUTION, Proposing an Amendment to the Constitution of Maine To  
Provide for the Popular Election of the Secretary of State, Attorney General  
and Treasurer of State MINORITY  
(ONTP) REPORT

### *County Budget Process*

#### Not Enacted

LD 397 An Act To Amend the Laws Governing the Development and Administration  
of Municipal Budgets in Unorganized Territories ONTP

### *County Government*

#### Enacted

LD 27 An Act To Enable the Town of Livermore Falls To Withdraw from  
Androscoggin County and Join Franklin County P & S 18

LD 559 An Act To Change Document Filing and Copying Fees for County Registries  
of Deeds PUBLIC 370

LD 1084 Resolve, Directing the Androscoggin County Commissioners To Make  
Changes to the Androscoggin County Charter RESOLVE 62

LD 1139 An Act To Allow County Law Enforcement To Participate in Mutual Aid  
Agreements PUBLIC 261

#### Not Enacted

LD 49 An Act To Amend the Laws Governing Payment of Fees to Registers of  
Deeds VETO  
SUSTAINED

## County Government

### Not Enacted

LD 82	An Act To Establish a People's Veto Process for Actions of County Commissioners	MAJORITY (ONTP) REPORT
LD 211	An Act To Amend the Laws Governing the Limitation on County Assessments	CARRIED OVER
LD 465	An Act To Improve Access to Public Land Records	MAJORITY (ONTP) REPORT
LD 1138	An Act Related to Appeals of Disciplinary Proceedings Affecting County Employees	DIED BETWEEN HOUSES
LD 1405	An Act To Repeal the Laws Establishing the Cumberland County Recreation Center and Transfer Authority to Cumberland County	ONTP

## Departments and Agencies of State Government

### Enacted

LD 399	An Act To Change the Name of the Department of Audit	PUBLIC 16
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### Not Enacted

LD 210	An Act To Require That Forms, Pamphlets and Other Documents Be Designed To Permit the Continued Use of the Materials	ONTP
LD 1312	An Act To Create a Succession and Knowledge Transfer Plan for State Government	CARRIED OVER

## Holidays

### Enacted

LD 560	An Act To Establish Maine Seniors Day	PUBLIC 143
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### Not Enacted

LD 587	An Act To Designate Election Day as an Official State Holiday	MAJORITY (ONTP) REPORT
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## Legislature and Legislative Process

### Enacted

LD 1557	An Act To Reapportion the Districts of the State Senate, State House of Representatives and County Commissioners	PUBLIC 270
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### Not Enacted

LD 80	An Act To Change the Schedule for the Beginning of the Biennial Budget Cycle	MAJORITY (ONTP) REPORT
LD 134	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature	ACCEPTED MAJORITY (ONTP) REPORT
LD 339	An Act To Require Public Hearings by the Legislature To Be Recorded and Posted on the Internet	MAJORITY (ONTP) REPORT
LD 398	An Act To Eliminate the Constituent Services Allowance for Legislators	MAJORITY (ONTP) REPORT

## Legislature and Legislative Process

### Not Enacted

LD 489	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms of Members of the Legislature	DIED BETWEEN HOUSES
LD 855	Resolve, To Create a Study Group To Research the Possibility of a Virtual Legislature	DIED IN CONCURRENCE
LD 856	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require State Officers To Be Elected by a Majority of Voters	ONTP
LD 978	An Act To Enhance Public Participation in Legislative Committee Proceedings through the Internet	ONTP
LD 1158	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators to 4 Years	ONTP
LD 1220	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the President of the Senate and the Speaker of the House of Representatives To Be Maine Natives	LEAVE TO WITHDRAW
LD 1369	An Act To Change the Way Legislators Are Paid	MAJORITY (ONTP) REPORT
LD 1454	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature	DIED BETWEEN HOUSES
LD 1541	An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown	CARRIED OVER

## Miscellaneous

### Enacted

LD 1516	An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public	PUBLIC 178
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### Not Enacted

LD 315	An Act To Ban the Purchase of Bottled Water by State Agencies	MAJORITY (ONTP) REPORT
LD 490	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit a Governor's Pension to Governors Who Have Served 2 Full Terms	MAJORITY (ONTP) REPORT
LD 858	An Act To Partially Fund Tax Breaks for the Wealthy by Eliminating Certain Gubernatorial Benefits	ONTP
LD 1074	An Act To Deny Employment-related Benefits to State Employees Convicted of a Felony Involving the Misuse or Theft of Government Funds	ONTP
LD 1127	An Act To Establish Hospital Administrative District No. 5, a Regional Hospital Administrative District in Lincoln County	MAJORITY (ONTP) REPORT
LD 1344	An Act To Modernize the State's Legal Notice Requirements	MAJORITY (ONTP) REPORT

## Monuments and Memorial Days

### Enacted

LD 255	An Act To Establish July 27th as Maine Korean War Veteran Recognition Day	PUBLIC 26 EMERGENCY
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## *Monuments and Memorial Days*

### Enacted

LD 558      Resolve, To Erect a State Monument to Franco-Americans      RESOLVE 29

### Not Enacted

LD 613      Resolve, Directing the Bureau of General Services To Erect a Memorial in  
Memory of Those Who Died at the Former Augusta Mental Health Institute      ONTP

## *Municipalities and Quasi-Municipalities*

### Enacted

LD 106      An Act To Abolish the Trustees of Public Cemeteries for the City of  
Waterville      P & S 1  
EMERGENCY

LD 155      An Act To Streamline the Approval of Accessibility Structures      PUBLIC 186  
EMERGENCY

LD 274      An Act To Preserve and Protect Ancient Burial Grounds and Burial  
Grounds in Which Veterans Are Buried      PUBLIC 421

LD 357      An Act To Amend the Charter of the Augusta Parking District      P & S 4

LD 586      An Act To Enable Municipalities To Establish Business Development Loan  
Programs Using Municipally Raised or Appropriated Money      PUBLIC 206

LD 805      An Act To Require Notice to and Input from Municipalities in Which  
Certain Group Homes Are Located      PUBLIC 357

LD 833      An Act To Allow Municipalities To Place Liens for Failure To Pay Storm  
Water Assessments      PUBLIC 197

LD 1408      An Act To Amend the Laws Relating to Secession by a Municipality from a  
County      PUBLIC 210  
EMERGENCY

LD 1561      An Act To Amend the Laws Governing Secession from a Municipality      PUBLIC 384  
EMERGENCY

### Not Enacted

LD 48      An Act To Streamline the Publication of Municipal Reports      MAJORITY  
(ONTP) REPORT

LD 183      An Act To Exempt Municipalities That Do Not Hold Annual Meetings from  
Required Publication of an Annual Report      ONTP

LD 413      An Act To Expand Eligible Project Costs in Development Districts      DIED BETWEEN  
HOUSES

LD 787      An Act To Encourage Municipal Infrastructure Improvement      ONTP

LD 1021      An Act To Establish as a Public Record the Performance Evaluation of a  
Municipal Employee      REPORT A  
(ONTP)

LD 1122      An Act Allowing Municipalities To Enact Firearms Policies in Local  
Government Buildings      MAJORITY  
(ONTP) REPORT

LD 1133      An Act Concerning the Removal of Municipal Employees      DIED IN  
CONCURRENCE

LD 1177      An Act To Implement the Recommendations from the Discontinued and  
Abandoned Roads Stakeholder Group      CARRIED OVER

LD 1273      An Act Pertaining to the Closing of Municipal Roads for Community Use      ONTP



**State Property**

**Not Enacted**

**LD 1152**    **Resolve, To Continue Consultation and Conditions Prerequisite to the Sale  
or Lease of Certain Real Property in Hallowell**

**CARRIED OVER**

**Unorganized Territory**

**Enacted**

**LD 1280**    **An Act Authorizing the Deorganization of the Town of Bancroft**

**PUBLIC 390**